

November 16, 2023

The Town Board of the Town of Warwick held a Public Hearing to Amend Chapter 164 of the Code of the Town of Warwick, "Creating a Sanfordville Road Senior Housing District and Other Minor Modifications". Said public hearing was held on Thursday, November 16, 2023 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor opened the public hearing at 7:15 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

**LEGAL NOTICE:** The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on November 1, 2023.

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

Supervisor Sweeton – The public hearing is to entertain a petition we received and we actually have in our code a provision called "The Senior Housing Floating Zone", that can be called down on a piece of property if it's so warranted. We have had a petition to do so on a parcel of land on Sanfordville Road and we'll hear about that tonight and there were a couple of other minor changes. The State of New York in its wisdom in the cannabis realm has created something called a Micro Business, which would allow small entrepreneurs to do a complete grow/sell business, because the State of New York has declared cannabis to be an agricultural product. Under our zoning code it would allow these micro businesses in any zone in the town. We do not think that's wise. We think it should be restricted to the Agricultural Zone and the Industrial Zone and not in the Residential Zone. That is a change that we will be able to make tonight as well. The main change is the petition to the town to bring down the Senior Housing Floating Zone. This will be the first time since the code was adopted in 2002 that anyone has ever had the courage to want to do this and provide affordable housing for our senior citizens in the town. We are excited about that potential, it's a two-step process, the Town Board would have to bring the zone down on the parcel and then the applicant would go to the Planning Board for a full project review and approval. So, all the entertainment of this tonight is simply whether the town should bring down that zone. I will ask for a short presentation by a representative of the petitioner and just give us your name for the record.

Maximilian A. Stach – I am here tonight on behalf of my client Minas Michaelian who owns the property on Sanfordville Road under the MGF Corporation. I am a partner at Nelson Pope Voorhis located at 156 Route 59 in Suffern New York and I am a member of the American Institute of Certified Planners. Mr. Michaelian bought this property in 1987 and at that time the property was farm fields and it consists of 71.90 acres, it's directly across the street from Sanfordville Elementary School and approximately 2,000 feet north

of the intersection with Route 94. The notable feature of this particular property is that there's approximately 33 acres of fresh water wetlands that corresponds with the Wawayanda Creek. The area surrounding it as you know is an area of agritourism in the town; you have Pennings Farm, Ochs Orchard, you have the Maskers Orchard, Sweetman's Farm all in that area of town. With that in mind when my client was looking at what is permitted as of right and by special use permit in this area, which is zoned for Office Industrial he was a bit concerned that it wouldn't really go with the overall feel of the area and it had the potential to be disruptive to the school across the street. The types of things that are allowed there are motor vehicle repairs, lumber sawmills, hotels, drive-in theatres, eating/drinking establishments, mining and some of the larger scale uses. In terms of some of the smaller scale retail that you can pursue they didn't have the drive-through traffic on Sanfordville Road like you have on Route 94, so it wasn't like to be well suited for that. The property itself despite having been farmed before is not prime farmland, there are some small areas of soils of statewide significant, but those areas are mapped in that fashion, but frankly they are too steeped to be farmed. It's not important farmland so he was considering what would the town benefit from that location. He is a developer of senior housing, by profession he is an engineer. He has acquired property over the years and he's done a few projects over the years down on Long Island. He likes to do senior housing not affordable by subsidy of the State, which is what you have here sometimes in the village, but a midmarket project that by its own virtue is affordable. It's reasonable, it's not extravagant and because of that it tends toward affordability. The property itself is in the Agricultural Protection Overlay, the Aquifer Overlay and the Biodiversity Conservation Overlay and most of that is due to the fact that you have the Wawayanda Creek there and it is sensitive to wildlife. That is another reason why it's not well suited for its current zoning status of Office Industrial. Mr. Michaelian and we feel that a senior housing development that is clustered onto the area of the project north of the site maintaining at least a 100' buffers from the wetlands at all points. It's probably the best development to move forward with, we are therefore asking that the Senior Housing Floating Zone be applied to this property. We have laid out a map of the concept development to show how we would build what we are proposing which is 95 units of senior only housing, so those over 55. One thing we wanted to know however is that we would intend if you do land this zone working with the town, particularly the Town Planning Board to make sure what we are building is right to the character of Warwick. This is because this is what the plan says we have to give you, but really, we're looking to get a lot of feedback about what's appropriate. The Comprehensive Plan talks about Warwick Grove and traditional neighborhood development as being the preferred form of development in the future and he would love to build something like. Our product is exclusively multifamily rentals, but if we can capture the look and feel that's appropriate for Warwick that is something that Mr. Michaelian is open to. Lastly, I just want to say when we laid out our yield plan which is something the code requires you to do as a basis of coming up with the number of units. I think we ended up figuring out that we could build 13 maybe 14 single family homes that gets you with senior housing 5 to 1 ratio it's 70 units. That would be very difficult for us to make it work, so we were considering what we could provide to the town as an inducement for a few more units. We're looking to get 25 additional to get up to 95 and what would be offered is Mr. Michaelian since he's not doing

a subsidy with the State would be able to do a 10% rent discount for existing residents of the Town of Warwick, the school district and Emergency Services employees. Again, because it's not senior subsidy he's allowed to do that. Additionally, we are going to maintain a 100' buffer from all wetlands and cluster the entire development on approximately 18 acres. You have the 71.90 acres and we're going to leave about 50 of it in its native condition as it is today. Lastly, I did some research and I found an article in the Warwick Advertiser about 10 years ago the Sanfordville area having some issues with its well and they had to truck in some water. It brought up the idea that maybe there's an opportunity since we have to build a well here to support 95 units that, that could also be offered to the town excess capacity in case the town needs that water in this area for whatever reason include if that school should need different well water. We are looking at how to handle the wastewater in this area, there are different options, but it's our hope that when we do whatever we arrive at that we have excess capacity that we also can offer to the town. That's a benefit, whether it's the schools if they need to come offline of whatever their system is now or if the town wants to build something in that area. Lastly, I just want to point out that the Floating Zone doesn't currently have provisions for it to be landed in the OI District. In addition to what we are asking tonight in order to change the map to senior housing, we're asking you also to put in a provision in there that assigns a certain density to the OI, relative to what the area directly to the west, which is the Medium Density Single Family would allow.

Supervisor Sweeton – Suburban Medium Density, correct. Thank you.

Maximilian A. Stach – Thank you.

Supervisor Sweeton – Before I open it up for the floor, just some clarifications. The reason why that's an OI Zone back in the 70's when the town was looking at zoning, the concept was you would put industrial lands near railroads, because the railroads were going to be the drivers for industry and it didn't pan out. The town has office industrial lands scattered around near the railroads, but it's really not conducive to the uses of the Office Industrial Zone. Plus, the fact that Sanfordville Road is primarily used by the students, the schools and the teachers it's not really conducive to a lot of truck traffic and as the gentleman pointed out the industrial uses there would really not be that conducive. The Town Board under our ordinance does have that ability to grant additional density that the petitioners asked for, for benefits. I think the Board is receptive to hearing that our residents would get a discount on a rental and also, I understood that the petitioner is also going to allocate units for the residents, that's important to us. For those who are listening it won't be like a Liberty Green which is a subsidized housing or it won't be like Warwick Grove which is a high-end housing, but it will be very tasteful housing as we understand it the examples that have been presented to us. We rely on our Planning Board which is a very diligent Planning Board to ensure that it fits with the harmony of the neighborhoods. Under our code we are required to forward these local law changes to not only to our Planning Board for comments and review, but also the County Planning Department and I did receive a letter from the County Planning Department that was issued that the department received the local law and found no evidence that the significant municipal or

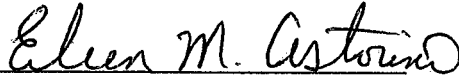
countywide impacts and that it would be a local determination, so we met those criteria. We also received from our own Warwick Planning Board because they're the planning experts and we won't want to bring this zone down if their view of it initially is that it doesn't make any sense. We did get a very extensive 8-page letter from them where they reviewed the proposed changes and specifically focusing on the Senior Housing Zone. In the letter dated November 6<sup>th</sup>, which they approved last night at their meeting that the Planning Board supports the adoption of the amendments to the Code of the Town of Warwick is set forth in the draft local law. We've met our requirement under our code for the review by both of those bodies. At this point I would open it to anyone that wants to comment and if you do, please come forward and give us your name. seeing no public comments is there any from the Board?

Councilman Gerstner – It seems like a good plan and it's needed. I think it's a good idea.

Councilman DeAngelo – I agree with him.

Supervisor Sweeton -Just as a last note Governor Hochul had a big effort last year to have New York address its shortage of housing needs. We know there is a need for seniors who maybe want to leave their home who've been here their whole life but they don't want a big house anymore. To offer them some accommodations to stay in the community that they worked so hard to be a part of. I think from a perspective of our Board we are favorable to this. We won't make a decision tonight, that will go to the December 14<sup>th</sup> meeting and we will take public comments for the next 10 days as proposed.

CLOSE PUBLIC HEARING: Motion Councilman DeAngelo, seconded Councilman Gerstner that the public hearing be closed. Motion Carried (5 ayes, 0 nays) 7:32 p.m.  
11-16-23 CP

  
Eileen Astorino, Town Clerk

## NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Warwick will hold a public hearing at 132 Kings Highway, Warwick, New York, on November 16, 2023 at 7:15 P.M. to afford all interested parties the opportunity to be heard regarding Introductory Local Law No. 8 of 2023 entitled "Introductory Local Law no. 8 of 2023 entitled "Petition for an Amendment to Chapter 164 (zoning law) Creating a Sandfordville Road Senior Housing District and other minor modifications". A copy of the proposed Local Law is available for review in the Town Clerk's Office at 132 Kings Highway, Warwick, NY 10990 or on the town website, [townofwarwick.org](http://townofwarwick.org).

All interested persons will be given the opportunity to be heard. All written comments must be received by the Board at or prior to the public hearing.

DATED: November 1, 2023

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF WARWICK  
EILEEN M. ASTORINO  
TOWN CLERK