

December 11, 2014

The Town Board of the Town of Warwick held a Public Hearing to amend Chapter 164 of the Code of the Town of Warwick entitled "Zoning." Said public hearing was held on Thursday, December 11, 2014 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton opened the public hearing at 7:15 p.m.

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

Attorney for the Town, Jay Myrow

LEGAL NOTICE: The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on November 26, 2014. (Copy of this legal notice is printed at the end of these minutes.)

Supervisor Sweeton – For the public’s information, the changes are relatively all minor with one exception. We are correcting a portion of the sign code because we had made the sign size a little bit more liberal we no longer needed the special section that dealt with Route 94 and the distance from the road to the storefront. We are replacing that with the more liberal square footage signage for those establishments in the CB Zone. We are correcting a couple of typos; Country Inn was listed as County Inn and so we are correcting that. There are some typos in the Site Plans Special Use Permit section 164-46.b and also in the Stormwater Management section. Then we are extending the timeframe by which a zoning approval is good considering the housing market continues to struggle and to come out of the financial times that it was in we are extending that two additional years which will take it to 2017. Those are the relatively minor corrections. The other one is under a Change of Use section. We changed from the Town Engineer to the Code Enforcement Officer and/or Town Engineer for considering whether a change of use needs to go to the Planning Board or not. The more significant change is we’ve had a lot of commercial solar panel companies looking to do larger scale solar. We dealt very readily with the homeowner solar installations through our Building Department and that’s gone very well. We have had a lot of those come before us but the large scale ones where they talk about acres of solar panels we really didn’t address it well in our code. We clarified that and made a change to the Ag Zone which had a permitted use for solar to just clarify that solar primarily is to be used on the farm in a permitted use. So that we are not facing a farm that is going to have 10 or 20 acres of solar panels. It is still a permitted use for them when ever they can use it to improve the operation of the farm and we made it a special use for commercial which means it’s a trip to the Planning Board in the AI Zone so a

farmer can still apply. We added that to the IO Zone which is the commercial zone as well as the use and we limited it to 40% coverage or 15 acres whichever is the maximum. Speaking with commercial solar installers 15 acres is about the size they do for commercial operations. Those are the changes tonight. Also under our code, we are required to send to the Planning Board for a recommendation and we received a letter dated December 4th from our Planning Board that says please be advised, that on December 3rd the Planning Board has made a favorable recommendation to the Town Board regarding the proposed changes. Under General Municipal Law 239-M, L and N we are required to refer any zoning action to the County Planning Department even though they can't deny a change but they do require to review it. We got a letter back from them stating The Department has received the above referenced local law and has found no evidence that significant inter municipal or countywide impacts would result from its approval. We are delighted that the Town chooses to encourage sustainable energy production, in accordance with policies contained within the County Comprehensive Plan. We commend the Town for their careful evaluation of the zoning code, and their efforts to correct and clarify items for residents of the Town. Now I will open it to the floor for any public comment on the issue of the zoning changes. We will take written comments for 7 days from tonight.

There were no comments from the Board or the public for or against this public hearing.

CLOSE PUBLIC HEARING: Motion Councilman DeAngelo, seconded Councilman Gerstner, that the public hearing be closed. Motion Carried (5 ayes, 0 nays) 7:23 p.m. 12-11-14 CP

Marjorie Quackenbush, Town Clerk