

September 10, 2015

The Town Board of the Town of Warwick held a Public Hearing to amend Chapter 164-22 of the Code of the Town of Warwick, a Local Law entitled "Campgrounds". Said public hearing was held on Thursday, September 10, 2015 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton opened the public hearing at 7:18 p.m.

ATTENDANCE: Supervisor Michael Sweeton – Absent
Deputy Supervisor James Gerstner
Councilman Floyd DeAngelo
Councilman Russell Kowal
Councilman Mickey Shuback

Attorney for the Town, Jay Myrow
Town Planner, Theodore Fink

LEGAL NOTICE: The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on August 26, 2015. (Copy of this legal notice is printed at the end of these minutes.)

Theodore Fink – Town Planner, Greenplan – There were three different components to the proposal of the law to try and resolve an issue that the planning board has raised with regard to early notification of applications that come before the planning board that require site plan and special usage approval. The current regulations require that there be notifications sent out to landowners that live within a certain radius of a property that's proposed for development and one of the things that the planning board has found over the years is that often there is a long review process that occurs without the neighbors actually knowing that there is an application pending before the town board approval. In this way the neighbors that would normally receive a notification of a public hearing are given a much more informal notice that an application has been filed with the planning board. The planning board felt that would be an opportunity for people to be able to observe the workings of the planning board as the review process unfolds. This only covers projects that require a site plan and or special use approval. The second aspect of this would amend the section of the town zoning that allows for the development of farm markets on farms within the agricultural protection overlay district. What it does is it allows for the rental of the farm for special events. That's currently permitted but it makes it clear within the regulations that a farmer that wishes to have a wedding or something like that take place on the farm which is something that is desired by people today. That is not just for the wedding event itself because often time's family comes for a longer period to stay overnight for instance. The third one is probably the most significant part of the zoning change that were proposed and this is in regard to section 164-49.2 which is the section of the zoning law that governs campgrounds within the town. There is only one campground currently within the town called Black Bear Campground. The town has had regulations that covers this and has had them for a number of years. What the regulation changes would do is to modernize some of the regulations that have been in place since the 1980's.

There have been changes in the campground industry and what this does is it makes the definition of a recreational vehicle consistent with New York State Public Health Law, it makes for an efficient review of the water and sewer requirements for campgrounds which now currently have to have both Orange County Health Department approval and Town of Warwick approval. Rather than having to have to go through both approval processes the County Health Department has to abide by New York State Public Health Law and that would put the burden on them only and it would take off the regulations from the town. The remainder of the regulation changes addresses things like lighting and they would require the lighting to be in conformance with the town zoning law. There are also sections of this that updates some of the minimum setback requirements for recreational facilities. The minimum set back from property lines for instance it clarifies the density that is permitted in a campground and it increases the minimum lot size for campgrounds within the town from 10 to 50. There are other few minor things within this but that's the primary areas that were addressed by the proposed changes.

Deputy Supervisor Gerstner – Attorney Myrow would you be able to comment on the fax we received today at town hall?

Attorney Myrow – In addition to the correspondence listed in the agenda there was a letter received from the law firm of Catania, Mahin, Milligram & Rider, PLLC under the signature of Joseph McKay one of the attorneys there saying that he represents Mr. Giora Neeman who is an adjacent owner to the Black Bear Campground. Essentially the letter requests that either this public hearing be held open or that additional time be allowed for written comment which I believe is formally granted at the end of this meeting. That is essentially the substance of the letter and I request that this letter be made part of the record of the public hearing.

Deputy Supervisor Gerstner – We have on file here the zoning changes and a letter from Orange County Planning and Town Planning Board as required that are also for submission into record. I will now open it up to the floor for public comments.

Theresa Karlewicz – 343 Jessup Road, Florida, NY 10921 – We are adjacent land owners to the campground as well and we had our engineer draft this letter to the Town Board. We were not aware of any of this until Saturday when we saw the notice in the newspaper. We would just like some time to do our due diligence and request the Board to allow us to have that time.

Robert Dembeck – I was at one time the attorney for the planning board in the Town of Warwick and I am familiar with what you can or can not do. I concur with the request of the attorney to either keep the meeting open or prolong it. I just got back from an extended stay in California and Washington and I have not yet seen the proposals, I have not seen any of the language and I would like some time to look at it. I do know that Black Bear Campground is the only campground in the Town of Warwick and has had some serious problems with several other neighbors including environment problems out flowing of ethylene, septic problems and dragging trailers on owner's properties. These issues have not been resolved so I think before anything is approved this whole matter needs to be

investigated. I had no clue other than what I've heard here tonight that there were changes in the language and I think it should be looked at. It's not something that is of the time of the essences that a 30 or 60 day delay would hurt anybody. I should also point out the reason why we are meeting here in this building tonight is because the late former owner of the Black Bear Campground filed suit against Warwick not to have the meeting in Warwick Town Hall.

Deputy Supervisor Gerstner – The reason why we are meeting here is because it's a primary day and the primary voting is being held there.

Robert Dembeck – There was no town hall on this site when he filed his suit in was in the Village of Warwick on Main Street.

Deputy Supervisor Gerstner – No I understand I wanted to clarify why we are in this room.

Attorney Myrow – The choices at this time are either to close the public hearing, close it with the opportunity to file written statements for a period of time or you could hold the public hearing open if you feel necessary. Those are your choices.

Deputy Supervisor Gerstner – If we held it open we could set the date.

Attorney Myrow – If the board want to hold it open then I suggest you hold it open until the next meeting.

Louise Dembeck – Resident, Town of Warwick, NY – The website said this is the Black Bear meeting.

Deputy Supervisor Gerstner – This is the public hearing on the zoning changes.

Louise Dembeck – It says it starts at 7:30p.m.

Deputy Supervisor Gerstner – The website said that ok, I apologize it was listed in the paper to start at 7:15 p.m.

Louise Dembeck – I'm here to ask for an extension because the law wasn't even available and I couldn't get a copy of it until yesterday. We need time to study it. I don't understand why when the Black Bear Campground has violated every existing zoning law for the last 10 years the town has been in litigation with them. We have neighboring properties that have litigation with them because they have been violating the zoning laws, the DEC laws and the Department of Health laws. Why would the town agree to amend the zoning laws to change them to give them the right to have recreational vehicle campsites which they have already but illegally? Why is the town willing to make this acceptable? At the very least shouldn't it wait implementation of this law until the new septic system or sewer system permits that were issued to Black Bear about 5 months ago for building a septic system because the whole place is polluted be completed and approved by the Department of Health as being certified and operational before we give them the

right to bring in these huge recreational vehicles that will dump weeks worth of septic into an already polluted mountain. There's one property that Black Bear put a septic tank on a neighboring properties property because their own property is so deteriorated and so full of septic.

Resident – That's not true. You know that's not true. It was an accident.

Louise Dembeck – No it is true actually.

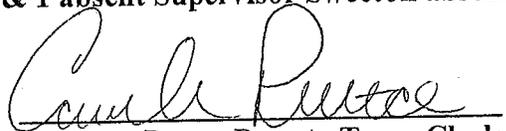
Attorney Myrow – Please this is a public hearing to address your comments to the board.

Louise Dembeck – It was no accident. They had no more capacity for the sewage. I think it's a much more complicated issue and we need more time on this.

Theresa Karlewicz – I would just like to reiterate that we feel very strongly that we have been dealing with these issues for years and the town had not corrected the situation. There is outrageous stench coming down the hill into my outdoor area where my customers are riding their horses. We now have other animals in those sets of woods and we have deterioration of trees and wildlife. I have livestock on the property and I'm very, very concerned. I want them to be able to have business and be able to be viable in this community but I feel that there are laws and zoning rules and applications that every business has to conform and I feel that if I have to they should also. They have many violations across the board from what we are reading and again I apologize for not doing my homework but I didn't know this was coming to be until Saturday. We look like to have some time to do our homework.

Deputy Supervisor Gerstner – Ok.

ADJOURN PUBLIC HEARING: Motion Councilman Shuback, seconded Councilman DeAngelo, that the public hearing be adjourned until the September 24th Town Board meeting. Motion Carried (4 ayes, 0 nays & 1 absent Supervisor Sweeton absent) 7:39 p.m.
09-10-15 CP


Carolyn Purta, Deputy Town Clerk

**TOWN OF WARWICK
NOTICE OF HEARING
INTRODUCTORY LOCAL LAW**

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of Warwick, New York, on Thursday, August 13, 2015 a local law entitled Introductory Local Law Amending the Code of the Town of Warwick, Chapter 164, " ZONING." Such local law will revise section 164-22 entitled "Campgrounds" and make other minor modifications.

A complete copy of the Introductory Local Law is available for inspection at the Clerk's Office.

NOW, THEREFORE, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board of the Town of Warwick, New York, will hold a public hearing on the aforesaid Local Law at the Town Senior Center, 132 Kings Highway, Warwick, New York, on Thursday, September 10, 2015 at 7:15 P.M., or as soon thereafter as the matter may be heard, at which time all persons interested therein shall be heard.

The Town of Warwick will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: August 26, 2015

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF WARWICK
MARJORIE QUACKENBUSH
TOWN CLERK**