

November 9, 2023

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, November 9, 2023 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 James Gerstner
Councilman Floyd DeAngelo
Councilman Russell Kowal
Councilman Kevin Shuback

Attorney for the Town, Jay Myrow – Absent
DPW Commissioner, Ben Astorino
Police Chief, John Rader

ACCEPTANCE OF MINUTES

1. Regular Meeting- October 26, 2023
2. Public Hearing – October 26, 2023 “Introductory Local Law #7 of 2023 “Consider Exceed the Tax Cap”

3. Public Hearing – October 26, 2023 MS-4 2022-2023 Annual Report
Motion Councilman DeAngelo, seconded Councilman Kowal to accept the minutes as written from the Regular Meeting held on October 26, 2023, the Public Hearing for Introductory Local Law No. 7 of 2023 to Consider Exceeding the Tax Cap held on October 26, 2023 and the Public Hearing for the MS-4 2022-2023 Annual Report held on October 26, 2023. Motion Carried (5 Ayes, 0 Nays)

CORRESPONDENCE:

COLLEEN DOUGHERTY – Muckland Hops, 42 Garden Lane, Pine Island. Email dated October 15, 2023 to the Town Supervisor regarding a Notification to Municipality OCM-06009 of adult-use microbusiness required for applying for an Adult Use Microbusiness in the Town of Warwick.

DENNIS J FERNANDO – HPS 700 d/b/a/ Happiness, 46 Ronald Reagan Blvd., Warwick. Town Clerk received Notification to Municipality OCM-06009 of retail dispensary premises on October 26, 2023.

SHANNON KATTOWSKI – Resident, Town of Warwick. Email dated October 26, 2023 to the Town Supervisor regarding concerns of Rural District Zoning.

MICHAEL DE ROND - Town Clerk, Town of Aurora, Toronto, ON. Letter dated October 30, 2023 regarding Cannabis Retail Applications.

ELIZABETH S. KASE – RuskinMoscouFaltischek, Counselors at Law. Letter dated November 3, 2023 to the Town regarding a revised Notification to Municipality OCM-06009 license application required for applying for an Adult Use Microbusiness in the Town of Warwick.

SCOTT A. DOW – Attorney, Kornfield, Rew, Newman & Simeone. Letter dated November 1, 2023 to the Town Clerk regarding elections at the Pine Island Fire District.

SCOTT A. DOW – Attorney, Kornfield, Rew, Newman & Simeone. Letter dated November 1, 2023 to the Town Clerk regarding elections at the Greenwood Lake Joint Fire District.

BOARD’S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

COMMITTEE REPORTS

DEPARTMENT OF PUBLIC WORKS REPORT

<u>WORK BEING DONE</u>		<u>REASON FOR WORK</u>	<u>LENGTH</u>
CULVERT PIPES	Conklin Rd.	Replace driveway pipe.	24" x 30'
	Continental Rd.	Replace driveway pipe.	15 x 40'
DITCH WORK	Continental Rd.	Ditch sides of roadway.	
TREE WORK	Newport Bridge Rd.	Clean up dead tree.	
POT HOLES	Town wide	Fill with hot mix.	
VEHICLE MAINT.	As needed.		
EMERG. REPAIRS	As needed.		
ROAD SIGNS	Town wide	Replace as needed.	
HAUL MATERIAL	Stock Pile	Haul item #4 and road grit for stock pile.	
WATER DEPT.	Lakeshore Rd.	Replace curb boxes.	

PARKS DEPARTMENT

Union Corners Park	Open	Town
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Mountain Lake Park	Fishing Pond Open	Town
Mountain Lake Park Pool	CLOSED FOR THE SEASON	Town
Town of Warwick Dog Park	Open	Town
Airport Road Park	Open	Town
Cascade Lake Park	Open	Town
Wickham Woodland Park	Open	Town
Wickham Passive Boat Launch	Closed (Re-open April 1, 2024)	Town
Pine Island Park	Open	Town
Thomas P. Morahan Waterfront Park	CLOSED FOR THE SEASON	Village of GWL
Ben Winstanley Park	Open	Village of GWL
Village of GWL Dog Park	Open	Village of GWL

ENVIRONMENTAL CONSULTANTS REPORT

COUNCILMAN DE ANGELO REPORT

1. The Post Report for October 2023 is as follows: Greenwood Lake had 115 calls, the Town outside the Village had 563 calls, Pine Island had 212 calls, the Village of Warwick had 450 calls and the Greenwood Lake Volunteer Ambulance District had 46 calls for a total of 1,386 for the month of October.

Police Chief Rader – We are participating in No Shave November this month. Every officer has to contribute \$100 to get the privilege to not shave for 30 days. The money that we raise and we are taking donations from the public as well is going to one of our officer's family. His 2-year-old daughter had her 2nd major heart surgery just this morning. That money will go towards whatever expenses they have above the insurance and whatever's leftover is going to go for research on her condition. I am encouraging as many donations towards the cause as we can get.

Councilman DeAngelo – What do they have to do to donate?

Police Chief Rader – They can mail a check to the PBA, it's on our Facebook page or Venmo and indicate that it's for No Shave November.

COUNCILMAN DE ANGELO REPORT

2. The Warwick Valley Humane Society is being honored with an award for the new shelter building from the Warwick Chamber of Commerce at their annual Gala Event on November 16th.

3. They are looking for volunteers to provide transportation to and from veterinary offices for local residents in need of assistance with transportation. You need to have a clean drivers license, willingness to use your own vehicles gas and mileage required. Please call 845-986-2473 to sign up to help our community's residents and their pets.

4. They have an upcoming fundraiser Pet Photos with Santa on Saturday, December 2nd and Sunday, December 3rd at the Warwick Valley Humane Society from 12-3 p.m. with a professional photographer, with a hand painted background scenery and free gift for each

pet. Dress up and children are welcome, \$25 for two poses and all proceeds will benefit their homeless pets this holiday season.

5. They have a wish list for Merrick or Natural Balance canned dog food, Pate style canned cat/kitten food, bleach, paper towels, Simple Green, large and small paper plates, heavy duty garbage bags and Equine pine pellet bedding and they have it at Wadeson's Home Center or Tractor Supply.

6. The current shelter count is 23 dogs, 68 cats, 45 kittens, 7 rabbits and 4 guinea pigs for a total of 147 homeless pets that need homes.

7. Town of Warwick Friendly Visitor Program for the month of October the number Of neighbors helped was 25, the number of volunteers helping those neighbors was 22, the total number of services provided by volunteers was 195 and the number of hours provided by the volunteers was 121.

COUNCILMAN KOWAL REPORT

1. I would like to thank the residents of the Town of Warwick for my re-election. I look forward to serving them for the next 4 years, it's always a privilege to do so and I promise I will be there to look out for the best interest of the towns people and thank you for your support.

COUNCILMAN GERSTNER REPORT

1. The DPW has been busy replacing culvert pipes on Conklin Road a 24"X30' pipe and on Continental Road replaced a 15"x40' driveway pipe. Doing ditch work on Continental Road on the sides of the roadway, doing tree work on Newport Bridge Road, filling potholes town-wide with hot mix, and as needed doing vehicle maintenance and emergency repairs, replacing road signs as needed town-wide, hauling item #4 material and road grit for stock pile and the Water Department replaced curb boxes on Lakeshore Road.

DPW Commissioner Astorino – We are in the process of getting ready for the winter season. We installed the plows on the trucks yesterday. Early next week will we install the sanders on the mason dump and the pickups just to be ready for the upcoming season.

Councilman Gerstner – Thank you and thank all the troops for me.

COUNCILMAN SHUBACK REPORT

1. I would like to thank the Warwick Soccer Club because they would like to do more work on the fields at Union Corners Park with the help of the town and one of the local sod farms they are going to put a lot of lime out. If anyone sees it, it's just lime and it's not pesticides or anything like that, but we are going to put out 1,200 pounds of pelletized lime.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

1. FEES COLLECTED – OCTOBER 2023

Interest in Town Clerk's Checking Account	\$6.32
MLP Art Studio	\$2,975.00
MLP Apartments	\$150.00
MLP Dance Studio	\$150.00
MLP Front Building	\$1,500.00
MLP Indoor Theater	\$500.00
MLP Kitchen	\$600.00
MLP Kitchen Per Hour	\$880.00
MLP Lakeside Pavilion	\$500.00
MLP Lodge Dining Hall	\$500.00
MLP Lounge	\$275.00
MLP Recreation Building	\$400.00
MLP Serving Stations	\$30.00
Wickham Woodland Manor Fee	\$250.00
Marriage Officiant One Day License	\$25.00
Copy of Map	\$30.00
Marriage Certified	\$60.00
Returned Check Fee	\$20.00
Photocopies	\$18.25
Photographs	\$10.00
Postage	\$10.00
Special Event Permit	\$50.00
Use of Kitchen Fee – Senior Center	\$100.00
Marriage License Fee	\$367.50
One Day Officiant License	\$25.00
Wagering Fees	\$7.50
Conservation	\$277.78
Dog Licenses	\$1,098.00
Petition For Zoning Change	\$3,750.00
Registrar Town of Warwick	\$360.00
Wickham Woodland Manor Deposit	\$300.00
MLP Deposit Lodge Lounge	\$100.00
Total Local Shares Remitted	\$15,375.35

2. FEES PAID – OCTOBER 2023

NYS Dept. of Health	\$472.50
NYS Ag & Markets for Spay/neuter program	\$138.00
NYS Environmental Conservation	\$5,228.22
State Comptroller Bingo License	\$11.25
Village of GWL Registrar	\$100.00

Village of Warwick for Registrar	\$1,460.00
Total Non-Local Revenues	\$7,409.97

3.

**GREENWOOD LAKE COMMISSION
 MONTHLY MEETING DATES 2024**

January	24	2024	NJ
February	28	2024	NY
March	27	2024	NJ
April	24	2024	NY
May	22	2024	NJ
June	26	2024	NY
July	24	2024	NJ
August	28	2024	NY
September	25	2024	NJ
October	23	2024	NY
November	20	2024	NJ
December	18	2024	NY

January – October is on the 4th Wednesday of each month.




November & December is on the 3rd Wednesday of the month.

NJ Location: The West Milford Library - 1470 Union Valley Rd, West Milford, NJ 07480

NY Location: The Senior Center – 132 Windermere Ave, Greenwood Lake, NY 10925

* Dates Subject to Change

4. General Election: November 7, 2023 Unofficial Results – Please check the Orange County Board of Elections website orangecountygov.com for updated results.

Warwick Supervisor / Supervisor		<input type="checkbox"/> Vote Method	<input type="checkbox"/> Follow	<input type="checkbox"/> Collapse
Candidate		Percentage	Votes	
Jesse P. Dwyer Republican		82.10%	3,464	
Jesse P. Dwyer Conservative		16.43%	693	
Write-in		1.47%	62	

Warwick Town Justice / Juez Municipal

Vote Method Follow Collapse

Candidate	Percentage	Votes
Elizabeth K. Cassidy Democratic	42.92%	2,626
Karen A. Amundson Republican	45.96%	2,812
Karen A. Amundson Conservative	7.57%	463
Elizabeth K. Cassidy Working Families	3.50%	214
Write-in	0.07%	4

Warwick Council Member / Miembro del Concejo

Vote Method Follow Collapse

Candidate	Percentage	Votes
Thomas A. Mattingly Republican	40.93%	3,184
Russell J. Kowal Republican	41.21%	3,206
Thomas A. Mattingly Conservative	8.56%	666
Russell J. Kowal Conservative	8.51%	662
Write-in	0.78%	61
Write-in	0.00%	0

Warwick Receiver of Taxes and Assessments / Recaudador de Impuestos y Valoraciones

Vote Method Follow Collapse

Candidate	Percentage	Votes
Ana B. Kanz Republican	82.68%	3,404
Ana B. Kanz Conservative	16.78%	691
Write-in	0.53%	22

State Supreme Court Justice / Juez de la Corte Suprema del Estado

Vote Method Follow Collapse

Candidate	Percentage	Votes
Larry J. Schwartz Democratic	10.26%	16,600
Rolf M. Thorsen Democratic	9.96%	16,113
Francesca E. Connolly Democratic	11.30%	18,278
Charley Wood Democratic	10.32%	16,691
John Ciampoli Republican	12.14%	19,645
Susan M. Sullivan-Bisceglia Republican	12.48%	20,196
Karen A. Ostberg Republican	12.55%	20,309
John A. Sarcone III Republican	13.01%	21,056
Francesca E. Connolly Conservative	2.19%	3,541
Larry J. Schwartz Conservative	1.89%	3,059
Rolf M. Thorsen Conservative	1.74%	2,814
Charley Wood Conservative	2.07%	3,349
Write-in	0.00%	2
Write-in	0.00%	1
Write-in	0.00%	1
Write-in	0.09%	147

County Court Judge / Juez de la Corte del Condado

Vote Method Follow Collapse

Candidate	Percentage	Votes
Richard Guertin Republican	78.99%	24,620
Richard Guertin Conservative	20.33%	6,336
Write-in	0.68%	213

Family Court Judge / Juez de la Corte Familiar

Vote Method Follow Collapse

Candidate	Percentage	Votes
James M. Hendry III Republican	78.57%	23,859
James M. Hendry III Conservative	20.75%	6,302
Write-in	0.68%	205

Proposal number one, an Amendment / Propuesta número uno, una Enmienda

Vote Method Follow Collapse

Candidate	Percentage	Votes
Yes	58.13%	25,340
No	41.87%	18,252

Election districts reporting 335/335 as of 14 minutes ago

[View results by election district](#)

Proposal number two, an Amendment / Propuesta número dos, una Enmienda

Vote Method Follow Collapse

Candidate	Percentage	Votes
Yes	59.64%	25,699
No	40.36%	17,393

Councilman Gerstner – They are unofficial results. The official results will come after they check all of the absentee ballots, recanvass all of the sites and then the Commissioner will verify and put the official results out there.

SUPERVISOR REPORT

1. Saturday the 11th is Veterans' Day and it's our opportunity to say thank you to all of the men and women who have served in our armed forces. The Village of Warwick will have a parade starting 11:00 a.m. at High Street down Main Street to Railroad to South to Park and then to Memorial Park for a ceremony. The Village of Greenwood Lake will hold a ceremony at 11:00 a.m. at the American Legion and the Village of Florida will hold a ceremony at their Memorial on Main Street. If you can take a few moments on that day and come out and thank a Veteran that would be great, we owe them a lot.

2. Tree Lightings are coming up and the holidays are rapidly approaching us and I just want to point out that the Village of Warwick lights their tree at Lewis Park on November 24th the Friday after Thanksgiving at dusk. The Village of Greenwood Lake is having a holiday celebration on November 25th at noon and it goes until they light the tree in Ben Winstanley Park this year and the Village of Florida will be lighting their tree in front of Village Hall on December 2nd.

3. The Warwick Valley Rotary will be holding a Coat Drive and they have a bin out here in our lobby. If you have a coat that's in good shape and you would like to donate it and help someone stay warm this winter and it will be from Oct 20th to Nov 20th

4. The Repair Café is going to be on Nov 18th at the Senior Center behind us from 10:00 a.m. until 2:00 p.m. That is where you can bring things that may not be working right and might need simple repairs. They do jewelry, some clothing, knife sharpening, electronics, bicycles, appliances and the only cost is if they need parts to repair it and donations are welcomed.

5. The journal entries I did confirm them with the Comptroller this month and they were all in order and that's for the Boards information. Again, I want to thank the Board for their work on the budget I really appreciate that.

6. Supervisors Corner is published each week in the Warwick Dispatch, with excerpts printed in the Warwick Advertiser.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

Councilman Gerstner – One comment I have for you and Steve also, for doing a great job always on the budget. Lastly on the Village of Warwick Tree Lighting the Warwick Fire Department decorates the tree for that.

Supervisor Sweeton – Correct, that's their show but it's in the village.

NEW BUSINESS:

#R2023-391 PROCLAMATION – SMALL BUSINESS SATURDAY

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution:

Whereas, the government of Warwick, New York, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 31.7 million small businesses in the United States, they represent 99.7% of firms with paid employees, and they are responsible for 65.1% of net new jobs created from 2000 to 2019; and

Whereas, small businesses employ 47.1% of the employees in the private sector in the United States, 88% of U.S. consumers feel a personal commitment to support small businesses in the wake of the pandemic, and 92% of small business owners have pivoted the way they do business to stay open during the pandemic; and

Whereas, 97% of Small Business Saturday® shoppers recognize the impact they can make by shopping small, 85% of them also encouraged friends and family to do so, too; and

Whereas, 56% of shoppers reported they shopped online with a small business on Small Business Saturday in 2020; and more than 50% of consumers who reported shopping small endorsed a local business on social media or shopped at a local business because of a social media recommendation; and

Whereas, Warwick, New York supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

Whereas, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, Therefore, I, Michael P. Sweeton, Supervisor of the Town of Warwick, New York do hereby proclaim, November 25, 2023, as:

SMALL BUSINESS SATURDAY

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Motion Carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that he knows the merchant's guild in the Village of Warwick and I'm assuming the other villages as well are really promoting it as well, to come out on that Saturday after Thanksgiving and support. There are discounts and giveaways going on as well.

#R2023-392 AUTHORIZATION TO SIGN AGREEMENT WITH THE VILLAGE OF FLORIDA – CONTROL OF SNOW AND ICE ON GLENMERE AVENUE

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to authorize the Supervisor to sign an agreement with the Village of Florida for the 2023-2024 control of snow and ice on Glenmere Avenue for the sum of \$4,000.00.

Motion Carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this is a small section of town road between the Town of Chester and the Village of Florida and it makes complete sense to pay them to do it.

#R2023-393 AMEND#R2023-336 ADOPT LOCAL LAW NO. 6 OF 2023 LOCAL LAW NO. 6 OF 2023 FORMING A SPECIAL DISTRICT, PURSUANT TO ARTICLE 12-A OF TOWN LAW, ENTITLED "CREATE HILLSIDE WATER DISTRICT".

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to amend resolution #R2023-336 Adopt Local Law No. 6 of 2023 Local Law no. 6 of 2023 forming a Special District, pursuant to Article 12-a of Town Law, entitled "Create Hillside Water District" to add SBL # 55-1-92.1

A copy of the map entitled "Hillside Water District" dated April 27, 2012, prepared by Leggette, Brasheurs, & Graham, Inc. Engineering is on file at the Orange County Clerk's Office.

This resolution is subject to a permissive referendum.

ROLL CALL VOTE:

Names	Ayes	Nays	Abstain	Absent
Supervisor Sweeton	X			
Councilman DeAngelo	X			
Councilman Kowal	X			
Councilman Gerstner	X			
Councilman Shuback	X			
TOTAL	5	0	0	0

Motion Carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this was a parcel just off the side of the district which wasn't clear it was in the district until we confirmed with our water operators.

#R2023-394 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH M&R ENERGY FOR ELECTRIC POWER PURCHASE

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution authorizing the Supervisor to sign an agreement with M&R Energy for electric power purchase for a twelve (12) month period effective October 31, 2023.

Motion Carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

#R2023-395 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH WARWICK VALLEY PILOTS ASSOCIATION

Motion to adopt a resolution authorizing the Supervisor to sign an agreement with Warwick Valley Pilots association, the Fixed Base Operation, of the Town's Municipal Airport extended the lease to 2038.

This resolution is subject to a permissive referendum.

ROLL CALL VOTE:

Names	Ayes	Nays	Abstain	Absent
Supervisor Sweeton	X			

Councilman DeAngelo	X			
Councilman Kowal	X			
Councilman Gerstner	X			
Councilman Shuback	X			
TOTAL	5	0	0	0

Motion Carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that they have operated this airport for the Town of Warwick for 40 or 50 years at this point and they run it very well, manage it well and take care of it, so I think it makes sense for us.

**#R2023-296 AUTHORIZATION TO SIGN MUNICIPAL AGREEMENT AND SUB
RECIPIENT AGREEMENT IN CONNECTION WITH THE F/Y 2023
COMMUNITY DEVELOPMENT BLOCK GRANTS**

Motion Councilman Gerstner, seconded Councilman Kowal to adopt the following resolution:

RESOLVED, that the Supervisor be, and hereby is, authorized and directed to execute and deliver, on behalf of the Town of Warwick, a Municipal Agreement for F/Y 2023 Community Development Block Grants with the Orange County Office of Community Development.

FURTHER RESOLVED, that the Supervisor be, and he hereby is, authorized and directed to execute and deliver, on behalf of the Town of Warwick, a Sub Recipient Agreement for F/Y 2023 Community Development Block Grants with Winslow Therapeutic Center.

FURTHER RESOLVED, that the Supervisor be, and he hereby is, authorized and directed to take all actions, and execute all instruments, reasonably necessary, appropriate or desirable to implement the purpose and intent of the forgoing resolution.

Motion Carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**#R2023-397 RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WARWICK
AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY
OWNED BY NY HEMP SOURCE, LLC, AGREEMENT BY THE TOWN
TO DEDICATE THE PURCHASED REAL PROPERTY AS TOWN
PARKLANDS AND ALIENATE OTHER TOWN LANDS, AND
AUTHORIZATION TO ESTABLISH ACCOUNT H34 IN THE TOWN
ACCOUNTS**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution:

WHEREAS, the Warwick Valley Local Development Corporation (the "LDC") owns a certain parcel of land, Town Tax Parcel Section 46- Block1, Lot 39.21, a portion of which is described in Schedule "A" annexed hereto (the "LDC Property") and has received a certified land appraisal reporting the value of the LDC Property to be \$1,410,000.00; and

WHEREAS, The Town of Warwick (the "Town") owns land a portion of Town Tax Parcel Section 46, Block 1, Lot 39.222 which is described in Schedule "B" annexed hereto (the "Town Property") and has received a certified land appraisal reporting the value of the Town Property to be \$400,000.00; and

WHEREAS, the LDC and Town Property is encumbered by a reverter clause set forth in a deed dated February 26, 2014, recorded in the Orange County Clerk's Office at Liber 13726, page 986, from the New York State Urban Development Corporation (the "UDC") to the Town of Warwick; and

WHEREAS, NY Hemp Source, LLC (the "LLC") owns improved real property, a portion of Town Tax Parcel Section 46- Block1, Lot 35 which is described in Schedule "C" annexed hereto (the "LLC Property") and has received a certified land appraisal reporting the value of the LLC Property to be \$320,000.00; and

WHEREAS, the LDC and Town have agreed to sell the LDC Property and the Town Property to the LLC for Full Market Value (FMV) if the LLC will sell the LLC Property to the Town for replacement parkland, and the LLC has agreed to purchase the LDC Property and Town Property at that combined fair market value price on the condition that the said reverter clause be released of record as an encumbrance on the title of the LDC Property and the Town Property, and that the LLC convey title of the LLC Property to the Town as parkland; and

WHEREAS, State of New York Legislature has enacted legislation authorizing the above referenced transaction specifically, and therefore a release of the reverter clause on the conditions that the Town dedicate the sum of \$1,500,000.00 as funds to be used by the Town solely for the purchase and/or capital improvements of Town parklands, and that the Town receive from the LLC the LLC Property forever dedicated as Town parkland; and

WHEREAS, the LDC shall apply for judicial approval and consent to dissolve after the aforesaid closing of sale to the LLC and turn over to the Town all of its remaining assets including cash of at least \$1,500,000.00 that the Town shall dedicate and segregate as general funds to be used by the Town solely for the purchase and/or capital improvements of Town parklands.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Town Board authorizes the Town Supervisor to execute a contract of sale with the LLC, subject to review by the attorney for the Town, for the purchase of the LLC Property forever dedicated as Town parkland, said contract being conditioned upon the LDC completing the sale of the LDC Property to the LLC on the terms and

conditions set forth in this Resolution, and the LDC receiving judicial approval to dissolve and turn over to the Town at least \$1,500,000.00 pursuant thereto; and

2. The Town Supervisor or his designee is authorized to execute all necessary documents to effectuate the purchase of the LLC Property and the alienation of the Town Property and the LDC Property; and
3. The Town Board authorizes the Town Supervisor to establish a capital fund designated as H34 in the Town's Accounts to receive \$1,500,000.00 from the LDC, to be forever designated as funds to be used by the Town solely for the purchase and/or capital improvements of Town parklands.
4. This resolution is subject to a permissive referendum pursuant to Town Law Article 7.

ROLL CALL VOTE:

Names	Ayes	Nays	Abstain	Absent
Supervisor Sweeton	X			
Councilman DeAngelo	X			
Councilman Kowal	X			
Councilman Gerstner	X			
Councilman Shuback	X			
TOTAL	5	0	0	0

Motion Carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly

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

PRIVILEGE OF THE FLOOR (GENERAL)

Shannon Folino Kattowski – I wrote an e-mail to you Mr. Sweeton in regards to concerns that I had with the rural district for the revelation of accessory buildings accessory structures. I think you all would know better than I would, but just from my time being here I think the code that's been out there a lot of people haven't tried to evade it or take advantage of what the clear intent is, but I think now as more people are coming to Warwick, we're seeing more and more people try to get creative with the intent of the code. When you look at the rural districts, they are very clear, small in nature for the most part with an attached garage, shed, garden house, a pool and part of it is the regulation of the different sizes and setbacks related to them, but I think there's a need for more uses. There are people who want pool houses and party barns or whatever you whatever you want to call them. The reality is those type of structures are actually a lot more of an intense use than something

that is just a shed or garage that is meant for storage purposes. Having a shed 5' off of the property line isn't a big deal probably, but if you have a very large multicar garage that also has space for your friends to come and party that's a little bit of a different story there. Right now, the way the code is written it really leaves it pretty vague and ambiguous and I think there's a little too much room for interpretation there. As a resident when I purchased my property and I'm a civil engineer by trade so I know a lot about zoning and when we got our title report back, we had a deed restriction for being in the Ridgeline Overlay District. I went through a whole zoning review of my property and I was able to understand what is and isn't allowed on my property. I'm in a situation right now where there's an application that will really impact us right now and it's put a lot of stress on us just trying to research and convey the point across in what we believe your intent to be. That's nothing to do with why I'm here, I'm not asking anyone on this Board to provide any input on this application that's going through right now. That's just how it came to my attention being in a situation even though how my situation works out I want no one else in the town to have to go through what my husband and I have gone through over the past couple of months. I wrote in the e-mail very detailed information of different situations in different areas and I also went through and looked at a couple other codes from surrounding towns and different ways they regulate accessory structures. If you want to be 5 feet off of the property line maybe it has a 15 feet maximum height and a smaller footprint if you want it to be taller, larger building with a little bit more of an intense use then it defies by the principle building setbacks. Those are just examples and fair things to consider looking into. The other thing is and I'm not sure you're the right place to start here with this.

Supervisor Sweeton – I didn't answer you because I wanted to read the ZBA minutes because I think we have clarified in our minds and I'm not speaking for the ZBA because I don't have that ability. I think we did clarify that our code actually restricts the accessory building to a certain size, which in the past has been interpreted a little more liberally. The ZBA as you know always has the ability to grant a variance on those things, but I think that's one of the things this Board or future Board will have to clearly articulate in the zoning code to show that, but I think we have arrived at that conclusion that in the past we may have misinterpreted that number. That's why I didn't answer you right away. I wanted to read those minutes and they didn't get into that discussion. They had more of a discussion on that particular unit and whether something was a carport or not a carport.

Shannon Folino Kattowski – I think they will elaborate more on that.

Supervisor Sweeton – I think they are having another meeting, right?

Shannon Folino Kattowski – Yes.

Supervisor Sweeton – I'm hoping that they then articulate what we now have realized. I agree with you, the code was passed and it has been updated multiple times, but it was passed in 2002. Maybe back then people weren't coming here and building as grand accessory buildings as they sometimes do now. There does have to be some work and this is the Board that would actually do that work on the zoning. They would have to make amendments to the zoning code.

Shannon Folino Kattowski – I think one of the other things you just reminded me of when you were answering that. There is a clearly defined maximum square footage for zoning, which you said a lot of people have come before for going in excess of that. I'm not here to say that I don't think should be allowed to do that. As a homeowner or property owner I do believe you should, within reason be able to do what you want on your property, but I think the challenge that was really brought to us was the fact that it's not very clear what areas inside the accessory buildings really count. Do basements in an accessory structure count? Do garages in an accessory structure count? In my mind an accessory structure is a garage, so how are you not going to include that area in an accessory building? The way it's miscued in the code might leave a window open for someone to make that interpretation and that was my concern and like you said maybe there's some work to be done to make it clearer. My biggest issue is this issue falls on the neighbors and that creates bad tension between people in the community and we don't want that. If the code was a little bit clearer then it would put less responsibility on adjacent property owners or homeowners themselves and put the responsibility on the boards that you all serve on or your peers here you serve on. That was really the majority of it like I said in the e-mail.

Supervisor Sweeton – You laid it out, it was pretty lengthy.

Shannon Folino Kattowski – These are just packets from a bunch of different towns.

Supervisor Sweeton – If you could give us those that would be super, thank you so much and thanks for coming. I will respond to that e-mail now that I read the ZBA.

Shannon Folino Kattowski – What's the process moving forward?

Supervisor Sweeton – The Board will have to initiate and we do this periodically. There are things that come through the Planning Board that they discover something that's not clear. We have a hearing next week on a couple of minor changes that need to get made, so that the process. Normally we accumulate a few of those before because it's done by a local law so there's a process and a hearing. I would say that would be added to the list of things and hopefully we can clarify it, but again you're aware the ZBA is a semi judicial body that's independent that's a place for you to go for relief if you have an issue or anybody has an issue. Hopefully they make those decisions that are correct and I think that's what they're trying to do when I read the lengthy discussion they had.

Shannon Folino Kattowski – I think the challenge of the Zoning Board is that they are made up of people that are not necessarily technical people. You don't have the Town Engineer or the Building Inspector sitting on that Board, so you are relying on the people coming before you to be honest and forthcoming in what they are doing. I think in our experience that hasn't been the case and that's where my fear comes from and that's where my desire to have improvements to the code and maybe requirements of what has to be given to the Zoning Board because if it wasn't for us, I don't necessarily know if the Zoning Board would have gotten to where we got to and it's not their fault at all because again there are only certain things, they are required to be handed in. For example, they only have to hand in a

site plan, they don't have to hand in floor plans necessarily, so the Zoning Board is now relying on the Building Inspector denial to detail out what's in the application and if there's any oversites or things missed there's no second fallback to bring that up. It's just relying on the architecture.

Councilman Shuback – The Building Inspector will go back out there and check everything.

Shannon Folino Kattowski – If the Building Inspector isn't flagging certain areas not being counted then there's no one else there to flag that, you're just relying on that.

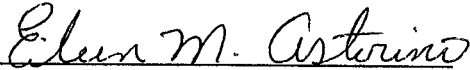
Councilman Shuback – The boys doing their job.

Shannon Folino Kattowski – Yeah.

Supervisor Sweeton – All right, thank you so much, I appreciate it.

Shannon Folino Kattowski – Thank you.

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried Motion carried (5 ayes, 0 nays) 8:25 p.m.
11-09-23 CP.**


Eileen Astorino, Town Clerk