

November 19, 2009

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, November 19, 2009, 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 Leonard DeBuck
Councilman James Gerstner
Councilman Mickey Shuback

Town Attorney, John Hicks
Deputy DPW Commissioner, William Roe
Police Chief, Thomas F. McGovern, Jr.

Continued Unsafe Building Public Hearing: SBL# 12-2-17.2, 734 County Highway 1. Supervisor Sweeton – This is for a building located on County Route 1, SBL# 12-2-17.2 known as Grand Central Station Glen Slater is the owner. We had continued this from a month ago, I think. There had been some effort made to secure the building, but we did have an inspection by our building inspector on November 17th. The report is the truck remains under the rear eave, the refrigerator is still in the rear and under New York State Code regarding vacant buildings has not been complied with. My recommendations are that the building inspector serves Mr. Slater with an appearance ticket. What is the pleasure of the Board?

Councilman DeBuck – The graffiti needs to be painted over too.

Supervisor Sweeton – We could actually order everything done that we need done.

Attorney Hicks – That's right. There's no need to serve him with an appearance ticket he's already in subject of the dangerous building proceedings and if he hasn't complied with the aspects of it that came rise to it being declared a dangerous building we can order the building be repaired or torn down as it is our right. If the dangerous part of it has been taken care of and there are still code violations then we could abandon the proceeding for the dangerous building and go back to proceeding additional code violations. I would suggest until we get that clarified with the building inspector whether the dangerous part of it is removed which will determine how we will have to go. I would postpone this until the next meeting at which time the building inspector and I can meet with Mr. Slater and hopefully get it all resolved or we will come back to you with a report at the next meeting with a recommendation that it be repaired at our say so or torn down if it's still dangerous.

Motion Councilman DeAngelo, seconded Councilman Shuback to recess the public hearing until December 10, 2009. Motion Carried (5 ayes, 0 nays) 7:35 p.m.

ACCEPTANCE OF MINUTES:

1. Public Hearing - Special Districts, 11/05/09
2. Public Hearing - Preliminary Budget, 11/05/09
3. Regular Meeting, 11/05/09

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the public hearing for special districts held on November 5, 2009, the public hearing for the preliminary budget held on November 5, 2009 and the regular meeting held on November 5, 2009. Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

DAVID E. HULL – Applewood Winery LLC., 82 Four Corners Road, Warwick, NY 10990 – Letter informing the Town of Warwick and the New York State Liquor Authority that they are applying for the renewal of their liquor license.

LESLIE FARNEY – Resident, Village of Warwick, NY 10990 – E-mails sent to the Town Clerk regarding various complaints regarding her neighbor and requesting that her dog be removed from the Town Clerks database due to her passing.

JOANNE WILCOX – Bookkeeper, Town of Warwick – Memo to the Town Board requesting a Town Board resolution be approved in the amount of \$1,083.66 to be submitted to the County of Orange for the inclusion in the January 2010 property tax bill for cleaning up property located at 454 Jersey Avenue.

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$5,948.75 to IBM Corp.

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$1,552.25 to Meadowcrest/Sullivan #2.

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$1,477.30 to Irit Goldman.

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$1,389.55 to Warrick Fitzgerald.

KELLEY-REDL HARDISTY – Guardian Self Storage, 210 Kings Highway, Warwick, NY 10990 – Letter to the Supervisor and Town Board requesting a release of a landscape bond in the amount of \$2,000.

GREGOR SIROTOF – 80 Blueberry Hill, Greenwood Lake, NY 10925 – Letter to the Supervisor and Town Board resigning from the Town of Warwick Conservation Board.

PAT STAHLI – 51 Magnolia Lane, Warwick, NY 10990 – Letter to the Supervisor and Town Board requesting that the Town of Warwick should get a Dunkin Donuts franchise.

JOHN D. BOLLENBACH, Esq. – Town Attorney, Town of Warwick, NY 10990 – Memo to the Supervisor regarding Castle Tavern (SBL 76-1-33.12). “The Town Clerk has received a State Liquor Authority 30-day Advance Notice of an Alteration Application (dated 10/28/09) for the referenced establishment. There is an open application before the Planning Board for the parcel for Site Plan and Special Use Permit Approval. The Supervisor has asked for assistance in reviewing the Notice. We have prepared the following as information for the Board in its consideration of the Notice. The Castle Tavern and Marina has been operating at its current location at 13 Castle Court on the east shore of Greenwood Lake since the 1970’s. The establishment is an existing non-conforming use situated in the Town’s residential SM Zone and as such can continue to operate under the restrictions noted in the Town Code. These restrictions (§164-45) include no expansion of the ground area by more than 15%. The facility now includes a building containing a restaurant and a bar, a separate “cottage” (currently unoccupied), a separate two-family house, and dockage. The application considered by the Planning Board seeks to respond to a number of violations issued by the Building Department: work with the Designated Protection Area of Greenwood Lake without Planning Board approval, building without a permit, no Certificate of Occupancy or Certificate of Compliance for interior renovations, fire safety violations, and illegal signage. The unresolved fire safety violations have prompted the Building Department to notify the applicant to discontinue occupancy of a portion of the premises until the fire safety issues are satisfactorily resolved. Because of subsequent activities, the Building Department has issued Stop-Work Orders for grading and boat storage in the location of the existing septic field and construction of a kitchen addition and decking. The Planning Board has been attempting to determine if there has been an expansion of use or of the building. The establishment has been operating under a NY SPDES permit for discharge of waste water into an underground treatment facility. (The applicant has recently applied to transfer the permit.) The permit allows for 2000 gallons-per-day discharge. The applicant’s engineer has provided a calculation for the maximum seating based on the allowable discharge, which is 93 seats. Recently, the applicant has provided the Planning Board with a copy of the diagram prepared to accompany the previous Liquor License (evidently prepared in 2000 by the previous owner). This diagram indicated 257 seats, which would exceed the allowable discharge. The Planning Board is attempting to reconcile the conflicting information it is receiving to determine whether there has been an expansion of the non-conforming use. As regards to the building, there is little debate as to one addition that has been made to the side of the restaurant building recently, within

the Town's Designated Protection Area. A deck/patio at the lakeside of the restaurant extending out over the lake has evidently been constructed since the last drawdown of the lake. We are endeavoring to determine if a DEC permit is/was necessary for the construction of that feature and if it has been issued. We have reviewed the Tax Assessor's files in an effort to determine the baseline configuration of the building so that the Planning Board can determine if there has been an expansion of the building. Our research has found the existing Corps of Engineers permit for the marina. The actual configuration of the marina appears to be consistent with the permit documents. We are concerned with the responses to several items on the 30-day notice. Item 10 states that occupancy will not change. However, still to be resolved is the issue of increased seating capacity and the applicant's ability to safely accommodate the corresponding increased capacity for parking and septic discharge. Item 12 asks if a Building Permit is required. The response is limited to electrical and plumbing permits. However, there are outstanding violations for building without permits. The response to item 14 is inaccurate. As set forth above, there are indeed numerous municipal approvals required which may impose limitations on the type of alterations proposed. The State Liquor Authority's website provides a guidance document for individuals applying for permits. This guidance notes that the applicant is required to submit a valid Certificate of occupancy. Among the outstanding violations is one for the applicant not having a C of O for interior renovations. The Planning Board application is still being considered and the applicant will be on the agenda again on December 16, 2009. The Planning Board has asked for a number of items of information. The resolution of this application relies upon the applicant satisfactorily providing that information."

ELAINE M. LAURENT – Town Clerk, Town of Tuxedo, One Temple Drive, Tuxedo, NY 10987 – Notice is hereby given that there has been introduced before the Town Board of the Town of Tuxedo, New York, on October 26, 2009, a local law entitled "Tuxedo Reserve Rezoning," which local law is intended to cause the zoning for the Tuxedo Reserve Planned Integrated Development to be consistent with certain changes proposed by the developer to its Special Permit and Preliminary Plan. The Town of Tuxedo Board will hold a public hearing on Monday, November 23, 2009, at 7:30 p.m. at the Town of Tuxedo Town Hall, One Temple Drive, Tuxedo, New York.

BRIAN ROSS – 9 Big Island Road, Warwick, NY 10990 – Letter to the Town Board requesting a waiver be granted for the installation of an outdoor furnace.

KEVIN & GERALDINE HAYES – 11 Big Island Road, Warwick, NY 10990 – Letter to the Town Board acknowledging that their neighbors at 9 Big Island Road are requesting a waiver from the Town for the installation of an outdoor furnace and we have no objections to the Town granting that waiver.

M. JOHN BATZ, SR. – Building Inspector, Town of Warwick – Letter to Brian C. Ross, 9 Big Island Road, Warwick, NY 10990 – "Thank you for your time

spent today discussing possible installation of an outdoor furnace. As I explained, three (3) acres are required and you only have two (2) acres. Required setback from furnace to neighbors dwelling should be 200' and you have approximately 75' and minimum distance from furnace to lot line should be 150' and you would have approximately 35'. As discussed you will be building a detached garage approximately 28' x 32' at least 5' off of the property line. Should you complete including enclosed room in rear of garage with a chimney at least as high as your neighbors existing chimney you would end up being approximately 75' from the neighbors house and 35' from the property line. Prior to request for a waiver from the Town Board I would suggest a letter from your neighbor agreeing to installation. The building department believes a correct installation inside of the accessory structure would not cause any undue hardship to your neighbor on the right at #11."

NOTICE OF PUBLIC SCOPING SESSION – World Headquarters for Jehovah’s Witnesses, Long Meadow Road at Blue Lake, (former International Nickel Company Property), Town of Warwick, Orange County, NY – The Town of Warwick Planning Board, as Lead Agency, is reviewing an application from Watchtower Bible and Tract Society of New York, for a proposed relocation of their World Headquarters from Brooklyn, NY to a 257 acre site that was previously occupied by the International Nickel Company. The redevelopment site is located involves 12 buildings on a 30 acre portion of the site as follows: an approximately 195,000 square foot three-to four story office building/place of worship; four five-story residential structures totaling approximately 400,000 square feet; and approximately 137,000 square foot three-to-four story service building including kitchen, laundry and support functions; a two-story 100,000 square foot maintenance shop; and additional smaller buildings including an additional maintenance shop, vehicle repair shop (for onsite vehicles), heating/cooling and generator house, and a recreation services building. The campus structures would be built to the three Green Globes standard, promulgated by the Green Building Initiative (comparable to LEED Gold Standard). The majority of the 750 parking spaces would be accommodated in subsurface parking with approximately 100 surface parking spaces provided for convenience. The site consists predominantly of ± 195.4 acres of forested land (76% of the site), ± 36.7 acres of surface waters (Blue Lake) including wetlands (14.2% of the site) and ± 13.6 acres of roads, buildings and landscaping (5.3% of the site). The applicant has proposed that the development will be largely contained within the area previously developed by International Nickel, leaving almost 90 percent of the site in its natural condition. The Planning Board has required the applicant to prepare a Draft Environmental Impact Statement (DEIS) to address potential environmental impacts of the project. Involved and interested agencies, residents and other members of the public are invited to participate in defining the scope (or contents) of the DEIS reflecting their concerns and information needs. On November 18, 2009 at 7:30 PM, the Planning Board will hold a public scoping session at the Town of Warwick Town Hall, 132 Kings Highway, Town of Warwick. The applicant has prepared a Draft Scoping Document that outlines the areas, they have proposed for study in the DEIS. This

document is available in the Planning Department at Town Hall for review or reproduction at \$.25 per page. The document is also available at the Wisner Library for viewing and on the Internet for viewing, downloading, or printing at <http://www.townofwarwick.org>. Written comments on the Draft Scoping Document are welcomed. Persons attending the public scoping session will have an opportunity to speak to make their scoping suggestions known. The period for submitting written comments on the scope of the DEIS will close on December 9, 2009. Comments should be submitted by that date to Connie Sardo, Town of Warwick Planning Board, 132 Kings Highway, Warwick, NY 10990. Afterwards, the Planning Board will issue a Final Scoping Document.

VISITING ELECTED OFFICIALS

Supervisor Sweeton introduced Hon. Orange County Legislator Ben Winstanley from District 10.

Hon. Ben Winstanley – Orange County Legislator, District 10 – The legislature got the budget back and cut out a few \$100,000 more and shifted some money around, but that finalized it, so I think it's in the final stages now. I hope you had as good of luck as we had.

Supervisor Sweeton – It was tough.

Councilman DeBuck – Much development with the Parks Commissioner and the planning of the Hickory Hill County Park, do you know if more money was budgeted?

Hon. Ben Winstanley – I think everything has slowed down as far as the project is concerned because of the budget situation. I have to give them a call and find out at what point they are going to start in again. They're probably not going to do anything this winter. I imagine they'll come in the spring into the picnic area and try and get that done.

Councilman DeBuck – Did they decide they're going to make some renovations?

Hon. Ben Winstanley – Yeah, they're going to do some more renovations in the picnic area; when that's been up for grabs.

Councilman DeBuck – Did they make some decisions on addition of any ball fields or waterpark or anything like that?

Hon. Ben Winstanley – They haven't gotten back to me on that, but I think that's one location that they talked about at the meeting. It looks like it could be with the moving of a little dirt around we could get two good size ball fields in. That seems to be the way it might go, but I don't know for sure, but that seems to be the way he was leaning as far as something that could be done very quickly and without too much labor and cost involved.

Councilman DeBuck – It'd be great if you could give me an update on that.

Hon. Ben Winstanley – I'll see if I can get a hold of him tomorrow and I'll get back to you.

Supervisor Sweeton – Thank you Ben. I appreciate the work.

Councilman Gerstner – Thank you Ben.

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

REPORTS OF BOARDS AND COMMISSIONS

COMMITTEE REPORTS

DEPARTMENT OF PUBLIC WORKS REPORT

<u>Work Done</u>	<u>Location</u>	<u>Reason for Work</u>	<u>Length</u>
CULVERT PIPES	Newport Bridge Rd.	Replaced 12" concrete pipe with plastic 12" pipe	40'
	33 Belcher Rd.	replaced 15" pipe under road	40'
	Feagles Rd.	replaced 15" pipe under road	40'
CATCH BASINS	25 Wickham Dr.	rebuilt catch basin	
DRAINAGE	Jarmain Rd.	repaired drainage with blacktop	
DITCH WORK	State School Rd.	cleared ditches	
	Woods Rd.	cleared ditches	
	Waywayanda Rd.	cleared ditches	
TREE WORK	Sutton Rd.	removed three trees with Nelson crew	
POT HOLES	Town wide	as needed	
ROAD REPAIR	Town wide	as needed	
VEHICLE MAINTENANCE		as needed	
EMERGENCY REPAIRS		as needed	
ROAD SIGNS	Town wide	as needed	
HAUL MATERIAL	Stock Pile	hauled road grit to stock pile	
TOWN PARK	Union Corners Park	Blew out irrigation lines	

COUNCILMAN DE ANGELO REPORT

1. For the month of October 2009 the Post Report for Greenwood Lake we had 266 calls, Town of Warwick 895, Pine Island area had 255 and the Village of Warwick had 762 calls. We received a letter from the Applefest Committee thanking the police department for their help and they were particularly grateful for the help from Sergeant John Radar whose guidance while planning the event was most valuable. We also received another letter from the Nicholas P. Lesando American Legion Post in regards to the Halloween parade for traffic control.

2. The Warwick Valley Humane Society is having their final 2009 fund raiser for the year with pet photos with Santa on Saturday, December 5th and Sunday,

December 6th from 12 noon until 3:00 p.m. with volunteer professional photographer Chris Babicke. One 4x6 professionally processed photo is \$10 with discounts for multiple photos. Children, family and dress up are welcomed. All proceeds benefit the homeless pets at the animal shelter this holiday season. They need donations over there because it's really tight and they have two rooms full of cats. The wish list is bleach, paper towels, Simple Green, Friskies can pate dinners, large dog biscuits, Feline Pine litter, laundry detergent, copy paper, small ceramic cat dishes and no dry food is needed.

3. They are having a memorial celebration in memory of Sam Yuppa at the American Legion on December 6th from 1:00 p.m. to 6:00 p.m. at the American Legion in Greenwood Lake. They have raffles and all of the proceeds will go to the Yuppa family and it's \$10 per person and \$20 per family.

4. I want to wish everyone a Happy Thanksgiving.

COUNCILMAN DE BUCK REPORT

1. We had the Girl Scout Troop from Florida New York present to the Town Board during our workshop about investigating and doing research for their silver award they want to do a combined effort and help the Town fundraise and develop the installation of a dog park. I am going to meet with them next Wednesday and hopefully Commissioner Roe you can meet with us as well at 2:00 p.m., so we can find and scope out a couple of areas that might work and see if the research can fit the park and then let them continue with the fundraising and then hopefully the installation of a dog park can go into the Town of Warwick. It's good to hear from the girl scouts and to see young citizens involved in a democratic process and to see if we can improve our community. The red trail known as the lake side route at Cascade Lake Park is very close to being completed and this is so because our DPW, working with Commissioner Roe, have put in a walk foot bridge that crosses Long House Creek. There had been a culvert there but because of some storms that caused severe flooding the culvert couldn't handle the water, therefore that particular trail was washed out. Now you can traverse across the Long House because of a bridge that was built by our parks department. They had a couple of telephone poles that they were able to build, they put decking on it, they put side railings on it and I would encourage the press if they'd like to go to Cascade Lake and take a picture and put it in the paper. The more people that use Cascade Lake Park the more that park gets self patrolled and that's one of our goals last spring to get more people in that park.

2. I did have the opportunity to speak to the Sports Turf Managers of New York up in Syracuse and spoke on a topic they wanted me to address regarding sodding verses seeding and I was happy to go to Syracuse and talk to those people.

COUNCILMAN GERSTNER REPORT

1. Our organized recreation has come to a lull now, but our Recreation Commission and our Chairman is here Mr. Mike Cipolla and Tom Chevrier serves on that Board and I thank them for all their hard work and I believe tonight after our meeting we'll be meeting with lacrosse and soccer folks to see how things are going and start preparing for next spring.

2. I'd like to wish everyone a Happy Thanksgiving and enjoy the holiday.

COUNCILMAN SHUBACK REPORT

1. DPW received sand and salt for the winter and they're all hoping they don't get snow so they can stay home.

TOWN CLERK'S REPORT

1. Requests for proposals were received for the staining of three sections of the pergola at the Thomas P. Waterfront Park in Greenwood Lake.

Arrowhead Painting
P.O. Box 135
Bellvale, NY 10912
(845) 325-6282

Bid Amount: \$1,150 (does not include stain)

Bill Otens Painting
17 Hickory Hill Drive
Warwick, NY 10990
(845) 986-2023

Bid Amount: \$2,450 plus tax (stain included)

Dun-Rite Powerwashing and Painting Inc.
1 Henry Close
Warwick, NY 10990
(845) 988-1722

**Bid Amount: \$ 200.00 pergola stained
with sprayer-labor donated
\$ 200.00 cost for paint
**Bid Amount: \$ 800.00 pergola hand
brushed-\$200.00 for paint****

2. Bids were also received for fencing to be installed at the roller hockey rink at Union Corners Park.

A-Better Fence Co., Inc.
135 Center Street
West Milford, NJ 07480
(973) 728-8222

Bid Amount: \$7,500.00

Bilt-Well Fence Co., Inc.
521 Route 17M
Monroe, NY 10950
(845) 782-8301

**Bid Amount: \$12,664.00 SS20 weight
\$14,400.00 SS40 weight**

Sneider and Sons LLC.
127 Sally Harden Rd.
Wantage, NJ 07461
(973) 702-0276

Bid Amount: \$11,900.00

I want to wish everyone a wonderful and Happy Thanksgiving.

SUPERVISOR'S REPORT

1. I want to mention for the residents that there is a revised recycling schedule for the holidays, so if your day next week is Thanksgiving Thursday your pick up day will be on Saturday. Leave your recycling out or don't put it out until Friday night, but it will get picked up. For Christmas and New Years those days are on Friday's, so the pick up would be on Saturday after Friday.

2. Community Preservation Fund update - October's receipts were \$36,940.67 which is

down from our average of about \$60,000 and it brings the total in the fund to \$2,700,525.55, so we broke the 2 million dollar mark, which is pretty significant.

3. The MS-4 Audit - The MS-4 is an area designated by the DEC critical water sheds. The MS-4 area for the Town is in the Greenwood Lake part of the Town on both the north and south side of the Village of Greenwood Lake. We're required by law to file an annual report on our efforts to prevent illicit discharges, control of construction runoff and educate the public as well as our employees about detecting and preventing discharge to the lake area and streams that feed it. We had our audit today by the DEC and I'm happy to report that we passed with flying colors. There were two or three suggestions on how we can improve our efforts and we'll certainly do that.

4. RT 94 Forum has been reported in the press pretty well, but I just wanted to give people a sense of where I think we go from here. We are completing the environmental impact statement, we being the Town, and that will be done sometime in late December, so that won't be the subject of public comment until sometime in January. At the same time we'll work with the sponsors of the forum to put together another session that would be more of a hands on work session event where people can give some suggestions of what they'd like to see and modify the proposals perhaps.

5. I would also like to wish everyone a Happy Thanksgiving.

6. Supervisors Corner is published in the Warwick Dispatch and the Greenwood Lake News and I want to thank them for publishing it.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2009-244 AUTHORIZATION OF BOND RELEASE – GUARDIAN SELF STORAGE

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to authorize the release of a Landscaping Bond in the amount of \$2,000.00 plus interest to Guardian Self Storage, 210 Kings Highway, Warwick, NY 10990 as per the recommendation of the Planning Board Chairman.

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

#R2009-245 WAIVER FOR INSTALLATION OF OUTDOOR FURNACE – BRIAN ROSS

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution granting a waiver of section 104-6 of the Warwick Town Code to allow the Building Department to issue a permit for the installation of an outdoor wood furnace to Brian Ross, 9 Big Island Rd., Town of Warwick upon the recommendation of the Building Inspector.

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

**#R2009-246 ANNEXATION OF THE LEHIGH AND HUDSON RIVER
RAILROAD PROPERTY INTO THE VILLAGE OF WARWICK**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution pertaining to the proposed annexation of the former Lehigh and Hudson River Railroad property on River Road, Warwick.

WHEREAS, on or about the 3rd day of March 2009, the record owners of Section 43, Block 1, Lot 29.3 located in the Town of Warwick filed a petition with the Village Board of the Village of Warwick and the Town Board of the Town of Warwick, requesting that the above property be annexed into the Village of Warwick. The legal description of the property to be annexed is attached to this resolution as Schedule A and is incorporated by reference to this resolution and to the minutes.

WHEREAS, the Village Board declared lead agency status for the SEQRA review. The proposed annexation petition was reviewed pursuant to SEQRA after it was designated as a Type II SEQRA, and

WHEREAS, upon the SEQRA review, the Village Board entered a negative declaration and found no adverse environmental impact resulting from the proposed annexation, and

WHEREAS, the Town Board concurs with these SEQRA findings and declarations, and

WHEREAS, the Town held a public hearing on the 23rd day of April, 2009 and the Village held its public hearing on June 1, 2009 where all public comment regarding the SEQRA review, adverse environmental impact and mitigation regarding the annexation was considered, and

WHEREAS, all public comment was taken into account and considered by the Town Board, and

NOW, BE RESOLVED THAT, BASED on the above findings, the Town Board of the Town of Warwick hereby approves the annexation of the property heretofore more fully described in this resolution and located in the Town of Warwick to become part of the lands located in the Village of Warwick and all such lands as more fully described herein shall heretofore and forever be located in the Village. All necessary tax maps, amendments, deed amendments and other necessary papers shall be immediately filed with the County by the applicant, at their expense after being given to the Town for review by the Town Supervisor and the Tax Assessor.

BE IT FURTHER RESOLVED that on the 19th day of November, 2009 all of the above by roll call vote:

Roll Call Vote	AYE	NAY
Supervisor Sweeton	aye	
Councilman DeBuck	aye	
Councilman DeAngelo	aye	
Councilman Gerstner	aye	
Councilman Shuback	aye	

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

Discussion: Supervisor Sweeton stated that this is a building that currently exists in the Village of Warwick and part of the property extends into the Town. Simply moving that section that was in the Town into the Village confines and we both agreed that made sense. It would be more valuable as a Village property to the Town then it would be as it is now.

**#R2009-247 AUTHORIZATION OF ESCROW REFUND – WARRICK
FITZGERALD**

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to authorize a refund in the amount of \$1,389.55, the balance of escrow SBL #76-1-40 to Planning Board applicant Warrick Fitzgerald as per the recommendation of the Planning Board Secretary; letter dated November 13, 2009. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

**#R2009-248 AUTHORIZATION OF ESCROW REFUND -
GOLDMAN/RECHTMAN**

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$1,477.30, the balance of escrow SBL #19-1-24 to Planning Board applicants Irit Goldman and Nirit Rechtman as per the recommendation of the Planning Board Secretary; letter dated November 13, 2009.

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

**#R2009-249 AUTHORIZATION OF ESCROW REFUND - MEADOWCREST/
SULLIVAN #2**

Motion Councilman DeAngelo, seconded Councilman Shuback to adopt a resolution to authorize a refund in the amount of \$1,552.25 the balance of escrow SBL #51-1-4.1 to Planning Board applicant Meadowcrest/Sullivan #2 as per the recommendation of the Planning Board Secretary; letter dated November 13, 2009. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

#R2009-250 AUTHORIZATION OF ESCROW REFUND – IBM CORPORATION

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$5,948.75, the balance of escrow SBL #85-1-1.1 to Planning Board applicant IBM Corporation as per the recommendation of the Planning Board Secretary; letter dated November 13, 2009. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

**#R2009-251 REQUEST TO PARTICIPATE – AGRICULTURAL PROTECTION
OVERLAY DISTRICT- SECTION 63 BLOCK 1 LOT 1.1 - SIEGEL**

Motion Councilman Gerstner, seconded Councilman Shuback to adopt the following resolution regarding Request for Participation in the Town of Warwick Agricultural Protection Overlay District:

WHEREAS, the Town of Warwick adopted a Zoning Law, known as the 2002 Zoning Law of the Town of Warwick, adopted January 24, 2002; and

WHEREAS, said Zoning Law contained provisions for an Agricultural Protection Overlay (AP-O) District one of the purposes of which was to recognize and codify the importance of agriculture to the future of the Town of Warwick and the welfare of its citizens; and

WHEREAS, said Zoning Law established an overlay district as shown on the Town of Warwick Agricultural Protection Overlay District Qualifying Area Map parcels which could qualify for the benefits of the AP-O District; and

WHEREAS, Section 164-47.3.B sets forth the applicability of said AP-O District to lands within the Town of Warwick; and

WHEREAS, Paragraph 5 of Section 164-47.3.B. provides for a mechanism for land owners who are within the AP-O District, pursuant to the criteria listed in paragraph B.1, thereof, to apply for the benefits of said district; and

WHEREAS, pursuant to the procedure set forth, the Town of Warwick has received an Application for Participation, on the proper form submitted to the Town Clerk as required, from Mike Siegel, 66 Prices Switch Road, Warwick, NY 10990 for a 12.51 +/- acre parcel known as Section 63, Block 1, Lot 1.1 of the Tax Map of the Town of Warwick; and

WHEREAS, the Town Board has determined that this particular parcel is one of the parcels included in the area shown on the Overlay District Qualifying Area Map and has therefore met the requirements set forth for inclusion in the AP-O District as a participating parcel;

NOW, THEREFORE BE IT RESOLVED, that Tax Map Section 63 Block 1, Lot 1.1 of the Tax Map of the Town of Warwick and belonging to Mike Siegel is hereby declared eligible to participate under the provisions of the AP-O district and is entitled to all the benefits contemplated thereof; and

BE IT FURTHER RESOLVED that an Appendix to the zoning Law be updated to reflect that the above described Mike Siegel parcel shall be considered included as a participating parcel in the AP-O District, and

BE IT FURTHER RESOLVED, that the AP-O Overlay District Qualifying Area Map be so marked to show the above Mike Siegel parcel as a participating parcel within said District.

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

Discussion: Supervisor Sweeton asked the Attorney interest of full disclosure I am an adjacent land owner. Is there any problem with that?

Attorney Hicks stated no sir.

#R2009-252 ACCEPT RESIGNATION OF GREGOR SIROTOF – CONSERVATION BOARD

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to accept the resignation of Gregor Sirotof from the Conservation Board effective November 19, 2009.

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

Discussion: Supervisor Sweeton thanked Mr. Sirotof for his exceptional service on the Conservation Board he's been a great part of that and sorry he's resigning.

#R2009-253 UNPAID WATER AND SEWER RENTS TO THE COUNTY

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to submit the following unpaid water and sewer rents plus penalties to the County of Orange for inclusion in the January, 2010 tax bills:

Bellvale Park Water:	\$ 830.00
Eurich Heights Water:	\$ 2,698.84
Kings Sewer:	\$19,744.49
Pine Island Water:	\$ 2,616.00
West Side Greenwood Lake Water: (Includes Seasonal, Year-Round Flat, Year-Round Metered)	\$18,086.39
Wickham Water:	\$27,434.89
Wickham Sewer:	\$17,815.13

TOTAL \$89,225.74

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

#R2009-254 ADOPT 2010 TOWN PRELIMINARY BUDGET

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to accept the 2010 Preliminary Budget as presented.

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

Discussion: Supervisor Sweeton thanked the Board, all the employees and especially the department heads who cooperated in helping us present a budget that I think is one of the most fiscally responsible budgets present in the County and I want to thank them all for that.

Councilman Gerstner thanked all of the department heads and Michael and the Town Board for all of the hours they put into it.

Councilman DeBuck – I want to thank the Supervisor and Steve Brown our accountant for working so hard figuring out where we could find room to try and save the taxpayers some expenditures. I have one question in regards to the budget and it's a matter of whether or not if we need to have a budget line or is it just something that we do as a Board to establish a community effort to a couple of people to look into whether or not there might be an opportunity to save in regards to 911 and dispatching. Is that something we can do? It seems like there could be some duplication of service there because all calls when you call 911 go to the County 911 center and then get passed over here.

Supervisor Sweeton – I think that in the budget processing we indicated that we need to continue to look for savings at that budget item which is significant and therefore it behooves us to take a hard look at that. The mechanism by which we do needs to be worked out. I personally would think that you would want to bring in some emergency service people and citizens and take a look at it, but we can work out those details.

**#R2009-255 CLEAN-UP EXPENSE LEVIED AGAINST REAL PROPERTY
SBL #72-4-16 – 454 JERSEY AVE., GREENWOOD LAKE**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to submit the following clean up expenses for real property SBL#72-4-16 (454 Jersey Ave., Greenwood Lake, NY 10925) to Orange County for inclusion in the January, 2010 property tax bills.

Payroll Costs	\$556.46
Dump Truck	\$100.00
Diesel Fuel	\$ 9.80
Orange County Landfill	\$262.40
John Hicks, Attorney	\$155.00
Total Charges:	\$1,083.66

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

**#R2009-256 ACCEPT BID – STAINING OF PERGOLA AT THE THOMAS P.
MORAHAN WATERFRONT PARK**

Motion Councilman DeAngelo, seconded Councilman DeBuck to adopt a resolution to accept the bid proposal from Dun-Rite Powerwashing and Painting Inc., 1 Henry Close, Warwick, NY 10990 to stain (hand brushed) three sections of the pergola located at the Thomas P. Morahan Waterfront Park on Windermere Ave. in Greenwood Lake at a cost not to exceed \$800.00.

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

**#R2009-257 AUTHORIZATION TO SIGN AGREEMENT WITH WARWICK
YOUTH ROLLER HOCKEY ASSOCIATION, INC. - PURCHASING
OF FENCE FOR INSTALLATION OF SIDEBOARDS**

Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution authorizing the Supervisor to sign an agreement with the Warwick Youth Roller Hockey Association, Inc. for the purchase of fence for installation of the sideboards at the roller hockey rink at Union Corners Park. The cost plus interest to be borne by the Roller Hockey Association which will be financed for three years. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that the Roller Hockey Association is paying for the paving and the fence at no cost to the taxpayers, so they are paying the interest and everything on that three year note.

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

PRIVILEGE OF THE FLOOR (GENERAL)

No comments were made under the privilege of the floor by the Town Board or the public.

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:02 p.m.
11-19-09 cp.**

Marjorie Quackenbush, Town Clerk