

December 9, 2010

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, December 9, 2010, at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:34 p.m.

**ATTENDANCE:** Supervisor Michael Sweeton  
Councilman Floyd DeAngelo  
Councilman Leonard DeBuck  
Councilman James Gerstner  
Councilman Mickey Shuback

Town Attorney, John Hicks  
DPW Commissioner, Jeffrey Feagles  
Police Chief, Thomas F. McGovern, Jr.

**ACCEPTANCE OF MINUTES:**

1. Re-Opened Public Hearing, 11/18/10
2. Public Hearing, 11/18/10
3. Public Hearing, 11/18/10
4. Regular Town Board Meeting, 11/18/10

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the public hearings held on November 18, 2010 and the regular meeting held on November 18, 2010. Motion Carried (5 ayes, 0 nays)

**CORRESPONDENCE:**

**BENITO MUTO** – Benito’s Pizzeria & Italian Restaurant Inc., 32 Ronald Reagan Blvd., Warwick, NY 10990 – Notice to the Town of Warwick of the renewal of their liquor license.

**PALMERI’S PIZZERIA LLC** – Palmeri’s Pizzeria Cucina, 696 County Route 1, Pine Island, NY 10969 - Notice to the Town of Warwick of their intent to apply for a liquor license.

**THOMAS W. FULLER JR.** – Heavy Equipment Operator, Town of Warwick, NY 10990 – Letter to the Supervisor requesting a demotion to his former position as Truck Driver.

**RICHARD FREISINGER** – Automotive Mechanic – Senior, Town of Warwick, NY 10990 – Letter to the Supervisor requesting a demotion to his former position of Automotive Mechanic.

**ELIZABETH A. REILLY** – Town Clerk, Town of Chester, 1786 Kings Highway, Chester NY 10918 – Notice of public hearing regarding an amended Zoning Local Law to clarify the intent of the Town of Chester Zoning Law to stay in conformance with the

**Comprehensive Plan, recently revised Clustering Regulations and to provide for signage regulations and mixed uses in the LB-SL District (Sugar Loaf). Said public hearing to be held on December 15, 2010 at 7:00 PM at the Chester Senior Center, 1784 Kings Highway, Town of Chester.**

**TIMOTHY & AMY HOWELLS – 1 Serenity Rd., Greenwood Lake, NY 10925 – Letter to the Supervisor and Town Board expressing their concern regarding the upcoming tax sale of an adjacent lot and an ongoing issue that has gone unresolved since 2006.**

**FRANK X. SCHMAUS – Switch-On Electric, Owner, P.O. Box 191, Bloomingburg, NY 12721 – Letter to Building Inspector requesting to be added to the Town’s list of approved electrical inspection agencies.**

**NORMAN PAULSEN – 62 South Main Street, Florida, NY 10921 – Letter to the Supervisor and Town Board requesting to be re-appointed to the Town of Warwick Zoning Board of Appeals.**

**ROGER SHOWALTER – P.O. Box 1011, Warwick, NY 10990 – Letter to the Town Board requesting to be re-appointed to the Town of Warwick Planning Board.**

**PATRICK NOONAN – Dispatcher, Town of Warwick, NY 10990 – Letter to the Supervisor stating his intent to retire effective December 29, 2010.**

**BOARD’S DISCUSSION ON CORRESPONDENCE**

**VISITING ELECTED OFFICIALS**

**Supervisor Sweeton introduced the Hon. Tom Chevrier Trustee from the Village of Florida and no report was given.**

**DEPARTMENT OF PUBLIC WORKS REPORT**

**WORK BEING**

<b><u>DONE</u></b>	<b><u>LOCATION</u></b>	<b><u>REASON FOR WORK</u></b>	<b><u>LENGTH</u></b>
<b>CULVERT PIPES</b>	<b>Bellvale Lakes Rd. Wawayanda Rd.</b>	<b>Replace pipe Replace pipe</b>	<b>60 ft. 15 in. 20 ft. 12 in.</b>
<b>CATCH BASINS</b>	<b>Horizon Farms</b>	<b>Clean &amp; inspect basins</b>	
<b>TREE WORK</b>	<b>Mountainside Rd. Newport Bridge Rd.</b>	<b>Clear road sides Clear road sides</b>	
<b>POT HOLES</b>	<b>Town wide</b>	<b>As needed</b>	
<b>SANDING</b>	<b>Town wide</b>	<b>As needed</b>	
<b>ROAD SIGNS</b>	<b>Town wide</b>	<b>As needed</b>	
<b>TOWN PARK</b>	<b>Union Corners Rd.</b>	<b>Brush clearing</b>	

**ENVIRONMENTAL CONSULTANTS REPORT**

**Town Of Warwick - Water and Wastewater Operations Report - October, 2010**

**Wickham Water District**

Wells #1, #5 #6, #8, #10 monthly production	3,192,100 gal
Average daily use	103,000 gal
Sodium Hypochlorite used	100 qt
Orthophosphate used	52 qt

**Bellvale Park Water District**

Total monthly production	179,300 gal
Average daily use	5,800 gal
Sodium Hypochlorite used	6 qt

**Eurich Heights Water District**

Total monthly production	172,300 gal
Average daily use	5,600 gal
Sodium Hypochlorite used	4 qt
Orthophosphate used	12 qt

**Pine Island Water District**

Total monthly production	185,200 gal
Average daily use	6,000 gal
Sodium Hypochlorite used	32 qt

**Westside #1 Water District**

Total monthly production	2,858,300 gal
Average daily use	92,200 gal
Sodium Hypochlorite used	196 qt
Orthophosphate used	180 qt
Caustic Soda	100 gal

**Sewer District #1 Wastewater Treatment Facility**

Mid-Orange Correctional District	5,464,690 gal	50%
Wickham Village District	3,424,576 gal	32%
Kings Estates District	1,916,904 gal	18%
<b><u>Total District Flow</u></b>	<b>10,806,170 gal</b>	<b>100%</b>
<b><u>Average Daily Flow</u></b>	<b>348,586 gal</b>	

All facility maintenance has been done for the month. (Oil grease, filters)

The belt press ran for 23 hrs, and .5 gal of polymer were used.

0 cu. Yd. of sludge and 5 cu. ft. of grit were removed from the site this month.

**Sewer District #2 Wastewater Treatment Facility – The Fairgrounds**

<b><u>Total District Flow</u></b>	120,988 gal
<b><u>Average Daily Flow</u></b>	3,903 gal

**Town Of Warwick - Water and Wastewater Operations Report - November, 2010**

**Wickham Water District**

Wells #1, #5 #6, #8, #10 monthly production	3,028,500 gal
Average daily use	101,000 gal
Sodium Hypochlorite used	93 qt
Orthophosphate used	48 qt

**Bellvale Park Water District**

Total monthly production	104,000 gal
Average daily use	3,500 gal
Sodium Hypochlorite used	0 qt

**Eurich Heights Water District**

Total monthly production	176,000 gal
Average daily use	5,900 gal
Sodium Hypochlorite used	4 qt
Orthophosphate used	24 qt

**Pine Island Water District**

Total monthly production	178,900 gal
Average daily use	6,000 gal
Sodium Hypochlorite used	20 qt

**Westside #1 Water District**

Total monthly production	1,130,200 gal
Average daily use	37,700 gal
Sodium Hypochlorite used	80 qt
Orthophosphate used	120 qt
Caustic Soda	120 gal

**Sewer District #1 Wastewater Treatment Facility**

Mid-Orange Correctional District	5,070,650 gal	51%
Wickham Village District	3,142,100 gal	32%
Kings Estates District	1,710,650 gal	17%
<b><u>Total District Flow</u></b>	9,923,400 gal	100%
<b><u>Average Daily Flow</u></b>	330,780 gal	

All facility maintenance has been done for the month. (Oil grease, filters)

The belt press ran for 13 hrs, and 1 gal of polymer was used.

0 cu. Yd. of sludge and 8 cu. ft. of grit were removed from the site this month.

**Sewer District #2 Wastewater Treatment Facility – The Fairgrounds**

<b><u>Total District Flow</u></b>	98,388 gal
<b><u>Average Daily Flow</u></b>	3,280 gal

**COUNCILMAN DE ANGELO REPORT**

1. I would like to read the following letter from a couple regarding the Humane Society. “This letter would like to congratulate you and your staff for an impeccably clean and compassionate environment at the Warwick Valley Humane Society. My family and I had the pleasure of meeting your staff while enquiring about a canine adoption. They ended up adopting two dogs and they said we thank you and your team not only for the professionalism exhibited, but also maintaining integrity and dignity of living creatures animal and human. You should be very proud; these are exemplary employees. Please pass it on to anyone else who needs to know and may I indulge upon you to pass along a copy of this letter to the Town Supervisor Sweeton. Thank you for all that you do on behalf of those who are unable to speak for themselves. Have a healthy and happy holiday.”

2. I would like to wish everybody a healthy and happy holiday.

**COUNCILMAN DE BUCK REPORT**

1. The Pine Island Chamber of Commerce had an annual meeting about a month ago and we set two priorities for the upcoming year. One was to try to get a resolution and a good understanding of the expansion of the Wallkill River Wildlife Refuge as well as continue to strive to work toward having the elementary school on the hill, the Pine Island Elementary School, remain open. I know there are a lot of discussions in that regard and we will try to supply information not so much through this Board, but to our school board representatives on how vital that elementary school is to our community.

2. I have been attending several meetings lately with people from the Army Corp. of Engineers to try to mitigate flooding events in the black dirt. This week we had a specialist in from Mississippi and he gave a report this morning at the Pine Island Fire House on certain things that the Corp is going to study and some quick remedies if some farmers want to take on projects locally working with the Orange County Soil and Water Department. We are also working with some partners in

other towns an with the County of Orange to try and mitigate some flooding, so there are two different things we've been working on in Pine Island.

**COUNCILMAN GERSTNER REPORT**

1. I would like to wish all the residents who celebrate Hanukah a Happy Hanukah.

**COUNCILMAN SHUBACK REPORT**

1. I have nothing further to add to the Department of Public Works report or the Environmental Consultants report.

**ATTORNEY'S REPORT**

1. Tonight we had originally scheduled a dangerous building hearing for the Edsall Farm. I have been in touch with representatives of the Edsall Farm and they've indicated to me and I believe to the Building Department that they are going to work to remedy those things as quickly as possible. I'm not sure whether they've met with the building official yet, but they were supposed to this week, but I think we'll just adjourn that hearing and we'll reschedule if they don't make the repairs in a reasonable period of time.

Supervisor Sweeton – Ok thank you.

**TOWN CLERK'S REPORT**

1. **Fees Collected: Month of November, 2010** – Copies of Maps, \$5.00; Certified Marriages, \$70.00; Photocopies, \$18.50; Interest in Checking Account for Month of October, \$1.42; Dog Impoundments, \$745.00; Marriage License Fees, \$192.50; Road Maps, \$3.00; Conservation Licenses, \$255.47; Dog Licenses Issued/Renewed, \$907.63; Use of Room Fees, \$400.00; Registrar Fees, \$190.00. **Total Fees Collected: \$12,520.42**
2. **Fees Paid: Month of November, 2010:** Orange County Commissioner of Finance for Dog Licenses, \$255.87; NYS Dept. of Health for Marriage Licenses, \$247.50; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$69.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$6,999.53; Village of Florida for Registrar Fees, \$120.00; Village of Greenwood Lake for Registrar Fees, \$130.00; Village of Warwick for Registrar Fees, \$1,910.00. **Total Fees Paid to Supervisor: \$2,788.52**

**SUPERVISOR'S REPORT**

1. The East Shore Road project is wrapping up. There is going to be an inspection tomorrow. There are still some issues that we would like to see the contractor correct over there and then we'll have a final inspection from the DOT personnel who is sort of overseeing the federal dollar project on East Shore Road, so hopefully that will wrap up in the next week or so.

2. The Town is going to be or has redesigned its website to make it a little more user friendly to different browsers that are out there. This is being done by Mark Damia and his company who are the people who maintain the website for us. Hopefully that will launch this weekend and will be a little easier to use and be more user friendly. The departments will all have their own sections and a lot of the forms that are generally requested will be able to be downloaded from the website,

so you don't have to come in necessarily to get the forms first. Hopefully it will be a benefit and a use to the residents.

3. **New York State Pension Report** - I put in the Supervisors column a great story about the New York State Retirement System and due to underfunding of that program in the 90's we're now paying the price. That's one of the reasons that we're in sort of the dilemma we're in here and obviously there are obligations that have to be met, so we'll make the contributions to meet them, but it is a system that's going to have to be fixed in the future or the municipalities are going to be in worse shape than they're in now. It is not sustainable to make 25 to 35% contributions for the next 5 years which is what the report is telling us they are going to have to be made.

4. **The Monthly Budget Report to the Board** - I have done all of the checking of the bank recs for November and checked the Clerk's reconciliation of those and I have reviewed all of the journal entries that were made for November and they are all in order. I will report that all the budgets are slightly under budget by the end of November, so that's a good sign as well. People have tried to tighten their belt to help in this situation that we find ourselves in and I did deliver the 2011 budget to the office of real property last week by the date it was required.

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

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

**Supervisor Sweeton** – Do you have any questions Marie? There are two resolutions on the zoning tonight. I don't know if you want to ask any questions.

**Marie Pennings** – Resident, Town of Warwick, NY 10990 - I was going to discuss this at the end of the meeting. Is that ok?  
Can I be the last one?

**Supervisor Sweeton** – Sure that's fine.

**Marie Pennings** – Thank you.

**Councilman Gerstner** – We're going to vote on it.

**Supervisor Sweeton** – The only thing it may be after the vote on it, so I don't know whether you want to discuss it.

**Marie Pennings** – You're going to vote on it.

**Supervisor Sweeton** – Well that's the intent; it is on the agenda to vote on it tonight, so if you had a question about any of the changes that were made I would ask them now.

**Marie Pennings** – I have a lot of things to go over with you, but I don't want to take up anybody's time here. Would it be better if we just did this later?

**Supervisor Sweeton – That’s up to you.**

**Marie Pennings – What were you going to do?**

**Supervisor Sweeton – We were going to adopt this evening the resolutions are there to adopt. As we mentioned before a lot of things were modified to try and address some of the issues that were raised by you, other family members and other landowners. One of the things that we did do as a last item to adjust was the exclusion of the marginal access road width properties from the calculation of your lot coverage. I think I passed this on if you do that your lot coverage percentage using the calculation of the CB district approach 53%. I know that’s not 60% which is what you were advocating for, but I think it’s a significant movement toward what you were looking for. That’s the way it stands today along with all the other changes we discussed the night you came to the work session, so I think it goes quite a ways to try to answer some of the concerns that you had as well as still preserve the concepts and benefits of the zone for the town overall.**

**Marie Pennings – Tonight I was going to bring up the fact that Meadowcrest is what everybody wishes Pennings could look like. Meadowcrest which is right next to us, so I wanted to go over that and how we could make that work all the way down and be focal points along Route 94.**

**Supervisor Sweeton – Part of what we are adopting here will be design guidelines and standards that are patterned similar to what Meadowcrest is. I think you’re going to see when you get into the details that it is trying to replicate that in that zone and keep it again fairly compact, because that’s another goal to try and get people to move around in the zone without going out to Route 94.**

**Marie Pennings – Yes, but the other thing we found in the past two weeks was that 50% owners rule where the owner can build his own building or only use 50% of it himself.**

**Supervisor Sweeton – No I don’t think that is correct at all.**

**Marie Pennings – Steve Esposito found it; the 50% owners rule. Does anybody know about that?**

**Supervisor Sweeton – No I don’t think that’s what it says at all. I disagree with you on that.**

**Marie Pennings – So if an owner builds a building he can use the whole thing?**

**Supervisor Sweeton – Sure, absolutely.**

**Marie Pennings – They can build one or two story buildings?**

**Supervisor Sweeton – Correct, we’re not forcing two stories any longer; we’re saying it’s your option and you get a little benefit for doing it if you want, but you don’t have to.**

**Marie Pennings – Ok, how about the architectural?**

**Supervisor Sweeton – There’s a set of architectural standards that the Architectural Review Board has put together for us, which the Board has reviewed. We reviewed with the planners, we modified a few things, but it’s primarily aimed at trying to create similar to Meadowcrest, but also the Fairgrounds II which is the second portion of the Price Chopper property. They have brought in some designs that the Architectural Review Board has looked at and likes. It’s trying to do similar to your barn for instance.**

**Marie Pennings – I think that Meadowcrest is one of the finest examples that was ever built in Warwick.**

**Supervisor Sweeton – I think it’s beautiful, you’re right.**

**Marie Pennings – Or Orange County and what I can’t conceive of is this three acres and a very small building sitting on three acres.**

**Supervisor Sweeton – Remember what I said when you take out the marginal access calculation it approaches 53%, so that’s not far from what you are talking about.**

**Marie Pennings – I guess that’s it.**

**Supervisor Sweeton – We can continue to tweak this as you go on that’s always a possibility, nobody is precluding that, but I think what’s been put together is a substantial improvement on what we both admit it could be and it’s definitely going in the right direction. Mr. Lipman brought up some arguments and that’s something to be revisited at some point. I think we have enough activity starting to happen that we want to make sure we have something in place to make sure it unfolds properly and I think you agree that’s your intent as well.**

**Marie Pennings – Then we were very concerned about how many uses have been depleted from the whole problem.**

**Supervisor Sweeton – No, in fact in the CB we tried to add additional uses because we want something to happen. We obviously need something to happen there, so we added things; we didn’t delete things.**

**Marie Pennings – Is there a restriction as to how many businesses if another business comes into Warwick?**

**Supervisor Sweeton – No, there’s no restrictions on who can come into Warwick. No, this is still America.**

**Marie Pennings – There’s no cutoff.**

**Supervisor Sweeton – No.**

**Marie Pennings – No such thing.**

**Supervisor Sweeton – No.**

**Robert Morse – Resident, Town of Warwick, NY 10990 – I want to speak on behalf of the DPW.**

**Supervisor Sweeton – That is not a motion tonight, so at the end you’ll have plenty of time. There’s no motion tonight on any of that.**

**Councilman Shuback – There’s no action being taken tonight.**

**Supervisor Sweeton – When we’re done with the motions the regular business you’ll have plenty of time. You’ll have plenty of time for comments. Does that answer your question?**

**NEW BUSINESS:**

**#R2010-237 RE-APPOINTMENT TO TOWN OF WARWICK ZONING BOARD OF APPEALS  
– NORMAN PAULSEN**

**Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to appoint Norman Paulsen to the Town of Warwick Zoning Board of Appeals for a five year term expiring December 31, 2015.**

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

**#R2010-238 RE-APPOINTMENT TO TOWN OF WARWICK PLANNING BOARD –  
ROGER SHOWALTER**

**Motion Councilman DeBuck, seconded Councilman DeAngelo to adopt a resolution to appoint Roger Showalter to the Town of Warwick Planning Board for a five year term expiring Dec. 31, 2015.**

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

**#R2010-239 ACCEPT BID PROPOSAL FOR SINGLE STREAM RECYCLING AND  
AUTHORIZATION TO SIGN TWO-YEAR AGREEMENT – COUNTY WASTE**

**Motion Councilman DeAngelo, seconded Councilman DeBuck to adopt a resolution to accept the bid proposal for single stream recycling from County Waste, P.O. Box 431, Clifton Park,**

**NY 12065 in the amount of \$3.55/month/unit and to authorize the Supervisor to sign the two-year agreement for curbside pick-up of recyclables with the Town and Village of Warwick.  
Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**#R2010-240 APPROVAL TO ADD SWITCH-ON ELECTRIC TO LIST OF QUALIFIED ELECTRICAL INSPECTION AGENCIES**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to add Switch-On Electric to the Town's list of qualified electrical inspection agencies.  
Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**#R2010-241 DELAY OF DANGEROUS BUILDING HEARING – EDSALL FARM LLC – SBL#2-2-35.22**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to delay indefinitely the Dangerous Building hearing for property known as the Edsall Farm located on 11 Edsall Lane, SBL# 2-2-35.22.  
Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**#R2010- 242 APPROVAL OF STIPULATION WITH PBA REGARDING GRIEVANCES FILED**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to approve a stipulation with the PBA regarding grievances filed on or about February 12, 2010 and on or about March 24, 2010 regarding alleged violation of Article 6 "Premium Pay" Subsection 2, "Overtime Rotation Policy".  
Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**#R2010-243 SPEED LIMIT REDUCTION – LAKES ROAD**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution file the necessary TE9 forms with the County of Orange to request the NYS Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower speed maximum speed limit of 45 mph at which vehicles may proceed on Lakes Road (County Rt. 5) from the Village of Greenwood Lake line to Nelson Road.  
Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**Discussion: Supervisor Sweeton stated that he has had several residents call about this over the past three months.**

**#R2010-244 AUTHORIZATION TO SIGN AGREEMENT FOR FIXED ELECTRIC RATE – M & R ENERGY RESOURCES CORP**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign an agreement for a fixed electric rate for Town of**

**Warwick properties for a period of one year with M & R Energy Resources Corp., P.O. Box 292, Mountainville, NY 10953**

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

**#R2010-245 ACCEPT RESIGNATION – PATRICK NOONAN**

**Motion Councilman DeBuck, seconded Councilman DeAngelo to adopt a resolution to accept the resignation of Patrick Noonan, Dispatcher, for the purpose of retirement effective December 28, 2010.**

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

**Discussion: Supervisor Sweeton thanked Pat for not only for his service, but also for making his decision to take his retirement.**

**#R2010-246 SEQR LEAD AGENCY -ADOPTION OF FINDINGS STATEMENT – AMENDMENTS TO TOWN ZONING LAW CREATING A NEW COMMUNITY BUSINESS ZONING DISTRICT**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution:**

**WHEREAS, the Town Board of the Town of Warwick has proposed the adoption of amendments to the Town's Zoning Law (hereinafter "Proposed Action"); and**

**WHEREAS, the Town Board has declared itself Lead Agency with regard to the SEQR review of the Proposed Action, and designated this action as Type I under SEQR; and**

**WHEREAS, the Town Board issued a Positive Declaration requiring the preparation of a Draft Generic Environmental Impact Statement ("DGEIS") on December 6, 2005, and conducted Scoping pursuant to Section 617.8 of the SEQR regulations and, after issuance of a Final Scoping Document on February 23, 2006, directed the Town Planner to prepare a DGEIS; and**

**WHEREAS, the Town Board, on February 18, 2010, issued a Notice of Completeness for the DGEIS, conducted a public hearing on the DGEIS on March 18, 2010 and accepted written public comments on the DGEIS until April 1, 2010; and**

**WHEREAS, as a result of the comments received by the Town Board on the Proposed Action, and DGEIS, the Town Board has held meetings and has directed the Town Planner to make certain amendments, corrections and changes to the Proposed Action in response to those public comments and the Town Board's own further review of the Proposed Action; and**

**WHEREAS, the Town Board directed the Town Planner to evaluate the potential impacts of the changes and amendments to the Proposed Action through the Final Generic Environmental Impact Statement (FGEIS) process; and**

**WHEREAS, the Town Board adopted and filed the FGEIS on August 12, 2010 and provided the minimum 10 day period for public consideration thereof; and**

**WHEREAS, the Town Board conducted an additional public hearing on the modified proposed CB District Zoning Amendments on September 15, 2010 and accepted**

written public comments on the modified proposed CB District Zoning Amendments until September 30, 2010; and

WHEREAS, the Town Board, having considered such additional oral and written comments on the modified proposed CB District Zoning Amendments, authorized the Town Planner to make additional corrections and changes to the proposed Zoning Amendments and to evaluate the potential effects of such corrections and changes in the Findings Statement; and

WHEREAS, the Town Board has reviewed copies of the proposed modified CB District Zoning Amendments and the Findings Statement and concluded that all identified environmental effects of the proposed action will be avoided or minimized to the greatest extent practicable.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Warwick, as Lead Agency for the Proposed Action, hereby determines that the Findings Statement is adequate for purposes of commencing filing, a copy of which is annexed hereto; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Warwick hereby determines that the Findings Statement is adequate for purposes of considering approval of the proposed action; and

BE IT FURTHER RESOLVED, that copies of the Findings Statement and this Resolution shall be filed and provided to those Interested Agencies as set forth in the SEQR DGEIS and FGEIS documents; and

BE IT FURTHER RESOLVED, that a complete copy of the Findings Statement shall be posted on the Town's official website at [www.townofwarwick.org](http://www.townofwarwick.org) and copies of the Findings Statement shall be made available for inspection at the Town Hall located at 132 Kings Highway, Warwick, New York, and at the Wisner Library; and

BE IT FURTHER RESOLVED, that the Town Clerk shall make suitable arrangements for the printing of hard copies of the Findings Statement for those who request a hard copy of the same, with the reasonable cost of copying charged to the individual, agency or other entity requesting copies of the same. Whereupon this Resolution was declared adopted by the Town Board of the Town of

Roll Call Vote:

Supervisor Sweeton _aye_	Councilman Gerstner _aye_
Councilman DeBuck _aye_	Councilman Shuback _aye_
Councilman DeAngelo _aye_	

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

**#R2010-247 ADOPT LOCAL LAW #6 OF 2010 – AMENDING THE CODE OF THE TOWN OF WARWICK, CHAPTER 164, “ZONING” TO ADOPT COMMUNITY BUSINESS DISTRICT ALONG ROUTE 94**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution:

WHEREAS, a Public hearing was held by the Town Board of the Town of Warwick on March 18, 2010, regarding a Local Law amending the Town Code, specifically Section 164 thereof, Zoning Code, which amendment among other things establishes a new

**Commercial Business (CB) District along State Rt. 94 south of the Village of Warwick, all as more fully set forth in the text of the Local Law; and**

**WHEREAS, the Town Board has considered the comments of all persons regarding this Local Law, both as submitted in writing and as presented orally at the, Public Hearing; and**

**WHEREAS, the Town Board has prepared and considered the environmental impact of the proposed Local Law as outlined on the Long Form Environmental Impact Statement on file with the Town;**

**WHEREAS, the Town Board has determined that the adoption of this Local Law will not have any significant negative impact on the environment and, moreover, will have a significant beneficial impact on the environment; and**

**WHEREAS, the Town Board makes the following findings particularly in regard to the comments rendered in person or in writing during the public hearing process:**

**The Town Board finds that the proposed action will replace the Town's Designed Shopping (DS) District in the Rt. 94 area of the Town, which presently consists of approximately 158 acres of land on 13 parcels, and approximately 11.5 acres of land on two parcels within the Town's Office and Industrial Park (OI) Zoning District, with a new Community Business District, that will implement the Illustrative Plan of conceptual development for vacant and developed lands in the Route 94 corridor, by creating a small-scale priority growth center as an alternative to the DS District's prescribed strip commercial development, and**

**The Town Board finds that the DS District's current purpose is *"to allow community-scale commercial uses that rely heavily on automobile and truck access and that would not be compatible with a traditional hamlet neighborhood area,"* a purpose which is now inconsistent with the Town of Warwick's adopted 2008 *Comprehensive Plan*, and**

**The Town Board finds that the CB District's proposed purpose is *"to provide a place for attractive development of business activities that serve community needs. A limited number of curb cuts along NYS Route 94 are required by the Town's Marginal Access Road standards, to minimize conflicts with through traffic and to conserve the capacity of the roadway, while providing linkages between business establishments on adjacent parcels. Careful review of both site and architectural elements is required in this district to enhance the overall quality of site development and promote architectural design that is compatible with the overall historic character of the Village and Town of Warwick."* a purpose which will implement a key recommendation of the 2008 *Comprehensive Plan* to address the need for neighborhoods, where mixed land uses can be planned in an attractive walkable environment and that will move the Town incrementally toward "smarter growth" than what was prescribed in the 1970's when the DS District was originally created, and**

**The Town Board finds that the current DS District in the Rt. 94 area of the Town is approximately one-half built-out, according to the Draft and Final Generic Environmental Impacts Statements (DGEIS and FGEIS) prepared for**

the action, and so the opportunities for encouraging predominantly business activities in the Town, through a variety of retail, office, agricultural and limited residences in a more pedestrian-friendly and traditional setting than the DS District, can be realized by taking greater control in the way the Town's primary commercial area is designed and developed, and

The Town Board finds that existing commercial strip development in the current DS District was created under an older planning model where access by automobiles was the primary planning consideration and that such development can be appropriately retrofitted to reclaim the strip with shared driveways and parking, higher quality architecture and landscaping and a mix of uses by creating incentives to build limited additional development under Section 261-b of New York State Town Law, provided such development complies with the special conditions and design standards developed for infill development including the provision of community benefits and amenities in the form of a marginal access road, and

The Town Board finds that the proposed replacement of the DS District in the Rt. 94 area of the Town with the CB District is consistent with the recommendations of the Town's 2008 *Comprehensive Plan*, the *Orange County Comprehensive Plan: Strategies for Quality Communities*, and with the Hudson River Valley Greenway's goals as stated in the Hudson River Valley Greenway Act's "Greenway criteria," and

The Town Board finds that the proposed replacement of the two parcels in the OI District with the CB District, is also consistent with the recommendations of the Town's 2008 *Comprehensive Plan*, the *Orange County Comprehensive Plan: Strategies for Quality Communities*, and with the Hudson River Valley Greenway's goals as stated in the Hudson River Valley Greenway Act's "Greenway criteria," and is appropriate given the history of the two parcels, which have been used for offices and agriculture, and are the logical terminus of the proposed Marginal Access Road, and

The Town Board finds that for all of the following reasons, in addition to those expressed in the DGEIS, FGEIS and Findings Statement on the action, the CB District boundaries, as proposed, are in conformance with the Town *Comprehensive Plan* and sound planning principles:

- Avoids expansion of strip commercial development along Route 94 which has been found to have the potential for serious traffic and other environmental impacts
- Allows the area designated for the proposed CB District to be fully built-out in a planned manner before further consideration is given to an expansion of such district
- Minimizes potential impacts to traffic flow, congestion, and hazards on Route 94 by avoiding the need for future signalization at the intersection of Sanfordville Road and Route 94

- **Creates cost savings for the Town's water and sewer infrastructure planned for the area by confining the future service area to the 15 parcels designated for future mixed use**
- **Responds to the Village of Warwick's concerns about the size of the proposed CB District and any further expansion of retail uses in the Town that could draw businesses away from the Village, potentially resulting in a diminution of the Village's vibrancy and community character**
- **Responds to the Village's concerns that additional capacity for new development in the corridor will have great impacts on transportation, emergency services and the environment**
- **Avoids the proliferation of new commercial and especially retail development on lands that would extend the District outward in a linear form rather than inward in a more compact form which is appropriate for walkable mixed uses that the Town seeks to encourage**
- **Limits the number of new curb cuts on a State Highway, avoids the costs of upgrading existing Town roads including Sanfordville, keeps Town road maintenance needs for the future marginal access road in line with current needs by limiting its length to that which is attainable under the current DS District, and, by including the two OI District parcels, avoids the need for a realignment of the intersection between Route 94 and Warwick Turnpike (or a potential acquisition of lands) in order to terminate this future Town road at the most logical and environmentally sound location.**

**NOW, THEREFORE BE IT RESOLVED that said Local Law revising and amending Chapter 164 of the Town Code of the Town of Warwick creating a new Commercial Business (CB) District therein is hereby enacted to read as follows:**

**Local Law No. 6 of 2010  
TOWN OF WARWICK  
INTRODUCTORY LOCAL LAW  
AMENDING THE CODE OF THE TOWN OF WARWICK**

**A Local Law amending Chapter 164 of the Code of the Town of Warwick to bring Chapter 164 (the Zoning Code) into compliance with the 2008 Town of Warwick Comprehensive Plan and to complete the amendment process begun by adoption of revisions by local law in February, 2010, adding here the final piece thereof pertaining to the Route 94 corridor, this revised CB district.**

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

**Section 1 – Legislative intent. The provisions of this local law are intended to carry forward the thoughts and goals of the recently adopted Comprehensive Plan, adopted by the town on**

**November 20, 2008. By the adoption of this local law, it is the intent to foster the expressed goals of the Comprehensive plan.**

**Section 2 –TOWN CODE AMENDED:**

**The Town of Warwick Town Code is hereby amended by amending Chapter 164 in the following ways as set forth in the attached 16 pages described as “Amendments Proposed to the Town of Warwick Zoning Law, November 15, 2010”.**

**Section 3. – This Local Law will take effect upon the filing of same with the New York State Secretary of State.**

**Roll Call Vote:**

**Supervisor Sweeton \_aye\_**

**Councilman Gerstner \_aye\_**

**Councilman DeBuck \_aye\_**

**Councilman Shuback \_aye\_**

**Councilman DeAngelo \_aye\_**

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

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

**PRIVILEGE OF THE FLOOR (GENERAL)**

**Richard Wesolowski – Vice President, Local CSEA 836 Town of Warwick – The last meeting we had since the CSEA met with a member of the Board about a head count reduction in two departments one being the dispatchers and the DPW. This is after we had four retirements in DPW this past year and this is going to effect both departments with about a 30% reduction in head count for CSEA employees, which is going to change the way we do business around here. The CSEA Board would ask that everybody be patient with the way that the transition happens and more important remember the safety of the employees and the department heads remember the safety of the employees because obviously the Town of Warwick isn't going to slow down 30%. The department will keep running and it's going to create some tough conditions, so we ask that you guys be patient and remind all supervisors of all departments to watch out for our safety.**

**Robert Morse – Employee, Town of Warwick DPW – It would be nice if you guys could reconsider finding a way possible to rehire three guys that we lost. The same thing again it's a safety thing putting an extra load on some of the truck drivers. The safety thing is a big issue. People do not slow down on these roads for nothing. It's hard to do your job out there as it is and it's going to be a lot of stress on Commissioner Feagles too. There's going to be a lot of work and it's not just about crunching numbers. I know you guys probably did your best that you could, but these three guys are going to be really missed.**

**Supervisor Sweeton – I appreciate that and we recognize it. We don't think any of the departments were fat, that's not the question. The question is there just wasn't**

enough money and I'm meeting with the union tomorrow morning again and we keep putting our heads together trying to figure out solutions. It's the goal to bring people back as fast as we can; take them back. We've just got to find the money and that's the bottom line, but I appreciate your comments.

Robert Morse – I hope the public also understands if we're not here on time and the school busses are held up on Black Rock Road or wherever.

Supervisor Sweeton – I have no doubt that the employees will do the best job that they can like they've always done to keep people safe and get the job done. Is it going to be different, yes and we'll see what happens.

Robert Ibbetson – Retired Employee, Town of Warwick DPW – I think a while back you asked the taxpayers if they had any way to make things cheaper to let you know. I have a few different ways especially for the DPW and I don't want to get into right now because it would take too long, but there is one I would like to mention and this probably concerns Mr. Shuback and Mr. Feagles. Up until I know at the end of this month you're going to lose two foremen and before that you lost another foreman in May he retired, so you have three foremen and you have two Commissioners and whatever Bill Roe is. Now everyday when they come to work and back home they use a Town truck to get to work and to get back at the taxpayers expense. Why did six people have to take their vehicles home and back to work? That was a waste of a lot of money and a lot of gas. Mr. Feagles, he lives in Minisink, that's a long ways and you've got one with the Dial-A-Bus that lives in Ellenville and they're taking the Town vehicles home at the taxpayer's expense. Do the taxpayers know this? Was it ever put out to them? That would be Mr. Shuback he was in charge of the DPW. Why was that going on? Or still is, I should say. Why are they using taxpayer's vehicles back and forth to work?

Councilman Shuback – Mr. Feagles uses his vehicle because he's on call 24 hours a day.

Robert Ibbetson – No, he ain't on weekends; people take over on weekends. Here's the thing, when that phones rings they can put in for three hours that's the foreman, plus they were getting a day and a half off for every 12 hours for every weekend they were on call, so they were getting overtime by taking the call plus 12 hours off when ever they wanted it. Now if he takes his vehicle home what about the other five why are they doing it on the taxpayer's money?

Councilman Shuback – First of all, if Mr. Feagles comes in he doesn't get anything. If he comes in and does something he's on salary not per diem.

Robert Ibbetson – But that's not the question. The question is why are these people taking those vehicles home?

**Supervisor Sweeton – We're not going to have a debate about it OK. You made your point. Part of the package in hiring the nonunion people is a set of benefits, one of which is that Mr. Feagles is able to take his vehicle home because he is on call 24 hours a day. The arrangement with the foremen getting overtime by the way of being put on call had a vehicle so they could respond, so that was a decision that was made. We certainly could revisit all of those issues in efforts to save money.**

**Robert Ibbetson – OK, that's good and a way to save money, but you don't put three people on call at one time. Ok let's go to the Dial-A-Bus why does that guy go to Ellenville and back every day?**

**Supervisor Sweeton – Again, he's a nonunion person with a contract.**

**Robert Ibbetson – That's in the contract that he has a vehicle?**

**Supervisor Sweeton – That he can use a vehicle. The Board has approved him using a vehicle correct.**

**Robert Ibbetson – What about the three foremen when they were doing it? I know that wasn't in the contract because they were union members.**

**Supervisor Sweeton – That's right they were allowed to take a vehicle home correct.**

**Robert Ibbetson – But it wasn't in the contract. Why would they do that under the taxpayer's expense? When I came to work I had to drive my vehicle back and forth, so why should they have transportation?**

**Supervisor Sweeton – Well the foremen positions have not been filled, so they are eliminated and that issue has been resolved to this day.**

**Robert Ibbetson – How many years did it go on? How much money was spent in gas and wear and tear on a vehicle? It all comes out of the DPW budget and that's one of the reasons were in the shape that we're in.**

**Supervisor Sweeton – No it's not the reason, it's not the reason the Town is where it is, but OK.**

**Robert Ibbetson – But it's one of the reasons.**

**Supervisor Sweeton – OK, but I appreciate that comment.**

**Robert Ibbetson – One day you, Mr. Shuback and Mr. Feagles want to sit down you let me know and I'll tell you other ways you can save money.**

**Supervisor Sweeton – With all due respect I've spent since September until this Board had to adopt a budget I requested people to give me concepts and ideas to**

save money, so I'll be happy to sit down with you. I'm in my office every day, come by, sit down and you give me a bunch of ideas.

**Robert Ibbetson – I'll do that.**

**Supervisor Sweeton – I appreciate it.**

**Jo-Anne Dobbins – Resident, Village of Warwick, NY 10990 – Good evening, Supervisor and Board of Trustees, I, once again, come before you to address concerns regarding our Town of Warwick Police Department. I would like to begin by commending you in working with the Village to affect a methodology that saved our much needed police officers. I thank you for your diligence in that effort. As I indicated in my last statement before you approximately one month ago I have lived in Warwick for 24 years. I have embraced some of the changes that have taken place and I take umbrage with some changes that have taken place. Tonight I am here to express my concern over the decision to reduce the number of full-time dispatchers currently employed by the Town of Warwick Police Department. When I addressed this Board last month, my intention was not to single out specific employees and what their function was. My intention was to bring forth the fact that Warwick cannot afford a reduction to any part of the police department. As stated last month, the police department does not operate as a volunteer organization nor can it. It is the legal law enforcement entity of the Town. As a citizen of this county, I have utilized the county 911 emergency system when I have been on the road and seen someone in distress. In some cases, the call has been productive in terms of the dispatcher knew what I was talking about. In other cases, I was placed on hold; I was transferred several times before speaking with the appropriate personnel. It seems that not everyone who answers a 911 call can assist the caller. The correct division needs to be contacted whether it be state police or ambulance. I have been asked to remain on the line while these connections are made. When I am in Warwick and have needed assistance whether it be a call for fire department assistance, ambulance assistance or police assistance, it required a call to one number and I was never placed on hold! I did not have to provide mile marker numbers, I did not have to provide cross street information, I did not have to stay on the line. In fact, the response to my calls has always been instantaneous. I credit that with the fact that as you are speaking with the Town of Warwick dispatcher, they are already relaying the information to the appropriate agencies. I know this to be true because just recently I needed to call the police department for myself for an ambulance. While I was still providing information to the dispatcher, my son called me at home because he heard the page go out on his fire department pager for our address! Dispatchers are critical to the smooth running of a police department. They are the right arm of all our police officers, volunteer ambulance corps and volunteer fire departments. The Warwick dispatchers are familiar with streets throughout our town; when dispensing an emergency and/or law enforcement call, they can readily identify what part of the street the emergency is on. They can supply critical information to the police with regards to history of an address sometimes that could be the life and death of a police officer. If an address**

is known to have weapons, that is something a police officer needs to know. Getting to an address without that information can cost us a police officer's life. I would not want the guilt of that on my conscience. This is not part of my original statement, but I put a statement in. As the mother of a police officer I would hold all responsible personnel accountable. Although you have adopted your budget, I know monies can be shifted as things move forward. I would strongly urge you to review where monies are placed and where additional cuts can be made. I realize economic times are not good. However, just because economic times are not good, that does not mean that we diminish law enforcement. It may mean we need to, perhaps, revamp what constitutes our Board of Trustees; it may mean that people need to deliver their unwanted leaves to a specific site instead of having curbside pick-up; it may mean that supplies need to go out for bid more often; it may mean that we need to re-bid legal services. My point here is not to diminish the responsibilities of anyone or anything. I believe priorities need to be set and realistic goals be set. Across the board cuts sound like a great idea, but in reality, is not practical. Reducing the number of dispatchers is right up there with reducing the police protection afforded to Warwick. It is just not practical.

Rita Dendanto – Resident, Town of Warwick, NY 10990 – I have a question on the DPW and my question is four guys retired from DPW giving the guys working under them a chance to keep their jobs. My question is, why isn't the Town Hall touched at all? I mean why do we need so many people to do stuff like that when we're taking mechanics out that are diesel mechanics and well known guys that we are replacing with trainees and young guys when my safety on my road is now more hazardous than the safety of Town Hall. Why isn't anybody touched in the Town Hall across the board?

Supervisor Sweeton – We had a retiree in the Clerks office.

Councilman DeBuck – Joan Park.

Rita Dendanto – But we're not counting retirements according to you we're counting retirements, so why are we counting among other stuff.

Supervisor Sweeton – Hold on, we had the Town Clerks position gone down and not filled, the Assessor is retiring and they'll be no reappointment. If the Assistant Assessor moves up fine, if not, we'll have the Assistant Assessor. The Building Inspector has retired and that position is not being filled.

Rita Dendanto – I thought we weren't counting retirements.

Supervisor Sweeton – I didn't say we weren't counting. It's not about not counting retirees; it's all part of the mix. The question is to still get down to the right number of dollars.

**Rita Dendanto – The right number of dollars on my road has already been impacted to the last couple of years. The roads have been horrible. I’m so tired of building basketball parks, baseball parks and everything else like that. The Town is getting less and less people. The schools are going to start closing because people can’t afford it. You’re making my roads so unsafe now by taking stuff away like cops and DPW guys when we can cut more of this stuff, budgets and things like that, and raises across the board.**

**Supervisor Sweeton – We proposed to cut raises and in fact every nonunion member didn’t get a raise last year. We proposed that, but we all have contractual obligations with our employees and we’re going to meet those. We can’t unilaterally make those cuts.**

**Rita Dendanto – Why didn’t you come to the DPW and ask these guys to freeze their pay for a year or so to keep the other guys?**

**Supervisor Sweeton – I did ask the union for that, yes. I did ask the union for that.**

**Edward Mullins – Police Officer, Town of Warwick Police Department - Pat Noonan retired and he was born and raised in Warwick. He was a Veteran, he served on the Planning Board, a member of the Pine Island Ambulance Corp in terms of that capacity he’ll be missed. His institutional knowledge of the people and topography was very helpful and that’s the type of people that are leaving and hopefully you’ll replace them with more quality people like him.**

**Supervisor Sweeton – We will miss Pat, there’s no question, thank you. As we will a lot of the other retirees who retired.**

**Councilman Shuback – Mike, did you find out about the special meeting for Tuesday?**

**Supervisor Sweeton – Well, we don’t know until I meet with the union.**

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:22 p.m.  
12-09-10 cp.**

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**Marjorie Quackenbush, Town Clerk**