

March 24, 2022

The Town Board of the Town of Warwick held a Public Hearing to Amend Chapter 164 of the Code of the Town of Warwick, "Clarifying Requirements to Join the APO District". Said public hearing was held on Thursday, March 24, 2022 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor opened the public hearing at 7:18 p.m.

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

Attorney for the Town, Jay Myrow

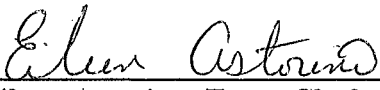
**LEGAL NOTICE:** The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on January 26, 2022.

(Copy of this legal notice is printed at the end of these minutes.)

Supervisor Sweeton – These were mostly some relatively minor changes to the zoning code; some clarifications and I will just go briefly through them. There were some terms defined that had not recently been defined, like agriculture although our zoning is filled with agricultural comments it didn't have a definition and so we did that. Commercial horse breeding operation was defined and a farm operation was defined. We also clarified what live work units are. We have them in certain zones in the town, primarily in the CB Zone but we are adding it to the local hamlet zone as well because we think would make sense. This would be a unit primarily where you live but you could have an office or a small service facility associated with it. In the Table of Uses we noticed that when we had made previous corrections to facilitate development of our office industrial areas, we increased lot coverage for most of the uses and did not for several. We did increase it for hotels and motels, the office industrial zone, the country inn provision, the annual membership club, outdoor entertainment venues, we increased it from 40% to 60% lot coverage to give a little more incentive for businesses to want to locate there and grow a business. We also found some discrepancies in some of the conditions having to do with adaptive reuse of structures. We clarified that agricultural structures for an expansion of the floor area, most expansions in our code allow 15% for agricultural structures we're making that 20% as another way to encourage our farmers to diversify and maintain a profitable venture. Another thing that was pointed out to us was with solar arrays is that the National Electric Code requires a 7' fence when our code prohibits anything over 6' so we are adding that provision so they can have the 7' fence and not have to go to the Zoning Board of Appeals. We tried to clarify in our CB Zone, in our CB Zone when we created it which the only CB Zone is out where Shop Rite and Price Chopper is, we wanted to try to attract or give some incentives for different types of businesses to come, businesses that we didn't prominently have in the area, so we classified them as tier 1 and tier 2. It became a little confusing on the tier 2 businesses what it could be or what the extent of it was, so we tried to clarify that a little bit and we hope that we did. The most significant change as it relates to farm

markets and the APO. The APO is the Agricultural Protection Overlay Zone designed to encourage landowners to go into or keep it in agriculture and it gives them some benefits. One of the benefits is farm markets and while that has been wildly successful for us, we felt we needed to tighten up the requirements a little bit to make it a little clearer for the farmers or potential farmers as well as the Building and Planning Department and we did that. We are going to require for farm markets to file an annual permit because in our code it's required for a farm market or farm stand to have a certain percentage of sales coming from material growing on the farm and another percentage that can be grown in New York. We haven't been diligent in pursuing that but I think it makes sense for us to do that and this will simply be a mechanism by which the farm markets will be able to show us that it is happening. We think that makes sense. We also clarified in the APO criteria what is required, so in another words we've been asking applicants to provide us with a schedule F which is the federal filing you make for your farm operation. We wanted to make that pretty clear in the requirements which it wasn't clear at this point although everyone has been compliant with that, we just want to make sure that it's clear. That's the changes that I have and at this point I will take public comment. I will make note for the record to make zoning changes we are required to send those to our Planning Board for their recommendation and review. I did receive from the Planning Board Secretary on March 17<sup>th</sup> "At the regular Planning Board meeting held on March 16<sup>th</sup> the Planning Board has made a Positive Recommendation to the Town Board regarding the Proposed Introductory Local Law No.3 of 2022." We are also required under General Municipal Law 239 to refer it to Orange County for comments and I have not received their comment back yet and they have 30 days to make a comment. We can not act upon it until the 30 days expires or until we receive the comment. It was sent to them on the 11<sup>th</sup> of March. Our next meeting is April 14<sup>th</sup> which is when we would act on these changes and we would take any written comments on them, so if you have any comments, you can submit them in writing to the Town Clerk for the next 10 days.

**CLOSE PUBLIC HEARING:** Motion Councilman DeAngelo, seconded Councilman Gerstner that the public hearing be closed. Motion Carried (5 ayes, 0 nays) 7:26 p.m.  
03-24-22 CP

  
Eileen Astorino, Town Clerk

**PLEASE TAKE NOTICE** that the Town Board of the Town of Warwick will be holding a Public Hearing to consider Proposed Introductory Local Law No. 3 of 2022 entitled, "Amend Chapter 164 Clarify Requirements to Join the APO District". Said public hearing to be held on Thursday, March 24, 2022 at 7:15 p.m. at the Town Hall, 132 Kings Highway, Warwick, NY or as soon thereafter as the matter may be heard.

A complete copy of the Introductory Local Law is available for inspection at the Clerk's Office and/or the Town of Warwick website, [townofwarwick.org](http://townofwarwick.org).

All interested persons will be given the opportunity to be heard.

DATED: March 16, 2022

**BY ORDER OF THE TOWN  
BOARD OF THE TOWN OF WARWICK  
EILEEN ASTORINO  
TOWN CLERK**