

October 8, 2015

The continuation of a public hearing held September 24, 2015, was held Thursday, October 8, 2015, at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the public hearing to order at 7:30 p.m.

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

Attorney for the Town, Jay Myrow

LEGAL NOTICE: The Town 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.)

CORRESPONDENCE

LOUISE E. DEMBECK, ESQ., - 157 East 57th Street, 16th Floor, New York, NY 10022 – Letter to the Supervisor and Town Board with concerns regarding the Black Bear Campground.

Supervisor Sweeton – This is a continuance of that hearing that was originally in the senior center and we've kept it open until tonight and I will open it again for public comment in just one minute. I do want to share with everyone and the public and I did distribute this to the Town Board prior to tonight. I had met with Ms. Dembeck and Mr. Neeman who are adjacent property owners and they had sent in correspondence last time asking for continuance. I did meet with them in the intermediate time to discuss their issues and their concerns. They had several and they had two that I thought warranted some discussion and some merit. One was to reduce somewhat the acreage required, they inquired why we went to 50 acres. The second one was their concern for the town what they viewed as the town ceding its authority over design of the septic and the water systems on a campground and I felt and I think the Board felt as did our planner that, that wasn't the case, however we understood their concern and so tonight we have revised the campground code on those two issues. We have changed the acreage required for a campground from 50 acres to 45 acres and we have reinstated the clause in the zoning that referred to the town having authority to review and approve the water and the sewer system. I will tell you exactly that passage which was in our original code is now in the proposed change. "The sewage treatment facility design shall be based on the water supply design flow, plus infiltration, and approved by the Town Engineer. The location of septic tanks, distribution lines and disposal fields shall be as approved by the Town Engineer." This is in conjunction with the authority that the health department has always had to approve septic systems and water systems. We did incorporate both of those and Ms. Dembeck did send me that

correspondence of our discussions in writing which I had received yesterday and I already sent her the amended code with the changes that I just mentioned to you. She followed that up with an email. She is out of the state and she did send an email in return recognizing that we had incorporated those changes prior to her letter. She appreciated that and she still considers that there should be a delay and that's for the Board to consider. A couple of other concerns that they raised was issues of traffic, the distance between the RV's and there are two points that need to be made about that. It is still the town's contention that the Black Bear Campground is only permitted for the 72-74 campsites originally approved and that's still our contention. Anything above that number requires them to come to the Town Planning Board where issues of increased traffic, increased septic, screening, noise, lighting etc. all would be addressed through the planning board process. I don't want to characterize it as some misunderstanding but there was some belief that if these changes were made automatically that particularly campground or any campground could go up to the number automatically and that is not correct. It has to go to the planning board. I also will remind the audience and the campground representatives which there are some here tonight there is a court date that has been continued until December on the issue of the violations of the 74 campsites. That action is pending pursuant to a planning board application arriving for additional campsites. If that does not happen by the continued date of the court the town will be back in court and we'll pursue it aggressively. That was another issue that was addressed with Mr. Neeman and Ms. Dembeck. At this point I will open it up to the floor for additional comments.

Theresa and Don Karlewicz – 343 Jessup Road, Florida, NY 10921 – We just summarized our thoughts and our findings and things that we wanted to bring to your attention that are our concerns. We are not against the camp grounds growth and changes. We just want to protect our property. We feel there is a working solution to everything which it seems the Board wants to work through this process. Due to the fact that we have experienced many dead trees, raw septic odors, have had unexplained health problems with horse fetus's, rodent issues in sections of woods which has brought larger preying animal. We ask the Town to please consider our business needs, other adjacent landowner's needs, along with that of the campground. It's us, it's the Neeman's it's any other people affected by the campground. We all have to work this through together and we all have had issues and those are our strong concerns that we have. We need help and protection because obviously this has gotten a little out of control due to no ones fault it's just circumstantial and I understand all that. We feel strongly that we need to work together and get it back in order. Although the campground has been approved for 160 septic sites, it's currently zoned under the Town of Warwick for only 74 campsites. While touring the campground with Frank the manager we observed at least 3 existing permanent living structures there already. One is where the owner Rita lives and two others we were told by Frank were for employees. All of these are in the lower section of the campground. The zoning law states "One site manager/owner per 50 campsites". If the campground consists of approximately 52 acres that would equal 156 campsites at 3 per acre which equals 3 resident managers, so no permanent housing is needed at this as they already have 3. Our question to the Town is, is the Town going to be verifying these structures? Are they going to be able to move them? Are they on a yearly basis?

Supervisor Sweeton – Here again we've talked about this. One of the end games of this is that the campground folks will be coming to the planning board. They will be presenting the site plan which will locate all of these things. This has been one of the issues that we struggled with and the housing units that are allowed for the managers will be identified and clearly located. The Town will do its normal enforcement on making sure that's where they are.

Theresa Karlewicz – Ok. On the occupancy we talked about it at the last meeting and you stressed to me that it would not be anymore then 120 days in a 12 month period and that the Town would oversee this. We want to know which department is going to be responsible for collecting those leases or getting those records.

Supervisor Sweeton – The Building Department.

Theresa Karlewicz – How often will that be done considering that people can move in and out all the time, is that going to be difficult?

Supervisor Sweeton – They will need to renew their permit every year so they will have to provide us records of occupancies and if we have to visit we'll visit. That is what the building enforcement is supposed to do.

Theresa Karlewicz – We were told by Frank that primarily the people now living are the people from Watchtower. Is this something that Watchtower is going to just keep switching leases amongst their employees until their site is complete?

Supervisor Sweeton – To my understanding how Watchtower is working and their project will be done in 2016, so you wont have those transient folks living their anymore. People who belong to the Watchtower society from around the world have a vested interest in seeing their world headquarters built and so they donate blocks of time and they come here and work on the site. They have been housed all over Orange County and Rockland County because it's a massive project. The project is on time and on schedule and will be completed in 2016 so that won't be an issue.

Theresa Karlewicz – The permit renewal that is something that the town approves and the board of health approves?

Supervisor Sweeton – The Town approves the permit for the campground. If there are modifications or something that gets done to a sewer system the health department has that jurisdiction, although we still as the entity of enforcement here can issue order of remedies. Its duel role I don't know how active the Health Department in Orange County is with doing these inspections I know they do for facilities the town owns. They do a regular series of inspections.

Theresa Karlewicz - The number of sites that's also going to be addressed also by the planning board.

Supervisor Sweeton – That's correct.

Theresa Karlewicz – The new septic system, I met with the board of health as I met with Frank and we went over all the plans. Neither the Town nor the Department of Health have any records other than the current system that's being built.

Supervisor Sweeton – Even though the Orange County Health Department approved it all.

Theresa Karlewicz – Yeah, nobody has anything. My question is I know that Frank showed me that they were constructing section B right now which is 28 sites. Section A has been approved for 26 sites and that leaves 20 left out of the 74. What's going to happen to those 20 sites that have the approval from the town but nobody can show us the septic, nobody can show us where this stuff is.

Supervisor Sweeton – Our building department will be involved in going out there. I know our engineer has looked at the plans that were submitted to the health department and has agreed that these plans work and that it's going to work. If there are 20 campsites that do not have any disposal then we'll have to go out there.

Theresa Karlewicz – Apparently they are in the old disposal which no one knows where it's going.

Supervisor Sweeton – Again, if we get them to the planning board which is the goal we can address those issues.

Theresa Karlewicz – We don't understand the urgency of adopting these changes in the zoning laws without having the campground agree to certain changes. If you feel confident that they are going to move forward and that their word is good at this point.

Supervisor Sweeton – Once we adopt the changes again it doesn't give them anything until they come to the planning board. That's where this needs to go because it needs professionals to look at this site to site, to say here's where the sites are going to be and put them all on a drawing so we know where they are, so when our building inspectors or code enforcement officers go out and it's not there or it's on Mrs. Neemans land or too close to your land they will be able to be sited it. We will have some basis to be successful in court challenges which we have not been to date.

Theresa Karlewicz – We want to work with them and we have no problem with them changing and modernizing and they certainly have done a lot of cleanup up their. We just want everything to code for us as well as for them to protect ourselves.

Supervisor Sweeton - We agree with you.

Theresa Karlewicz – We also want to remind the town as they have an interest in our property as well. The town has PDR with our property.

Supervisor Sweeton – Correct.

Theresa Karlewicz – The periodic inspection went on and the gentleman came out to my property and asked what happened to all the trees back there, which is my property that's adjacent to the campground. That was one of the first things that he mentioned to me in his review. As I stated before we are not against changes and growth for the campground. We are sure there is a working solution to the campgrounds expansion and future plan; however it should not be at the expense of the adjoining landowners. We ask that the board find that solution for us all and work with us all. We thank you for your time and I am sorry this is late but we appreciate it.

Supervisor Sweeton – We appreciate it. Do you want to submit that for the record?

Theresa karlewicz – Yes.

Supervisor Sweeton – Thank you very much and we do share the goal that you have to make this work for the town for you as a property owner and also for the campground.

Theresa Karlewicz – Me and Frank have come to an agreement that him and I can talk too.

Supervisor Sweeton – I have to say at this point they have been cooperative and willing to see this to a solution and we do appreciate that. We do have a return court date in December if this is not progressed. We will be not patient at that point. Thank you very much for coming.

CLOSE PUBLIC HEARING: Motion Councilman Shuback, seconded Councilman Gerstner, that the public hearing be closed. Motion Carried (5 ayes, 0 nays) 7:45 p.m. 10-08-15 CP


Eileen Astorino
Eileen Astorino, 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**