

AGENDA – TOWN BOARD MEETING
January 19, 2023
7:30pm

REGULAR MEETING:

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

ACCEPTANCE OF MINUTES

1. Regular Meeting- December 30, 2022
2. Re-organizational Meeting- January 2, 2023

CORRESPONDENCE:

HEATHER MORSE - Director of Civil Service, Orange County Dept. Of Human Resources. Email dated January 10, 2023 regarding World Trade Center Sick Leave Reimbursement Program. By January 31, 2023, participating entities with reimbursable claims prior to December 31, 2021, must submit an invoice to the Office of General Services Business Services Center (BSC) at accountspayable@ogs.ny.gov with a cc to Chapter273Laws2017@cs.ny.gov.

ALAN J. SORENSEN – AICP, Commissioner. Memo received January 9, 2023 regarding referral of certain municipal permits and actions to County Planning as per NYS General Municipal Law §239 1, m & n

REPAIR CAFÉ – The next Repair Café will be held on Saturday January 21st from 10am – 2pm in the Town Senior Center located at 132 Kings Highway Warwick.

DEBORAH A. YOUNG – Member, Friends of Cascade Lake. Email dated January 18, 2023 to the Supervisor commending the volunteers, police, humane society, EMS and Fire department regarding the rescue of two dogs at Cascade Lake that had fallen through the ice.

BOARD’S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

COMMITTEE REPORTS

DEPARTMENT OF PUBLIC WORKS REPORT

Ditch Work	Iron Mountain Rd.	Clean trench drain & ditch
	Nelson Rd.	Clean trench drain & ditch
Brush	Belcher Rd.	Brush roadsides
	Old Mt. Peter Rd.	Brush roadsides
	Continental Rd.	Brush roadsides
Pot Holes	Town wide	Fill with cold patch
Vehicle Maint.	As needed	
Road Signs	As needed	
Haul Material	Greenwood Lake Stockpile	Haul sand/salt mix to GWL
	Stockpile	Haul road grit to stockpile

PARKS DEPARTMENT

Union Corners Park	Open (Bathrooms Closed)	Town
Mountain Lake Park	Open	Town
Town of Warwick Dog Park	Open	Town
Airport Road Park	Open (Bathrooms Closed)	Town
Cascade Park	Open	Town
Wickham Woodland Park	Open	Town
Wickham Passive Boat Launch	Closed	Town
Pine Island Park	Open (Bathrooms Closed)	Town
Thomas P. Morahan Waterfront Park	Beach Closed	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

COUNCILMAN KOWAL REPORT

COUNCILMAN GERSTNER REPORT

COUNCILMAN SHUBACK REPORT

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

*** REMINDER * The Town Clerk's office will be closed to the Public on Tuesday, January 31, 2023 and Wednesday, February 1, 2023 for the purpose of Records Retention. The office will re-open for regular business on Thursday, February 2, 2023 at 8:30am. Please accept our apologies for any inconvenience caused.**

1. FEES COLLECTED – DECEMBER 2022

Interest in Town Clerk’s Checking Account	\$1.94
Wickham Woodland Manor Fee	250.00
Marriage Certified	110.00
Photocopies	\$59.75
Photographs	\$200.00
Postage	\$0.57
Special Event	\$25.00
Use of Kitchen – Sr center	\$50.00
Dog Impoundments	\$250.00
Marriage License Fee	\$105.00
Bell Jar Permits	\$10.00
Conservation	\$31.78
Dog Licenses	\$1,159.00
Registrar Town of Warwick	\$480.00
Wickham Woodland Manor Deposit	\$300.00
Total Local Shares Remitted	\$3,673.04

2. FEES PAID – DECEMBER 2022

NYS Dept. of Health	\$135.00
NYS Ag & Markets for Spay/neuter program	\$151.00
NYS Environmental Conservation	\$1,969.22
State Comptroller Bell Jars	\$15.00
Village of Florida for Registrar	\$20.00
Village of Greenwood Lake for Registrar	\$150.00
Village of Warwick for Registrar	\$1,310.00
Total Non-Local Revenues	\$3,750.22

3. TOWN CLERK 2022 ANNUAL REPORT

ANNUAL TOWN CLERK REPORT 2020			
	<u>2022</u>	<u>2021</u>	<u>2020</u>
Interest in Town Clerk Checking	\$7.00	\$1.07	\$8.79
Wickham Woodland Manor Fee	\$6,300.00	\$3,750.00	\$2,550.00
Wickham Lake Permit Fee Resident	\$380.00	\$540.00	\$540.00
Wickham Lake Deeded Rights Stickers	\$3.00	N/A	\$3.00
Wickham Lake Permit Additional Stickers	\$14.00	\$56.00	\$40.00
Wickham Lake Permit -Replacement Key	N/A	N/A	N/A
Wickham Lake Permit Renewal - Resident	\$720.00	\$800.00	\$600.00
Wickham Woodland Resident Access	\$4.00	\$66.00	\$68.00
GWL Permit Additional Stickers (Gamache Lane)	\$10.00	\$10.00	\$0.00
GWL Permit Key Replacement	\$20.00	N/A	N/A

GWL Permit (Gamache Lane)	\$160.00	\$70.00	N/A
Kutz Camp Park Residents (Fishing Pond)	\$95.00	\$1,400.00	N/A
ATV Impoundments	\$500.00	N/A	N/A
Copy of Map	\$170.00	\$285.00	\$750.00
Film & Video Permit	\$7,250.00	\$2,750.00	\$750.00
Marriage Certified	\$1,700.00	\$2,300.00	\$1,300.00
Blasting	\$5.00	\$15.00	N/A
Code Book Updates	N/A	\$35.00	\$70.00
Photographs	\$310.00	\$65.50	N/A
Photocopies	\$477.05	\$573.00	\$535.50
Returned Check Fee	N/A	N/A	\$40.00
Carters Permit	\$2,400.00	\$12,300.00	\$9,300.00
Junk License	\$75.00	\$75.00	\$75.00
Peddler	\$705.00	\$1,600.00	300.00
Taxi Cab	\$15.00	N/A	N/A
Postage	\$23.27	\$43.10	\$47.55
Special Event Permit	\$250.00	\$250.00	\$175.00
Use of Kitchen Senior Center	\$350.00	N/A	\$100.00
Use of Senior Center	\$300.00	\$50.00	\$150.00
Dog Impoundments	\$1,900.00	\$2,440.00	\$2,690.00
Dog Enumerations	\$90.00	\$0.00	\$0.00
Town Park Pavilion	\$1,175.00	\$1,400.00	\$400.00
Athletic Field Fee	\$150.00	\$365.00	\$50.00
Special event Beach Fee	N/A	N/A	\$650.00
Marriage License Fee	\$3,587.50	\$3,657.50	\$3,150.00
Bell Jar Permits	\$30.00	\$20.00	\$20.00
Bingo License	\$15.00	\$7.50	\$7.50
Game of Chance Permit	\$10.00	N/A	N/A
Bid Spec Fees	N/A	N/A	N/A
Conservation	\$2,105.74	\$2,365.96	\$2,120.69
Dog Licensing	\$16,599.00	\$16,091.00	\$15,937.00
Use of Room- Lg Room	N/A	N/A	\$160.00
Use of Room- Senior Rm	N/A	N/A	\$360.00
Registrar Town of Warwick	\$4,700.00	\$4,110.00	5,590.00
Police Agreement 3rd Party	\$8,120.00	\$28,430.00	1,680.00
Police Impound Fee	\$390.00	N/A	\$195.00
Passive Boat Launch Non resident	N/A	N/A	\$20.00
Passive Boat Launch Resident	\$10.00	\$50.00	\$60.00
Street Opening Inspection Fee	\$50.00	\$100.00	\$150.00
Wickham Woodland Manor Deposit	\$12,300.00	\$7,800.00	\$4,500.00
MLP Deposit Cabins/Apartments	\$50.00	N/A	N/A
MLP Deposit Lodge Dining Hall	\$1,300.00	N/A	N/A

Town Park Deposits	\$1,750.00	\$1,900.00	\$700.00
Athletic Field Deposit	\$50.00	\$800.00	\$200.00
Little League Field Deposit	\$600.00	\$800.00	\$200.00
MLP - Art Studio	\$450.00	N/A	N/A
MLP – Cabins/Apartments	\$8,475.00	N/A	N/A
MLP – Kitchen	\$1,760.00	N/A	N/A
MLP – Kitchen per hour	\$560.00	N/A	N/A
MLP – Kitchen Storage	\$300.00	N/A	N/A
MLP – Lodge Dining Hall	\$1,100.00	N/A	N/A
MLP – Lodge Lounge	\$250.00	N/A	N/A
MLP – NR Cabins/Apartments	\$2,000.00	N/A	N/A
TOTAL FEES REMITTED TO TOWN OF WARWICK	\$92,120.56	\$163,028.42	\$104,100.03
TOTAL FEES PAID TO THE FOLLOWING AGENCIES			
NYS Department of Health (Marriage Licenses)	\$4,612.50	\$4,702.50	\$4,050.00
NYS Ag & Markets (Spay/Neuter Program)	\$2,071.00	\$2,001.00	1,975.00
NYS DEC (Conservation Sporting Licenses)	\$38,067.26	\$43,412.04	\$40,806.31
NYS Comptroller (Bell Jar Permits)	\$45.00	\$30.00	\$30.00
NYS Comptroller (Bingo)	\$22.50	\$11.25	\$11.25
NYS Comptroller (Games of Chance)	\$15.00	\$0.00	\$0.00
Village of Florida (Registrar Fees)	\$470.00	\$680.00	\$510.00
Village of Greenwood Lake (Registrar Fees)	\$780.00	\$1,050.00	\$640.00
Village of Warwick (Registrar Fees)	\$14,890.00	13,690.00	\$18,300.00
TOTAL NON-LOCAL REVENUES:	60,973.26	\$65,576.79	66,322.56
TOTAL FEES COLLECTED	\$153,093.82	\$228,605.21	\$170,422.59

4. Bid Proposal for Plumbing Demo and Reinstallation – Mountain Lake Park Lounge Basement

1. Expert Mechanical
42 Transport Ln.
Pine Island, NY 10969
Bid Proposal: \$23,453.77

2. Nebrasky Plumbing, Heating & Cooling
1019 Rt. 17M
Monroe, NY 10950
Bid Proposal: \$29,574.00

3. Armistead Mechanical Inc.
324 North Plank Rd.
Newburgh, NY 12550
Bid Proposal: \$41,448.00

5. **Bid Proposal for HVAC prep – Mountain Lake Park Lounge Basement**
- | | |
|---|---|
| <p>1. Nebrasky Plumbing, Heating & Cooling
 1019 Rt. 17M
 Monroe, NY 10950
 <u>Bid Proposal: \$5,800.00</u></p> | <p>2. Armistead Mechanical Inc.
 324 North Plank Rd.
 Newburgh, NY 12550
 <u>Bid Proposal: \$4,123.00</u></p> |
| <p>3. T.J. Service
 Warwick, NY 10990
 <u>Bid Proposal: \$850.00</u></p> | |
6. **Bid Proposal for Electric Demo and Reinstallation – Mountain Lake Park Lounge Basement**
- | | |
|---|---|
| <p>1. Skyward Electric Co. Inc.
 61 Big Island Rd.
 Warwick, NY 10990
 <u>Bid Proposal: \$5,400.00</u></p> | <p>2. Kode Electric, Inc.
 371 Glenwood Rd.
 Pine Island, NY 10969
 <u>Bid Proposal: \$6,200.00</u></p> |
| <p>3. JM Electric and Son, Inc.
 870 Pulaski Hwy
 Goshen, NY 10924
 <u>Bid Proposal: No Response to Bid</u></p> | |
7. **Bid Proposal for Remediation of Asbestos Abatement – Mountain Lake Park Lodge Basement**
- | | |
|---|--|
| <p>1. Service Restore by Quickresponse
 382 NY-59 #280
 Airmont, NY 10952
 <u>Bid Proposal: \$109,701.28</u></p> | <p>2. Advanced Disaster Recovery, Inc
 2713 NY-17M
 New Hampton, NY 10958
 <u>Bid Proposal: \$120,635.92</u></p> |
| <p>3. All Pro Cleaning & Restoration
 13 Haven St.
 Elmsford, NY 10523
 <u>Bid Proposal: \$145,773.37</u></p> | |

***The following Bid proposals do not include demo**

- | | |
|---|---|
| <p>4. ServPro of North Orange County
 1259 Dolsontown Rd.
 Middletown, NY 10940
 <u>Bid Proposal: \$51,609.00</u></p> | <p>5. Paul Davis Restoration of Orange & Sussex Co.
 1 Commercial Dr. Suite K
 Florida, NY 10921
 <u>Bid Proposal \$89,036.80</u></p> |
|---|---|

8. *Bid Proposal for Carpentry work at the main building and theatre building including fixing basement windows, and replacing the basement door on the main building.

1. Cilia's PCM
15 Park Avenue
Middletown, NY 10940
Bid Proposal: \$2,485.00

2. Grove's Precision Contractor
27 Hemlock Drive
Hopewell Jct. NY 12533
Bid Proposal: \$ 11,010.00

3. WVC Group
27 Hemlock Drive
Warwick, NY 10990
Bid Proposal: \$ 6,585.00

9. *Bid Proposal for Masonry & Excavating work at the main building.

1. Cilia's PCM
15 Park Avenue
Middletown, NY 10940
Bid Proposal: \$7,859.00

2. Grove's Precision Contractor
27 Hemlock Drive
Hopewell Jct. NY 12533
Bid Proposal: \$ 12,470.00

3. WVC Group
27 Hemlock Drive
Warwick, NY 10990
Bid Proposal: \$ 8,604.00

10. *Bid Proposal for Unit Prices to perform Emergency Repairs as a result of storm conditions for the Town of Warwick.

1. Ground Control Excavating
62 Waterbury Rd.
Warwick, NY 10990
(845) 661-8118
Bid Proposal: \$3,687.52

2. TAM Enterprises Inc
114 Hartley Road
Goshen, NY 10924
(845)294-8882
Bid Proposal: \$4,272.00

3. Allied Excavating
71 Waterbury Road
Warwick, NY 10990
(845) 986-3516
Bid Proposal: \$4,240.00

11. *Bid Proposal for providing on call HVAC/Plumbing services to the Town of Warwick.

Van Duzer Mechanical
Nebrasky Plumbing, Heating & Cooling

Pennings Plumbing & Heating
Day Heating

THERE WERE NO SUBMITTALS FOR HVAC/PLUMBING

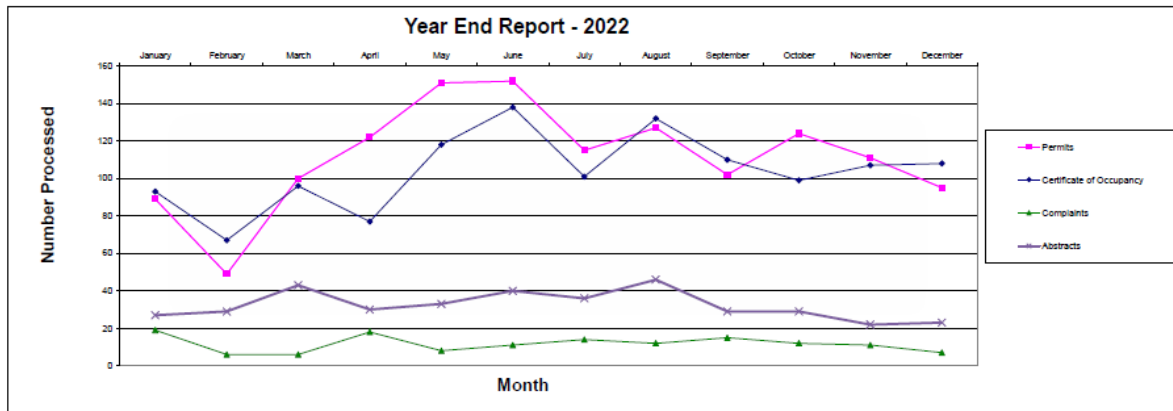
12. *Bid Proposal for on call Electrical Services to the Town of Warwick.

- | | |
|---|---|
| <p>1. Skyward Electric
61 Big Island Road
Warwick, NY 10990
845-986-0334
<u>Bid Proposal: No Submittal</u></p> | <p>2. Chris Daly Electric
118 Sleepy Valley Road
Warwick, NY 10990
845-988-1808
<u>Bid Proposal: No Submittal</u></p> |
| <p>3. J.M. Electric & Son, Inc.
870 Pulaski Highway
Goshen, NY 10924
845-986-2565
<u>Bid Proposal: \$125.00 p/h</u></p> | <p>4. Jim Leshinski Electrical
P.O. Box 815
Warwick, NY 10990
845-986-3864
<u>Bid Proposal: No Submittal</u></p> |

13. 2022 Town of Warwick Building Department Year End Report

2022 - TOWN OF WARWICK
BUILDING DEPARTMENT YEAR END REPORT

	January	February	March	April	May	June	July	August	September	October	November	December	Total
Permits:	89	49	100	122	151	152	115	127	102	124	111	95	1,337
(new homes)	4	2	3	4	4	5	2	3	6	5	5	3	46
C of O's & C of C's:	93	67	96	77	118	138	101	132	110	99	107	108	1246
Complaints	19	6	6	18	8	11	14	12	15	12	11	7	139
Monthly Total Collected:	\$ 51,524.25	\$ 43,482.50	\$ 46,364.00	\$ 111,950.00	\$ 87,947.00	\$ 294,204.00	\$ 61,425.00	\$ 55,965.00	\$ 71,299.00	\$ 63,649.00	\$ 73,700.00	\$ 42,084.00	\$ 1,003,593.75
Inspections:	211	180	267	230	321	299	290	320	308	270	269	226	3191
Abstracts	27	29	43	30	33	40	36	46	29	29	22	23	387



SUPERVISORS REPORT

1. Recycling Changes
2. Code Red Alert System
3. CPF receipts – December 2022
4. NYSDAM WHS Dog Control Inspection Report
5. Senior Exemption Unfunded Second Notice
6. Journal entries
7. Supervisors Corner – Published each week in the Warwick Dispatch, with excerpts printed in the Warwick Advertiser.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

NEW BUSINESS:

- 1. ACCEPT BID PROPOSAL FOR TOWN OF WARWICK EMERGENCY SERVICES FOR 2023**
- 2. SCHEDULE PUBLIC HEARING – INTRODUCTORY LOCAL LAW NO. 1 OF 2023 – A LOCAL LAW AMENDING CHAPTER 20 INVESTMENT POLICY OF THE TOWN CODE INVESTMENT POLICY TO INCLUDE NY CLASS AS AN APPROVED ENTITY OF THE INVESTMENT OF TOWN FUNDS**
- 3. AUTHORIZE THE SUPERVISOR PARTICIPATE IN THE NYCLASS PROGRAM UNDER THE TERMS OF THE NYCLASS MUNICIPAL AGREEMENT AMENDED AND RESTATED AS OF MARCH 28, 2019.**
- 4. ACCEPT BID PROPOSAL FOR REMEDIATION OF ASBESTOS ABATEMENT – MOUNTAIN LAKE PARK LODGE BASEMENT- SERVICEMASTER RESTORE QUICKRESPONSE**
- 5. ACCEPT BID PROPOSAL FOR ELECTRIC DEMO AND REINSTALLATION – MOUNTAIN LAKE PARK LOUNGE BASEMENT- SKYWARD ELECTRIC CO. INC.**
- 6. ACCEPT BID PROPOSAL FOR PLUMBING DEMO AND REINSTALLATION – MOUNTAIN LAKE PARK LOUNGE BASEMENT- EXPERT MECHANICAL**
- 7. ACCEPT BID PROPOSAL FOR HVAC PREP – MOUNTAIN LAKE PARK LOUNGE BASEMENT- T.J.SERVICE**
- 8. ACCEPT BID PROPOSAL FOR CARPENTRY WORK – MOUNTAIN LAKE PARK LODGE**
- 9. ACCEPT TERMINATION – RICHARD FRANQUE**
- 10. ACCEPT BID PROPOSAL FOR MASONRY & EXCAVATING – MOUNTAIN LAKE PARK LODGE**
- 11. ACCEPT WHEELER ROAD ESTATES SUBDIVISION MARKETING PLAN OFFERED FOR SALE BY WHEELER ROAD ASSOCIATES- AFFORDABLE HOUSING**
- 12. ACCEPT WARWICK ISLE GROUP LLC MARKETING PLAN OFFERED FOR SALE BY WARWICK ISLE GROUP LLC- AFFORDABLE HOUSING**
- 13. ACCEPT BID PROPOSAL FOR EMERGENCY ELECTRIC SERVICES – JM ELECTRIC**
- 14. REQUEST TO SERVE ALCOHOL – JAIME B. DEGROAT**
- 15. REQUEST TO SERVE ALCOHOL - KUTZ ALUMNI REUNION/ANDREW KEENE**
- 16. REQUEST TO PARTICIPATE – AGRICULTURAL PROTECTION OVERLAY DISTRICT- SECTION 3 BLOCK 1 LOTS 57.1 & 57.3**
- 17. AUTHORIZE COMPTROLLER TO PAY COURT COSTS FOR GIORA NEEMAN**
- 18. REQUEST TO SERVE ALCOHOL – WARWICK VALLEY ROTARY CLUB**
- 19. REFUND SHORT TERM RENTAL FEE –AUSTIN WEINERMAN**

BILLS:

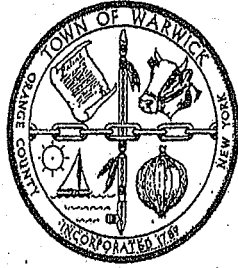
PRIVILEGE OF THE FLOOR (GENERAL)

RECONVENE:

ADJOURN:

Town Board of the Town of Warwick

132 Kings Highway
Warwick, NY 10990
TELEPHONE (845) 986-1120



Statement Number _____
Date Received _____
Date Referred to Town Board _____
Public Hearing Date _____
Date to OCWA _____
Effective Date of Map Amendment _____

Above For Official Use

RECEIVED

JAN 04 2023

Town of Warwick
Town Clerk

Request for Participation
Town of Warwick Agricultural Protection Overlay District
(Please type or print)

- Name of Landowner American Fruits Cordial Co.
- Address PO Box 354 Warwick NY 10990
(Street No. & Name) (Municipality) (State) (Zip Code)
Phone Number _____
- Location of property 23 Brozdowski Ln
Section 3 Block 1 Lot(s) 57.1, 57.3
- Acreage of Parcel(s) 7.3 Zoning District(s) SL
- Describe current farm use of property In the past corn, soybeans & sudex were grown. The property is currently fallow.

The undersigned respectfully requests participation in the Town of Warwick Agricultural Protection Overlay (AP-O) Zoning District. This request is being made in accordance with § 164-47.3B(5) of the Town of Warwick Zoning Law. The undersigned acknowledges that this statement is to be filed with the Town Clerk, who will certify this statement and refer it to the Town Board within 14 days of its receipt for action.

Once included in the AP-O District, landowners may take advantage of the District's special benefits including a density bonus for participation in the Town's Transfer of Development and Purchase of Development Rights programs, qualified participation in the Town's Open Space Leasing Program, Farm Market development on lands considered part of the same farming operation, and subdivision of one additional residential lot under the Town's 1989 Zoning Law.

Applicant Name: Jason Spizzanti
(Please print name)

Applicant Signature: [Handwritten Signature]

Date: 1/3/23

Town of Warwick, NY
Thursday, April 23, 2020

Chapter 164. Zoning

Article IV. Regulations

§ 164-47.3. Agricultural Protection Overlay District.

A. Findings and purpose. The Town of Warwick finds that protection of agriculture is essential to implementing the goals of the Town of Warwick Comprehensive Plan.^[1] Protection of land for agricultural purposes is a legitimate zoning objective under New York State's statutes, which the regulations set forth in this section seek to achieve. It is also a policy of the New York State Constitution to preserve agriculture. The purposes of the Agricultural Protection Overlay District (hereafter the AP-O District), among others, are as follows:

- (1) To protect and maintain the Town's farmland for continued or future agricultural use, including operating farms, lands that contain prime agricultural soils, soils of statewide significance or black dirt soils and lands within Agricultural Districts;
- (2) To implement the Town Comprehensive Plan, which contains the goals of protecting rural and agricultural lands, discouraging incompatible nearby land uses, and promoting agriculture as a component of the local economy;
- (3) To support and protect farming by stabilizing the agricultural land base;
- (4) To maintain a viable agricultural base to support agricultural processing and service industries;
- (5) To encourage the voluntary transfer of development rights from farms within the AP-O District to suitable nonfarm receiving areas of the Town as identified in § 164-47.4;
- (6) To separate agricultural land uses and activities from incompatible residential, commercial, industrial development, and public facility development;
- (7) To prevent fragmentation of the Town's existing farming community by nonfarm development; and
- (8) To reserve the Town's most productive soils for agriculture.

[1] *Editor's Note: The Comprehensive Plan is on file in the office of the Town Clerk.*

B. Applicability.

- (1)

Special benefits. In addition to the permitted uses and special uses allowed in the underlying zoning districts, there are a number of benefits available to farmers who participate in the AP-O District's provisions. These include the following:

- (1) A transfer of development rights/purchase of development rights density bonus that affords a lot yield based on the minimum acreage requirements established in the 1989 Zoning Law of the Town of Warwick. This density bonus is illustrated in the following table:

Zoning District	2001 Zoning Law Minimum Lot Size (acres)	1989 Zoning Law Minimum Lot Size (acres)
SL (old SR-.7)	3	1 1/2
RU (old RR-.5)	4	2
MT (old MR-.3)	5	3
CO (old CR-.25)	6	4

- (2) Qualified participation in the Town of Warwick Open Space Leasing Program;
- (3) Farm market development as an accessory use involving less than 4,000 square feet of gross floor area. Farm markets more than 4,000 square feet shall require a special use permit in accordance with § 164-46;
- (4) Subdivision of one additional residential lot under the 1989 Zoning Law is permissible in accordance with § 164-45.1D.
[Added 1-24-2002 by L.L. No. 2-2002; amended 2-18-2010 by L.L. No. 1-2010]

D. Siting guidelines for residential development. Residential subdivision within the AP-O District shall conform to the additional standards set forth in Subsection D(2)(a) and (b) below for all new residential development on parcels that have been certified for participation in the AP-O District.

- (1) Cluster subdivision is encouraged in the AP-O District to allow flexibility while preserving the agricultural viability and rural character of the land. All surficial soils classified as prime farmland soils (Class 1 and 2) or soils of statewide significance (Class 3 and 4) or black dirt soils should be avoided by subdivision development to the greatest extent practical. Other existing features, whose preservation would benefit the Town and the subdivision, should be avoided through sensitive design of the cluster subdivision. Such features include, but are not limited to:
 - (a) Groves of mature trees.
 - (b) Large individual trees.
 - (c) Hedgerows.
 - (d) Woodlands along roadways, property lines, and streams.
 - (e) Scenic vistas.
 - (f) Water features, such as streams, ponds, floodplains, lakes and wetlands.
 - (g) Stone walls.

47.3C, may apply to the Town of Warwick Building Department for a seasonal agricultural special event permit to conduct agricultural special event activities on the farm. The seasonal agricultural special event permit allows on-site agricultural special event opportunities, such as farm-cation experiences and farm stays, subject to the following:

[Added 2-14-2019 by L.L. No. 1-2019]

- (1) Seasonal agricultural special event permits may be granted by the Building Department for the period of May 1 to November 1 and are renewable. Annual renewal shall be subject to the limitations stated herein and require preparation of an inspection compliance report by the Building Department prior to renewal.
- (2) Proof of liability insurance of \$1,000,000 minimum shall be provided prior to issuance of the seasonal agricultural special event permit or to its renewal.
- (3) Proof of adequate sanitary facilities and potable water supplies shall be provided prior to issuance of the seasonal agricultural special event permit or to its renewal. The maximum number of accommodations on the farm, such as sleeping rooms, tent sites, or other temporary occupancy shall be no more than four and shall be specified on the seasonal agricultural special event permit.
- (4) The farm property shall consist of 10 contiguous acres or more.
- (5) On-farm festivals, such as weddings and similar occasions, are limited to a maximum of 10 days per calendar year. All festivals, including dates and number of attendees shall be filed with the Town Building Department quarterly by January 1, April 1, July 1, and October 1.
- (6) A 200-foot setback to adjoining properties shall be required for on-farm structures used for festivals, for all on-farm festival activities including temporary structures such as tents, and for all other agricultural special event uses such as trails and recreational facilities.
- (7) Permittees are subject to Chapter **100A** of the Town of Warwick Code entitled "Noise." Amplified sound-producing devices, if any, shall meet the performance standards established in § **164-48C(3)** of the Zoning Law. Only unidirectional speakers are permitted for amplified sound-producing devices. In the event of a conflict between Chapter **100A** and § **164-48C(3)** of the Zoning Law, the most restrictive requirement shall apply.
- (8) Seasonal agricultural special event permits may be subject to additional reasonable special conditions imposed by the Building Department, based upon unique circumstances or characteristics related to the farm property.
- (9) Seasonal agricultural special event permits may be revoked by the Building Department for any violation of the seasonal agricultural special event permit requirements.

Schedule A

<u>Name of Shareholder</u>	<u># of Shares</u>	<u>Consideration</u>
Joseph Grizzanti	1	
Jason Grizzanti	1	
Jeremy Kidde	1	



ORANGE COUNTY – STATE OF NEW YORK
 ANN G. RABBITT, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 14424 / 1633
 INSTRUMENT #: 20180048168

Receipt#: 2513961
 Clerk: MAH
 Rec Date: 07/02/2018 12:08:16 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 6
 Rec'd Frm: LAW OFFICE OF ROBERT F. MCMANUS

Party1: BLACK DIRT DISTILLING LLC
 Party2: AMERICAN FRUITS CORDIAL CORP
 Town: WARWICK (TN)
 3-1-57.1

Recording:

Recording Fee	50.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
Community Preservation Fu	5.00
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

Sub Total: 330.00

Transfer Tax	
Transfer Tax - State	0.00
Transfer Tax - Warwick	0.00

Sub Total: 0.00

Total: 330.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 10789
 Warwick Unimproved Real Property
 Consideration: 0.00

Total: 0.00

Payment Type: Check
 Cash
 Charge
 No Fee

Comment: _____

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY EPARTNERS

Section 3
Block 1
Lot 57.1 & 57.3

**BARGAIN AND SALE DEED WITH COVENANT AGAINST
GRANTOR'S ACTS (INDIVIDUAL OR CORPORATION)**

FORM 8002 (short version), FORM 8007 (long version)

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR
SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made June 14, 2018 **BETWEEN**

BLACK DIRT DISTILLING, LLC, maintaining its principal offices at PO Box 354, Warwick,
NY 10990, party of the first part, and

AMERICAN FRUITS CORDIAL CORP., maintaining its principal offices at PO Box 354,
Warwick, NY 10990, party of the second part;

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and No Cents
(\$10.00), lawful money of the United States, paid by the party of the second part, does hereby
grant and release unto the party of the second part, the heirs or successors and assigns of the party
of the second part forever;

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon
erected, situate, lying and being in the Town of Warwick, County of Orange, State of New York;
more particularly described in Schedule A attached hereto;

BEING the same premises conveyed by GAC OF WARWICK, LLC, to BLACK DIRT
DISTILLING, LLC by deed dated March 4, 2013 and recorded in the Orange County Clerk's
Office in Liber 13863 of deeds at page 100.

TOGETHER with all rights, privileges and easements and **SUBJECT TO** all covenants,
easements and restrictions of record affecting said premises.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any
streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part
in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the
heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, covenants that the party of the first part has not done or
suffered anything whereby the said premises have been encumbered in any way whatever, except
as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants
that the party of the first part will receive the consideration for this conveyance and will hold the
right to receive such consideration as a trust fund to be applied first for the purpose of paying the

SCHEDULE "A"
(description)

(1)

PARCEL 1 SBL 3-1-57.1

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Warwick, County of Orange and State of New York.

Beginning at a point in the Southwesterly boundary of the lands now or formerly Shah (Liber 13201 page 1922) where the same is intersected by the Northwesterly boundary of the lands now or formerly Harris (Liber 4793 page 256), said point being marked by an iron pipe found and running thence along the lands now or formerly Harris (Liber 4793 page 256) S 56° 21' 00" W a distance of 652.85 feet to an iron pipe found; thence along the lands now or formerly Edsall Farm, LLC (Liber 12025 page 1227) (Filed Map No. 187-01) N 24° 00' 00" W a distance of 351.91 feet to a point; thence along the lands now or formerly Folinol (Liber 5694 page 234) N 59° 37' 00" E a distance of 339.70 feet to a point; thence along the same and in continuation along the lands now or formerly Smith (Liber 12710 page 981) N 20° 09' 00" W a distance of 432.92 feet to a point, said point being located 1.4 feet Easterly of an iron pipe found; thence along the lands now or formerly Sobiech (Liber 12575 page 1622) (Lot No.1, Filed Map No. 120-92) the following three (3) courses and distances:

1. N 72° 22' 47" E a distance of 120.59 feet to a point,
2. N 89° 48' 25" E a distance of 35.57 feet to a point,
3. S 87° 37' 47" E a distance of 3.10 feet to a point;

thence along the lands now or formerly Jacoby (Liber 4401 page 1) S 20° 33' 00" E a distance of 132.75 feet to a point; thence along the same N 73° 26' 00" E a distance of 100.00 feet to a point; thence along the lands now or formerly Vaillant (Liber 6221 page 171) (Filed Map No. 8916) and in continuation along the lands now or formerly Howel (Liber 4424 page 97) (Filed Map No. 8916), Jaroz (Liber 3823 page 86), Vaillant (Liber 4083 page 52) and Shah (Liber 13201 page 1922) S 27° 15' 00" E passing through an iron pin found at a distance of 372.5 feet and a second iron pin found at a distance of 510.8 feet for a total of 538.65 feet to the point of beginning.

FOR CONVEYANCE PURPOSES ONLY

TOGETHER WITH A RIGHT OF WAY FOR INGRESS AND EGRESS OVER THE FOLLOWING:

All that plot, piece or parcel of land, situate, lying and being in the Town of Warwick, County of Orange and State of New York known and designated as a portion of Lot No. 1 as shown on that certain map entitled "Final Plat Three Lot Subdivision Lands of Caroline Madura and Theresa Sobiech" Filed in the Orange County Clerk's Office on June 4, 1992 as Map No. 120-92 and being more particularly bounded and described as follows:

Beginning at a point in the Southerly boundary of Mission Land Road where the same is intersected by the lands now or formerly Jacoby (Liber 4438 page 1) and running

thence along the Southerly boundary of Mission Land Road N 70° 32' 47" E a distance of 50.00 feet to a point; thence through the lands now or formerly Sobiech (Liber 12575 page 1622) (Lot No. 1, Filed Map No. 120-92) the following three (3) courses and distances:

1. S 20° 07' 13" E a distance of 224.00 feet to a point;
2. S 46° 28' 00" E a distance of 131.00 feet to a point;
3. N 78° 03' 33" E a distance of 48.90 feet to a point,

thence along the lands now or formerly Kaplan (Liber 4949 page 1) the following four (4) courses and distances:

1. S 18° 05' 01" E a distance of 20.00 feet to a point,
2. N 72° 22' 13" E a distance of 8.03 feet to a point,
3. N 80° 50' 04" E a distance of 101.71 feet to a point,
4. S 20° 07' 47" E a distance of 37.91 feet to a point;

thence along the lands now or formerly Jacoby (Liber 4401 page 1) and in continuation along the lands now or formerly Jacoby (Liber 4223 page 63) N 87° 37' 47" W a distance of 117.25 feet to a point; thence, along the lands now or formerly Jacoby (Liber 4223 page 63) S 89° 48' 25" W a distance of 35.57 feet to a point; thence along the same S 72° 22' 47" W a distance of 57.08 feet to a point; thence through the lands now or formerly Sobiech (Liber 12575 page 1622) (Lot No. 1, Filed Map No. 120-92) N 46° 28' 00" W a distance of 146.13 feet to a point; thence along the lands now or formerly Jacoby (Liber 4438 page 1) N 20° 07' 13" W a distance of 236.29 feet to the point of beginning.

PARCEL II SBL 3-1-57.3

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Warwick, County of Orange and State of New York.

Beginning at a point in the Southerly boundary of the lands now or formerly Sobiech (Liber 12575 page 1622) (Lot No. 1, Filed Map No. 120-92) where the same is intersected by the lands now or formerly Jacoby (Liber 4223 page 63) and running thence along the lands now or formerly Sobiech (Liber 12575 page 1622) (Lot No.1, Field Map No. 120-92) S 87° 37' 47" E a distance of 114.15 feet to a point; thence along the lands now or formerly Kaplan (Liber 4949 page 1) S 20° 07' 47" E a distance of 95.10 feet to a point; thence along the lands now or formerly Vaillant (Liber 6221 page 171) (Filed Map No. 8916) S 67° 35' 33" W a distance of 4.69 feet to a point; thence along the first mentioned lands now or formerly Jacoby (Liber 4223 page 63) S 73° 26' 00" W a distance of 100.00 feet to a point; thence along the same N 20° 33' 00" W a distance of 132.75 feet to the point of beginning.

FOR CONVEYANCE PURPOSES ONLY

TOGETHER WITH A RIGHT OF WAY FOR INGRESS AND EGRESS OVER THE FOLLOWING:

All that plot, piece or parcel of land, situate, lying and being in the Town of Warwick, County of Orange and State of New York known and designated as a portion of Lot No. 1 as shown on that certain map entitled "Final Plat Three -Lot Subdivision Lands of Caroline Madura and Theresa Sobiech" Filed in the Orange County Clerk's Office on June 4, 1992 as Map No. 120-92 and being more particularly bounded and described as follows:

Beginning at a point in the Southerly boundary of Mission Land Road where the same is intersected by the lands now or formerly Jacoby (Liber 4438 page 1) and running thence along the Southerly boundary of Mission Land Road N 70° 32' 47" E a distance of 50.00 feet to a point; thence through the lands now or formerly Sobiech (Liber 12575 page 1622) (Lot No. 1, Filed Map No. 120-92) the following three (3) courses and distances:

1. S 20° 07' 13" E a distance of 224.00 feet to a point;
2. S 46° 28' 00" E a distance of 131.00 feet to a point;
3. N 78° 03' 33" E a distance of 48.90 feet to a point,

thence along the lands now or formerly Kaplan (Liber 4949 page 1) the following four (4) courses and distances:

1. S 18° 05' 01" E a distance of 20.00 feet to a point,
2. N 72° 22' 13" E a distance of 8.03 feet to a point,
3. N 80° 50' 04" E a distance of 101.71 feet to a point,
4. S 20° 07' 47" E a distance of 37.91 feet to a point;

thence along the lands now or formerly Jacoby (Liber 4401 Page 1) and in continuation along lands now or formerly Jacoby (Liber 4223 page 63) N 87° 37' 47" W a distance of 117.25 feet to a point; thence, along the lands now or formerly Jacoby (Liber 4223 page 63) S 89° 48' 25" W a distance of 35.57 feet to a point; thence along the same S 72° 22' 47" W a distance of 57.08 feet to a point; thence through the lands now or formerly Sobiech (Liber 12575 page 1622) (Lot No. 1, Filed Map No. 120-92) N 46° 26' 00" W a distance of 146.13 feet to a point; thence along the lands now or formerly Jacoby (Liber 4438 page 1) N 20° 07' 13" W a distance of 236.29 feet to the point of beginning.

cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.


The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

BLACK DIRT DISTILLING, LLC

By: 

Jeremy Kiddle, Managing Member

By: 

Jason Grizzanti, Managing Member

STATE OF NEW YORK

COUNTY OF Orange

}
} ss.:
}

On the 14th day of June in the year 2018, before me, the undersigned, personally appeared Jeremy Kiddle and Jason Grizzanti, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that they executed the same in their capacity(ies), and that by their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



(signature and office of individual taking acknowledgment)

Deed

**BLACK DIRT DISTILLING, LLC
TO
AMERICAN FRUITS CORDIAL
CORP.,**

**Section 3
Block 1
Lot 57.1 & 57.3**

Return By Mail To:

Robert F. McManus, Esq.
14 Oakland Avenue
Warwick, New York 10990



ORANGE COUNTY
NEW YORK

SECTION 11

SECTION 12

SECTION 13

SECTION 14

SECTION 15

SECTION 16

SECTION 17

SECTION 18

SECTION 19

SECTION 20

SECTION 21

SECTION 22

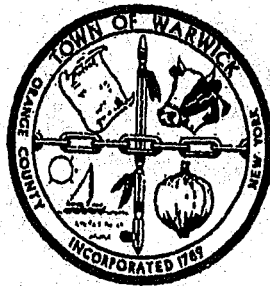
SECTION 23



3-1-57-1 + 3-1-57-3

TOWN OF WARWICK
SECTION NO. 3

TOWN OF WARWICK



Eileen M. Astorino
Town Clerk/Registrar
132 Kings Highway
Warwick, New York 10990-3152
Tel: (845) 986-1124, ext. 246
Fax: (845) 987-1499
clerk@townofwarwick.org

Carolyn Purta, Deputy Town Clerk/Deputy Registrar
Melissa Stevens, Deputy Town Clerk
Tel: (845) 986-1124, ext. 244 or 245
Fax: (845) 987-1499

REQUEST TO SERVE ALCOHOLIC BEVERAGES

NAME: Kutz Alumni Reunion - Andrew Keene

PERMIT #: _____

DATE OF EVENT: 1/28/23

LOCATION OF EVENT: Mountain Lake Park

REQUEST MUST BE MADE WITHIN 10 DAYS PRIOR TO THE DATE OF THE EVENT

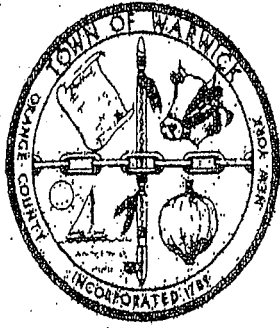
OFFICE USE ONLY:

Received by & Date

Town Board Approval

Date Approved

TOWN OF WARWICK



EILEEN ASTORINO
TOWN CLERK
132 Kings Highway
Warwick, New York 10990
Tel: (845) 986-1124, ext. 248
Fax: (845) 987-1499

Carolyn Purta, Deputy Town Clerk
Melissa Stevens, Registrar & Deputy Town Clerk

Request to Serve Alcoholic Beverages

NAME: Jaime B. Debroat

PERMIT#: WWM-42

DATE OF EVENT: 3/25/23

LOCATION OF EVENT: Wickham Woodland

- Request must be submitted within 10 days prior the date of the event

OFFICE USE ONLY:

Received by & Date

Town Board Approval

Date Approved

TOWN OF WARWICK



Eileen M. Astorino
Town Clerk/Registrar
132 Kings Highway
Warwick, New York 10990-3152
Tel: (845) 986-1124, ext. 246
Fax: (845) 987-1499
clerk@townofwarwick.org

Carolyn Purta, Deputy Town Clerk/Deputy Registrar
Melissa Stevens, Deputy Town Clerk
Tel: (845) 986-1124, ext. 244 or 245
Fax: (845) 987-1499

RECEIVED

JAN 19 2023

Town of Warwick
Town Clerk

REQUEST TO SERVE ALCOHOLIC BEVERAGES

NAME: Warwick Valley Rotary Club / Leo R. Kaytes

PERMIT #: MLP-6

DATE OF EVENT: February 18, 2023

LOCATION OF EVENT: Mountain Lake Park.

REQUEST MUST BE MADE WITHIN 10 DAYS PRIOR TO THE DATE OF THE EVENT
before?

OFFICE USE ONLY:

Received by & Date

Town Board Approval

Date Approved

EOI

Pcd # 350.00 d # 2493-2494

Town Hall

MLP# 6

MOUNTAIN LAKE PARK

FACILITY RENTAL CONTRACT FOR MOUNTAIN LAKE PARK

APPLICANT INFORMATION:

NAME/ORGANIZATION: Warwick Valley Rotary Club

ADDRESS: PO Box 121, Warwick Ny 10990

PHONE NUMBER: Leo Kaytes (845) 629-6497 EMAIL: L.Kaytes@kaytes.com

The TOWN OF WARWICK, 132 Kings Highway, Warwick, New York 10990 (the "Town") hereby grants to Warwick Valley Rotary Club (the "User") permission to use the portion of the Town facilities located at the Mountain Lake Park, 46 Bowen Road, Warwick, New York 10990 described herein, subject to the Terms and Conditions of this Agreement contained herein and attached hereto.

TERMS OF USE:

- FACILITIES:** The portion(s) of the facility to be occupied by the User are picnic area firepit circle, lodge main dining hall, lodge lounge, lodge lower level, kitchen, office main room, office breakout rooms # _____, faculty row cabins # _____, apartments # _____, Art building rooms _____, theater building, lakeside pavilion/outdoor theater, hill cabins # _____

for counter use only

- The following items may be included in the rental or may incur an additional fee:
- picnic tables/grills, kitchen storage, dining tables, chairs and serving stations, dishes and silverware, kitchen cookware, tablecloths and linens, sheets, blankets, pillows, towels
 - wi-fi in lodge and office area, hot water in showers, toilet paper, hand soap in bathrooms, AC in rooms, heat in rooms, clean rooms

- DATES/TIME OF USE:** The facilities shall be available from 6 am/pm on 02/18/23 to 9 am/pm on 02/18/23.

- RENT:** The total rental for the time of usage is \$ 150.00, payable upon the signing of this Agreement. 225.00

- USE OF PREMISES:** The User rents the facility for the for the following activities: beef steak (prepared offsite by cateror) + tricky tray

No other activities shall be conducted by the User without the express written permission of the Town.

TOWN OF WARWICK



132 KINGS HIGHWAY
WARWICK, NEW YORK 10990

BUILDING & PLANNING DEPT (845) 986-1127
FAX NO. (845) 987-9644
BUILDING DEPT EXT. 258/260
PLANNING DEPT EXT. 261
ENGINEER EXT. 259

January 11, 2023

Supervisor / Town Board

RE: 1389 St Hwy 17A
Warwick, NY 10990
SBL 66-1-46.1
Request for Refund

RECEIVED
JAN 13 2023
Town of Warwick
Town Clerk

Dear Supervisor & Town Board:

The Building Department has received a request from Austin Weinerman for a refund of a payment for the short-term rental at the above parcel. The permit has been withdrawn due to selling the property. I am asking for a returned fee in the amount of \$800 to Greenwood Homes, LLC, 49 Sommerville Rd, Hewitt, NJ 07421.

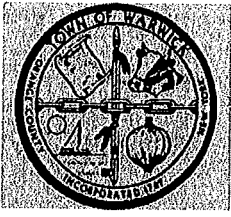
Sincerely,

Daniel Gibson
Building Inspector

C/c: Town Clerk
Comptroller

DG/dt

DENIAL LETTER



Town of Warwick
132 Kings Highway
Warwick, NY 10990
845-986-1127

Application #: 20221157

Date: 10/27/2022

Parcel ID: 66-1-46.1

Denied Date: 11/9/2022

Owner Information

Greenwood Homes, LLC
49 Sommerville Rd
Hewitt NJ 07421

Location: 1389 ST HWY 17A

Parcel ID: 66-1-46.1

Permit Type: SHORT TERM RENTAL

Work Description:

2 BEDROOM WITH 1 BATHROOM
MAXIMUM NUMBER OF OCCUPANTS: 4
EMAIL: NATHANIELLARREA@GMAIL.COM
24HR EMERGENCY CONTACT: (917) 428-0808
RENTED VIA: AIRBNB
NON-TRANSFERABLE

This permit application was denied for the following reason(s):

1. PLANS NEED SMOKE & CARBON MONOXIDE DETECTORS IN THE BEDROOMS.
2. OWNERS MAILING ADDRESS IS HEWITT NJ BUT STAYS AT 636 JERSEY AVE?
3. INSURANCE PROVIDED STATES PROPOSAL. PLEASE PROVIDE UPDATED INSURANCE.

BUILDING INSPECTOR

TOWN OF WARWICK
SHORT TERM RENTAL REGISTRATION APPLICATION

\$250 Application fee (owner occupied primary residence)
\$1,000 Application fee (non-owner occupied – not primary residence)
Cash or Check (payable to Town of Warwick)

*PLEASE NOTE:

Short term rental applications will be reviewed first, followed by a short-term rental inspection. Handing in a completed application, under no means, deems your property approved for short term rental purposes.

Date: 10/13/22

SITE DATA:

SEC-BLK-LOT: 66 - 1 - 46.1
RENTAL PROPERTY ADDRESS: 1389 State Hwy 17a
CITY: Warwick STATE: NY ZIP: 10990

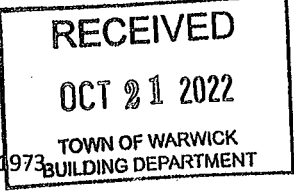
PROPERTY OWNER NAME: Greenwood Homes LLC

PROPERTY OWNER MAILING ADDRESS: 49 Somerville Rd
CITY: Hewitt STATE: NJ ZIP: 07421

TELEPHONE NUMBER: (917) 428 - 0808 (A PHONE NUMBER THAT WE CAN REACH 24 HOURS A DAY).
EMAIL ADDRESS: NATHANIELLARREA@GMAIL.COM

Checklist of requirements (all must be submitted with application):

- Number of bedrooms in rental unit: 2
 - Number of occupants in rental unit: 4 (maximum of 2 per legal bedroom)
 - Number of bathrooms in rental unit: 1
 - Copy of Certificate of Occupancy for original dwelling OR letter stating dwelling was built prior to 1973
 - Septic system pump out receipt (within last 3 years) - *NO CESSPOOLS ALLOWED.
 - Copy of homeowner's liability insurance no less than \$1,000,000.00 with rental endorsement on policy (umbrella policy & Airbnb policy are not acceptable proof).
 - Floor plans showing detail description of all rooms accessible to renters and emergency exit locations.
 - Fire prevention systems (fire extinguishers, smoke & carbon monoxide detector) locations.
 - List of all means of advertising which the rental property will be listed for rent AIRBNB ONLY. PROFILE ATTACHED
 - Indicate where owner resides while rental is occupied. OWNER RESIDES AT 636 JERSEY AVE APT 2 GREENWOOD LAKE NY
- **If property has been purchased within the last 6 months, provide a copy of the bargain & sale deed.



Please fill out the following if the property owner does not reside within the corporate boundaries of Orange County, New York. (Rental agent must be located in Orange County)

Rental Agents Name: _____

Agents address: _____
City: _____ State: _____ Zip: _____

Phone: () - -

Rental Agents Signature: _____

AUTHORIZATION (NOTARY):

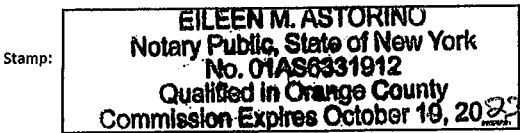
State of New York, County of _____, being duly sworn deposes and says he/she is the owner and is duly authorized to perform or have performed said work and to make and file this application; that all statements are true and to the best of his/her knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith.

Sworn to before me

This 21 day of October, 2022

NOTARY PUBLIC: Eileen Astorino

Owner Signature: [Signature]
Print Name: NATHANIEL LARREA



FOR TOWN USE ONLY
FEE PAID: 1000 CHECK #: 390 CASH AMOUNT OF CHECK: 1,000
Application #: 14

1-2/210

390

GREENWOOD HOMES LLC

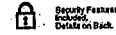
DATE 10/22/22

PAY TO THE ORDER OF TOWN OF WARWICK

\$ 1,000.00

ONE THOUSAND 00/100

DOLLARS



CHASE

JPMorgan Chase Bank, N.A.
www.Chase.com

MEMO. SHORT TERM APP

Matthew R

MP

+ 0 2 10000 2 1 :

26 7 7809 29 0 3 9 0

TOWN OF WARWICK
INTRODUCTORY LOCAL LAW NO. 1 of 2023
AMENDING THE CODE OF THE TOWN OF WARWICK

A Local Law amending Chapter 20 of the Code of the Town of Warwick, as more fully set forth below:

Be it enacted by the Town Board of the Town of Warwick, Orange County, New York, as follows:

Section 1 –TOWN CODE AMENDED:

The Town of Warwick Town Code is hereby deleting and replacing the current section 20-2 to read as follows:

A. In accordance with this policy, the Chief Fiscal Officer, being the Supervisor, is hereby authorized to invest all funds, including proceeds of obligations and reserve funds, in:

(1) Certificates of deposit and time deposit accounts issued by a bank or trust company authorized to do business in New York State.

(2) Obligations of New York State.

(3) Obligations of the United States government.

(4) As a participant in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46 and the specific program has been authorized by the Town Board.

B.

All other local government officials receiving money in their official capacity must deposit such funds in negotiable order of withdrawal accounts.

Section 2. – This Local Law will take effect upon the filing of same with the New York State Secretary of State.



2023 Repair Café Dates

Saturday, 10am-2pm

Jan 21, Mar 18, May 20,

July 15, Sept 16, Nov 18

Senior Center, Town Hall Complex, 132 Kings Hwy, Warwick

Bring Your BELOVED BUT BROKEN Items

***FIX Them for FREE With Our Repair Coaches**

*Lamp and Bike Parts Available at our cost

Mechanical & Electrical

Quick Repairs & Consultations

Laptops, Tablets, Cell Phones

Bikes, Jewelry, Wooden Things, Clocks

Clothing, Home Textiles, Soft Toys

Knife & Tool Sharpening

Limit TWO Items Per Person, PLS.!

Sorry, no gas or propane-powered items

Pls. Bring a Food Pantry Donation - Box or Can Only
organizerwarwickrepaircafe@aol.com

RepairCafeHV.org



Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

MEMO

To: Planning and Zoning Board Secretaries and Municipal Clerks

From: Alan J. Sorensen, AICP, Commissioner

Regarding: Referral of certain municipal permits and actions to County Planning as per
NYS General Municipal Law §239 l, m & n

Date: December 29, 2022

RECEIVED

JAN 09 2023

Town of Warwick
Town Clerk

Dear municipal partners,

Thank you for participating in the planning process! County Planning would like to remind everyone of the responsibilities the municipalities and the County bear under NYS General Municipal Law §239 l, m & n (GML 239), which requires that certain actions be referred to County Planning for review before they are approved by the municipality. A copy of the law is attached for your information. GML 239 is intended to do two things: ensure that local boards are made aware of any potential intermunicipal or countywide impacts that could result from the approval of proposed land use decisions; and provide the local boards with technical planning assistance. Actions that need to be referred to this Department include:

1. updates to comprehensive plans, zoning codes, and other land use regulations;
2. subdivision, site plan, and special permit proposals;
3. appeals for area and use variances; and
4. other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law

Items 2 through 4 above are only referable if proposals are within 500 feet of the following geographic features:

- a. a municipal boundary;
- b. a County or State road, existing or proposed;
- c. a County or State park or recreation area, existing or proposed;
- d. the boundary of any County or State-owned land on which a public building or institution is situated, existing or proposed;
- e. a farm operation located within the consolidated Orange County Agricultural District No. 1 (this provision does not apply to area variances)

Please also remember to send County Planning a Cover Sheet, and a Report of Final Action pursuant to paragraphs m and n of NYS GML 239. A copy of each document is attached; please use these versions, which are also available at <https://www.orangecountygov.com/328/Municipal-Referrals>.

We have adjusted to more flexible ways to receive municipal submittals, as follows:

- Municipalities may, of course, continue to mail or hand-deliver their submittals to County Planning at Orange County Planning Department, 124 Main Street, Goshen NY 10924.
- Municipalities may choose to email their submittals. We ask that these emails be sent to the email LandUseProjects@orangecountygov.com, rather than directly to the Planner or to the main Planning Department email, just to ensure that everything gets tracked properly.
- Projects with large maps, plan sets or other documents such as Environmental Impact Statements should provide physical copies of the drawing sets to County Planning by mail or hand delivery. This can be coordinated by the assigned municipal planner or the Senior Land Use Planner, Megan Tennermann, AICP, at mtennermann@orangecountygov.com.

There have been several changes to the County referral process in recent years. The most important of these is a mandate, **Orange County Executive Action No. 4 of 2018**, which requires that prior to the issuance of any permit from the County Department of Public Works or the County Division of Environmental Health, those agencies shall coordinate with County Planning to ensure that any necessary GML 239 and State Environmental Quality Review Act (SEQRA) reviews have been completed for the proposed action. This order applies to:

- new realty subdivisions,
- individual sewage systems,
- public water supply improvements,
- new construction of food service,
- children's camps,
- sewer mainline,
- sewer lateral, and
- permit for work on a County road.

New Departmental Policies

In 2018, the County Agricultural and Farmland Protection Board passed a resolution to preserve productive farmland for farming uses, which strongly recommends that solar installations should not be located on soils that are classed as Prime, Prime if Drained, Soils of Statewide Significance, or Black Dirt/Organic soils, which are roughly analogous to Soil Classes 1-4. While the referral process has not changed as a result of this action, we encourage the municipalities to consider adopting similar policies or otherwise taking soil type and agricultural concerns into account when siting large-scale solar installations.

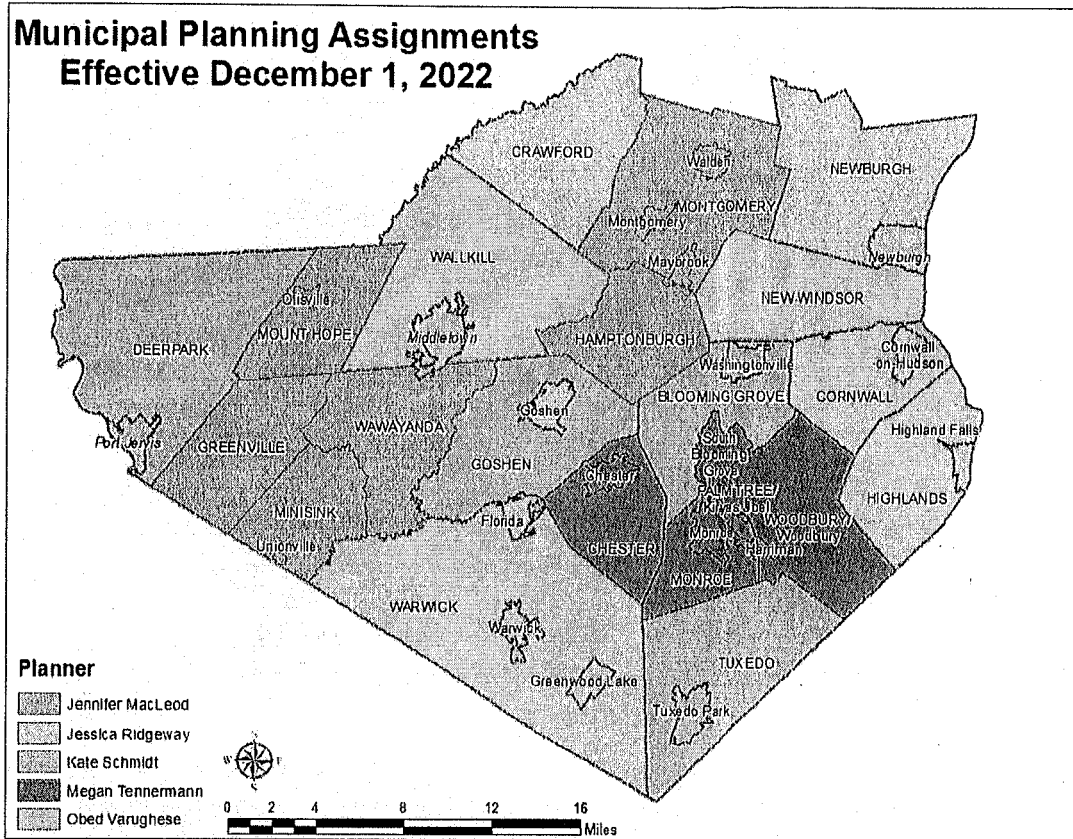
Gateway Meetings

In 2021, County Planning began holding preliminary meetings when receiving a referral for the early stages of a large project. These "gateway meetings", including County Planning staff, the applicant and/or their agent, a representative of the municipality, and other relevant agency staff including but not limited to the County Health Department, County Department of Public Works, State Department of Transportation, State Department of Environmental Conservation, and others. We find that these gateway meetings at the beginning of a project are useful for the applicant and the municipality by raising issues early in the process, which allows the applicant to adjust the design or other parameters based on site constraints.

If your board has questions about the GML 239 process or about County land use policies, please read the Municipal Guidebook on our website:

<https://www.orangecountygov.com/DocumentCenter/View/20096/Municipal-Guide-to-GML-239-Process-03-01-21>. To discuss the content of any of our review letters or answer questions, please contact the planner assigned to your municipality (*see diagram and chart, continued below and on following pages*).

**Municipal Planning Assignments
Effective December 1, 2022**



Municipality	Assigned Planner
Blooming Grove	Kate Schmidt
Chester (town & village)	Megan Tennermann
Cornwall	Obed Varughese
Cornwall-on-Hudson	Obed Varughese
Crawford	Jessica Ridgeway
Deerpark	Kate Schmidt
Florida	Obed Varughese
Goshen (town)	Kate Schmidt
Goshen (village)	Jessica Ridgeway
Greenville	Jennifer MacLeod
Greenwood Lake	Obed Varughese
Hamptonburgh	Jennifer MacLeod
Harriman	Megan Tennermann
Highland Falls	Obed Varughese
Highlands	Obed Varughese
Kiryas Joel	Megan Tennermann
Maybrook	Jennifer MacLeod
Middletown	Obed Varughese

Minisink	Jennifer MacLeod
Monroe (town & village)	Megan Tennermann
Montgomery (town & village)	Jennifer MacLeod
Mount Hope	Jennifer MacLeod
New Windsor	Obed Varughese
Newburgh (city)	Jessica Ridgeway
Newburgh (town)	Jessica Ridgeway
Otisville	Jennifer MacLeod
Port Jervis	Jessica Ridgeway
South Blooming Grove	Megan Tennermann
Tuxedo	Kate Schmidt
Tuxedo Park	Kate Schmidt
Unionville	Jennifer MacLeod
Walden	Jennifer MacLeod
Wallkill	Obed Varughese
Warwick (town & village)	Obed Varughese
Washingtonville	Kate Schmidt
Wawayanda	Jennifer MacLeod
Woodbury (town & village)	Megan Tennermann

In the coming weeks, our office will be reaching out to the County's 43 municipalities with a proposed Intermunicipal Agreement (IMA) for project reviews under NYSGML §239 paragraphs l, m, and n. The County has determined that GML 239 requires the referral of many actions that are unlikely to have significant intermunicipal or Countywide impacts, diverting time and attention away from projects with more significant inter-community and Countywide considerations. The purpose of the IMA is to reduce the number of referrals to the Planning Department, so that our office can focus attention on the projects that are more likely to have *intermunicipal* or *Countywide impacts* and so that local municipal boards can streamline their own review and approval processes for those projects that are likely to have only local impacts and considerations. Municipalities would be free to accept or decline this agreement and would be encouraged to refer any applications to the Planning Department for review and advice if such advice would be deemed necessary or desirable by the referring board, regardless of whether that referral is required by GML 239.

We look forward to continuing our work together to support your community! Thank you for your support in these efforts.

Sincerely,



Alan J. Sorensen, AICP, Commissioner
Orange County Planning Department



Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, AICP
Commissioner
www.orangecountygov.com/planning

Coversheet: NYS General Municipal Law (GML) §239-l, m, and n Referral

This coversheet should be completed by the local board having jurisdiction. GML 239 coversheets submitted by an applicant's design professional or representative will no longer be accepted without the signature of the responsible referring local board municipal official or their designated administrative assistant (for example city, village or town clerk, planning or zoning board chairperson or secretary). Please include all materials that are part of a "full statement" as defined by NYS GML §239(m), as "all materials required by and submitted to the referring body as an application on a proposed action". Emails with this coversheet, municipal board signature and full statement to planning@orangecountygov.com are acceptable.

Referral ID No.: County Use Only

Municipality: Choose a Municipality.

Tax Map No.:

Local Referring Board: Choose an item.

Tax Map No.:

Applicant:

Tax Map No.:

Project Name:

Local File No.:

Location of Project Site:

Zoning District:

Reason for County Planning Review (e.g. within 500 ft. of a Choose an item.

Type of Review:

- Comprehensive Plan Update/Approval
- Zoning Amendment
 - Zoning District Change, from to
 - Ordinance Modification, cite section:
- Local Law:
- Site Plan, non-residential sq. ft. proposed:

Which approval is the applicant seeking? SKETCH / PRELIMINARY / FINAL
- Subdivision, number of lots proposed:

Which approval is the applicant seeking? SKETCH / PRELIMINARY / FINAL
- Special Use Permit:
- Lot Line Change:
- Variance: AREA / USE
- SEQRA: Choose an item.
- Other:

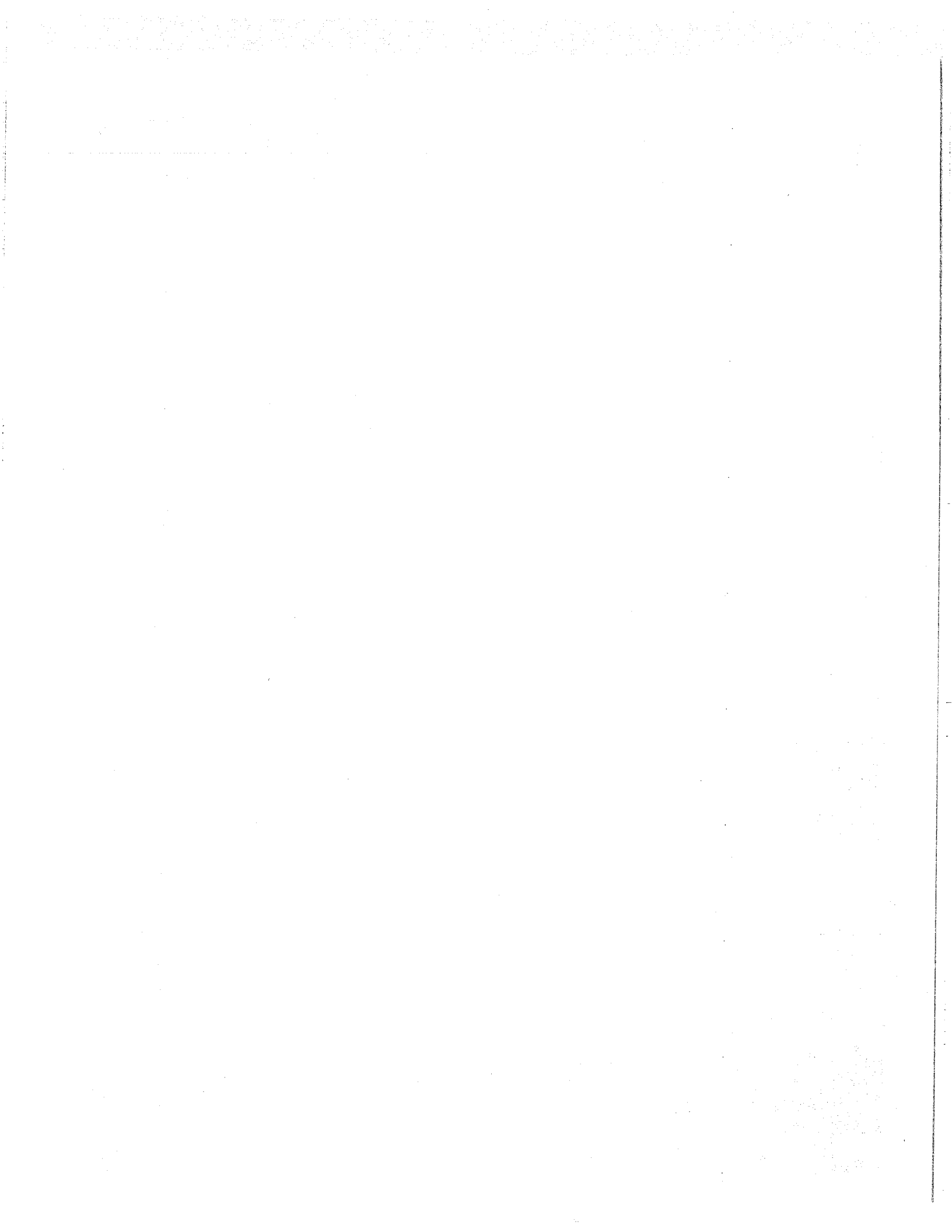
Local Board comments/elaboration:

Name/Signature of local official

Date

Title

Municipal Contact Phone No.:





Steven M. Neuhaus
County Executive

Orange County Department of Planning

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Goshen, NY 10924-2124
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planning@orangecountygov.com

Report of Final Action by Local Board as per NYS General Municipal Law §239-l, m, &n

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken.

Local Board: _____ County Referral ID #: _____

Project Name: _____

Date of Local Action: ____/____/____ #Ayes: _____ # Nays: _____

In regard to the proposed action described above, the following final action was taken (*check one*):

_____ Our local board **approved** this action.

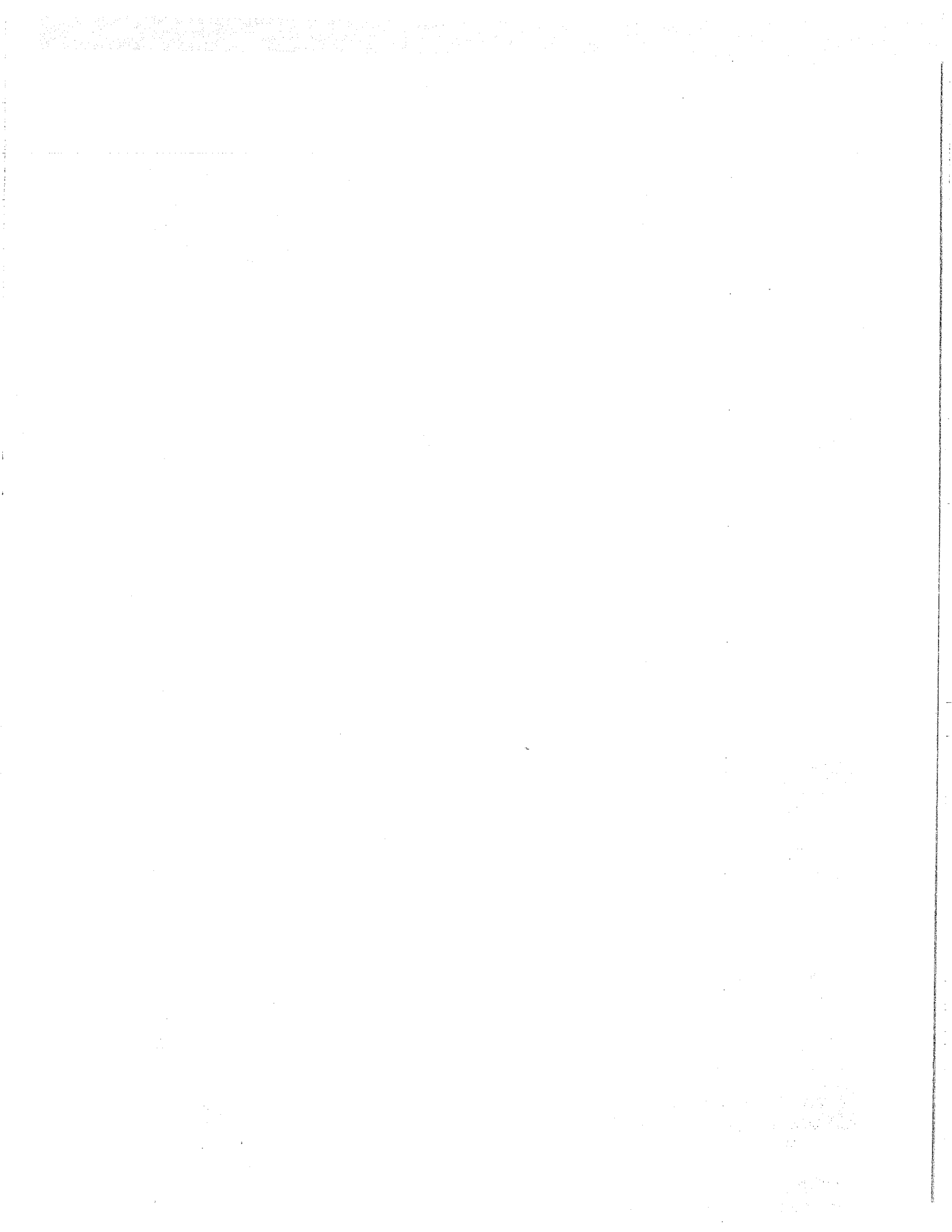
_____ Our local board **approved** this action **with modifications**. *Briefly describe the modifications below.*

_____ Our local board **disapproved** this action.

Reasons for acting contrary to County Planning Department's recommendation(s), if applicable:

_____ Project withdrawn by sponsor

Please return to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924
Questions or comments? Call: 845-615-3840



Municipal Guide to NYS General Municipal Law §239: Required Planning, Zoning, and Subdivision Referrals

**Orange County
Department of Planning**
December 31, 2022

**Steven M. Neuhaus, County Executive
Alan J. Sorensen, AICP, Commissioner of Planning**

Orange County Department of Planning
124 Main Street, Goshen, New York 10924
845-615-3840

www.orangecountygov.com/planning



**Steven M. Neuhaus
County Executive**

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I. The General Municipal Law §239 Referral Process

This *Municipal Guide to NYS General Municipal Law §239* has been prepared by the Orange County Planning Department (“County Planning”) in order to help local municipalities understand New York State General Municipal Law §239-l, m & n and how the referral process typically works in Orange County, NY. The *Guide* will describe: what types of projects need to be referred to County Planning, the purpose of referral, how and when projects should be referred, how County Planning processes and reviews these projects (often called “referrals” once they are sent to County Planning), and what documents are used as guidance or as policy during County review.

I.1 Referral is Required by New York State

New York General Municipal Law (GML) requires that certain types of municipal planning, zoning and subdivision projects be referred to County Planning for review prior to local action being taken. The requirement seeks to promote coordination of land use decision-making and to enhance consideration of potential inter-municipal and county-wide impacts. This requirement is outlined in Article 12-b of the GML, §239 l, m and n. This process is commonly referred to across New York State as the “GML 239 referral”, the “GML 239 review”, or simply the “239 review” process.

There are three sections of GML §239 which govern this process: §239-l describes the purpose for county review; §239-m describes planning, zoning and development review referral; §239-n describes the referral of subdivision applications.

I.2 Projects That Must Be Referred

General Municipal Law §239 m and n specify that the following classes of projects be referred to County Planning:

- adoption or amendment of a comprehensive plan pursuant to Section 72-a of Town Law, Section 7-722 of Village Law or Section 28-a of General City Law;
- adoption or amendment of a zoning ordinance or local law;
- issuance of special use permits;
- approval of site plans;
- approval of subdivisions¹;
- granting of use or area variances;
- other authorizations that a municipality may issue under the provisions of any *Zoning Law* or local law.

The referral requirement for site-specific projects - such as special use permits, site plans, subdivisions, and variances - is geographically tied to certain features/facilities which raise the likelihood of potential inter-

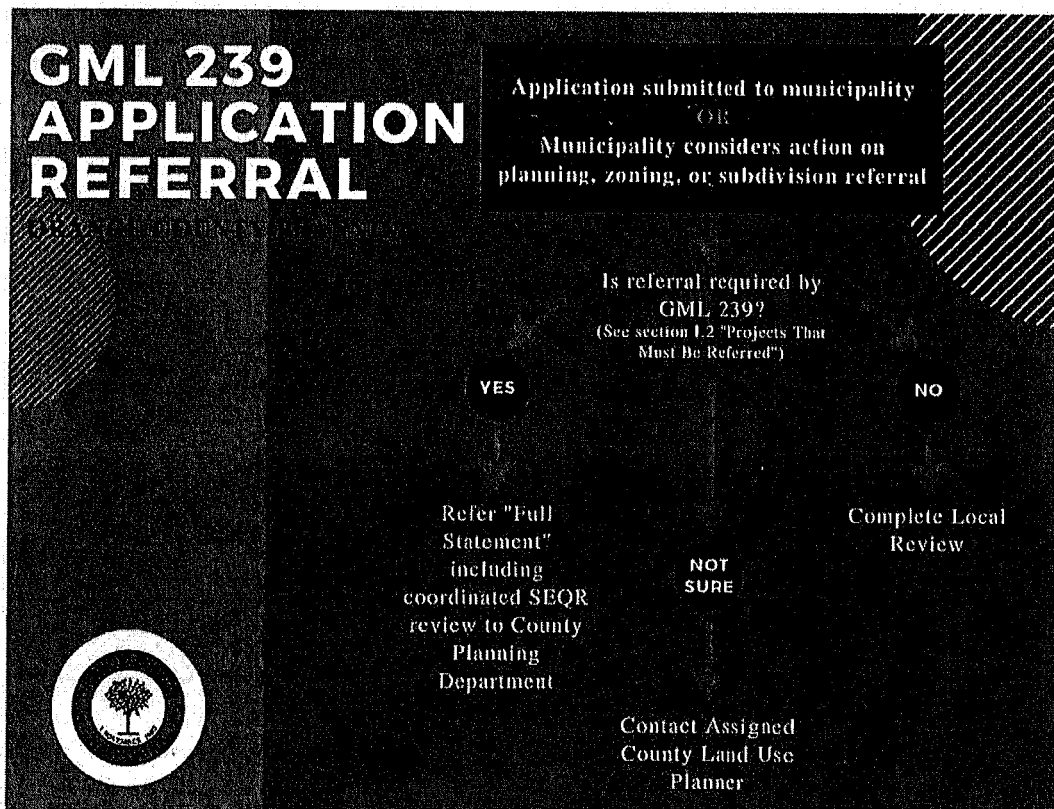
¹ According to §239-n the local board must refer applications for preliminary and/or final subdivision approval. Sketch plans are also referable if the local board votes to approve them. Even if sketch plans are not required to be referred, County Planning encourages the local Boards to refer sketch plan applications so that we may formulate and offer comments early in the review process.

municipal or countywide impacts. A project should be referred if any portion of the parcel(s) that is part of the project is within 500 feet from any of the following features:

- a municipal boundary;
- a County or State road, existing or proposed;
- a County or State park or recreation area, existing or proposed;
- the boundary of any County or State-owned land on which a public building or institution is situated, existing or proposed;
- a farm operation located in one of the two updated Orange County Agricultural Districts (this one provision does not apply to area variances)
- the right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, existing or proposed. *NOTE: Orange County does not own any streams or drainage channels, so this clause does not apply.*

Even if not strictly referable, County Planning review can aid municipalities by offering technical and planning expertise on any particular project that is before a local board. If a municipality has a question regarding whether referral to the County is necessary or appropriate, County Planning encourages municipalities to refer the project.

Figure I.1 "Referral Phase Flowchart"



I.3 Orange County Executive Action No. 4 of 2018

Orange County Executive Action No. 4 of 2018 requires that prior to the issuance of any permit from the County Department of Public Works or the County Division of Environmental Health, those agencies shall coordinate with County Planning to ensure that any necessary GML 239 and State Environmental Quality Review Act (SEQRA) reviews have been completed for the proposed action. This order applies to:

- new realty subdivisions,
- individual sewage systems,
- public water supply improvements,
- new construction of food service,
- children's camps,
- sewer mainline,
- sewer lateral, and permit for work on a County road.

I.4 What Materials Get Referred

The GML requires and County Planning expects that the referring local board will submit a full statement of the project as defined in §239 m and n. A **full statement** is defined in GML as:

all materials required by and submitted to the referring body as an application on a project, including a completed environmental assessment form and all other materials required by such referring body in order to make its determination of significance pursuant to the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. When the project referred is the adoption or amendment of a zoning ordinance or local law, "Full Statement of such Project" shall also include the complete text of the proposed ordinance or local law as well as all existing provisions to be affected thereby, if any, if not already in the possession of the county planning agency or regional planning council.

A full statement therefore typically includes the following items:

- all materials required by and submitted to the local board as an application;
- all materials required by and submitted to the local board in order to make its determination of significance under SEQRA, including Final Environmental Impact Statements;
- any additional materials and/or studies prepared for the Project or deemed to be necessary by the local boards and/or County Planning;
- for zoning amendments: the complete text of the revisions as well as all existing provisions to be amended, if any;
- for area and use variance appeals: an explanation that justifies the need for a variance, i.e. the applicant's written demonstration that they or the land in question [for a use appeal] meet the tests for the granting of a variance;
- a statement of the relationship between the project and the County Comprehensive Plan.

If County Planning discovers during review of the referral that any of the required information has not been provided and that, therefore, the referral does not constitute a full statement, County Planning will notify the local board so that the missing materials can be submitted. In some cases, the requested materials have not been

submitted to the municipality, who would then turn to the applicant or appellant to ask for the required information.

Please keep in mind that, even after the initial referral to County Planning, items that the local board receives that are part of the application being considered must be forwarded to the County.

In addition to the full statement, all referrals must include County Planning's **Cover Sheet**, which should be filled out by the municipality. This Sheet provides information to County Planning's staff that is essential to the processing of the referral. The Sheet can be found on County Planning's website, or in the Appendix of this *Guide*. The municipality should indicate the following information on the Cover Sheet:

- Name of Referring Municipality;
- Name of Referring Board;
- Name of Applicant;
- Name of Project;
- Location of Project Site;
- Reason for County Review;
- Tax Map Number;
- Local File Number;
- Size of Parcel;
- Current Zoning, including overlays; and
- Type of review being submitted.

1.5 Timing Considerations

County Planning is allowed the following timeframes to review and reply after receipt of a full statement:

- a *minimum* of thirty (30) days, and
- a *maximum* of up to two (2) days prior to a regularly scheduled meeting during which the board will be taking action (i.e. voting) on the project

The date of **receipt** of a full statement is the postmark date, if mailed, or the date of delivery, if hand-delivered.

Local boards must provide for this time period when scheduling votes on projects that are subject to referral to County Planning – the local board does not have jurisdiction to take action until the time standard outlined in GML §239 has been satisfied. Or, if no reply from County Planning has been received within the aforementioned time period, the local board may take action without County reply. Courts have held that acting without GML §239 jurisdiction is an administrative error, which nullifies the action of the local board.

See Chapter IV "*Legal Implications of the §239 Referral Process*" for additional pertinent information.

Consider the following scenarios:

- *A Town Planning Board refers the Full Statement of a proposed commercial site plan to the County Planning Department. The materials are postmarked March 1st (which is the date of "receipt"). The County Planning Department replies on April 10th that the site plan should be modified prior to receiving Town Planning Board approval. The Town Planning Board meeting is scheduled and held on*

April 17th. Though the County reply was made more than thirty days from the referral, its reply was received by the town more than two days in advance of the meeting. Therefore, the Town Planning Board would be required to adhere to the recommendation, or muster a supermajority to override, and state the rationale for overriding the County recommendation.

Or...

- A Town Planning Board hand-delivers a referral on March 1st, but does not get a reply from the County before its meeting on April 1st. The Board has satisfied the referral process and does not need to wait for a County reply prior to taking action on the matter that was referred.

If County Planning determines more time is needed to review a referral, it may approach the local board and, if mutually agreeable, arrange for an extension of the review period. Municipalities should avoid requesting expedited reviews by County Planning, which will strive to be helpful and expeditious in its review letters but cannot guarantee that such requests are agreed to. Please allow at least the mandated thirty (30) days for County Planning review.

II. Purpose and Principles of County Review

The intended purpose of GML Sections §239 l, m and n is to bring pertinent inter-community and countywide matters into consideration in the review of planning, zoning, and development review applications.

Part of this process involves bringing projects to the attention of neighboring municipalities and agencies having jurisdiction. County Planning uses the referral process to ensure consistency with the policies of Orange County, notably represented in Orange County's *Comprehensive Plan* and its Supplemental Chapters: the *Open Space Plan* (2004, currently being updated); the *Water Master Plan* (2010); the *Greenway Compact* (2013); the *Agricultural and Farmland Protection Plan* (2015); the *Economic Development Strategy* (2015); and the *Transportation Chapter* (2019). Additionally, the Long Range Transportation Plan, the Orange County Design Guide, and various other reports and studies are referred to when reviewing projects for consistency with County policies. These documents, discussed in the "Other Reference Documents" section of this *Guide*, are amended from time to time – the most recent version are available on-line at www.orangecountygov.com/planning or by calling the County Planning office.

While conducting reviews, County Planning will specifically consider the following items as defined in GML §239 l:

- Compatibility of various land uses with one another;
- traffic generation characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed roadways;
- impact on existing and proposed County or State uses;
- protection of community character as it relates to predominant land uses, population density, and the relation between residential and nonresidential areas;
- drainage and watershed;
- community facilities;
- official municipal and County development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures;

- such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.

II.1 Orange County Comprehensive Plan Principles

Policy statements that provide a general vision for the future growth of Orange County are found within the *2019 Orange County Comprehensive Plan* and its supplemental chapters. The *Comprehensive Plan* defines primary trends, assets, and challenges that Orange County and its partner municipalities share. Every five years, the County Commissioner of Planning, in consultation with the Orange County Executive and the Orange County Planning Board, must review and update the *Orange County Comprehensive Plan* and submit it to the County Legislature for approval. Consistent with GML §239(d), the *Orange County Comprehensive Plan* has two primary legal implications: (1) all county land acquisitions and public improvements must be in accordance with the *Plan* and (2) all plans for capital projects of a Municipality, County or State governmental agency on land included in the *Orange County Comprehensive Plan* must take the *Plan* into consideration.

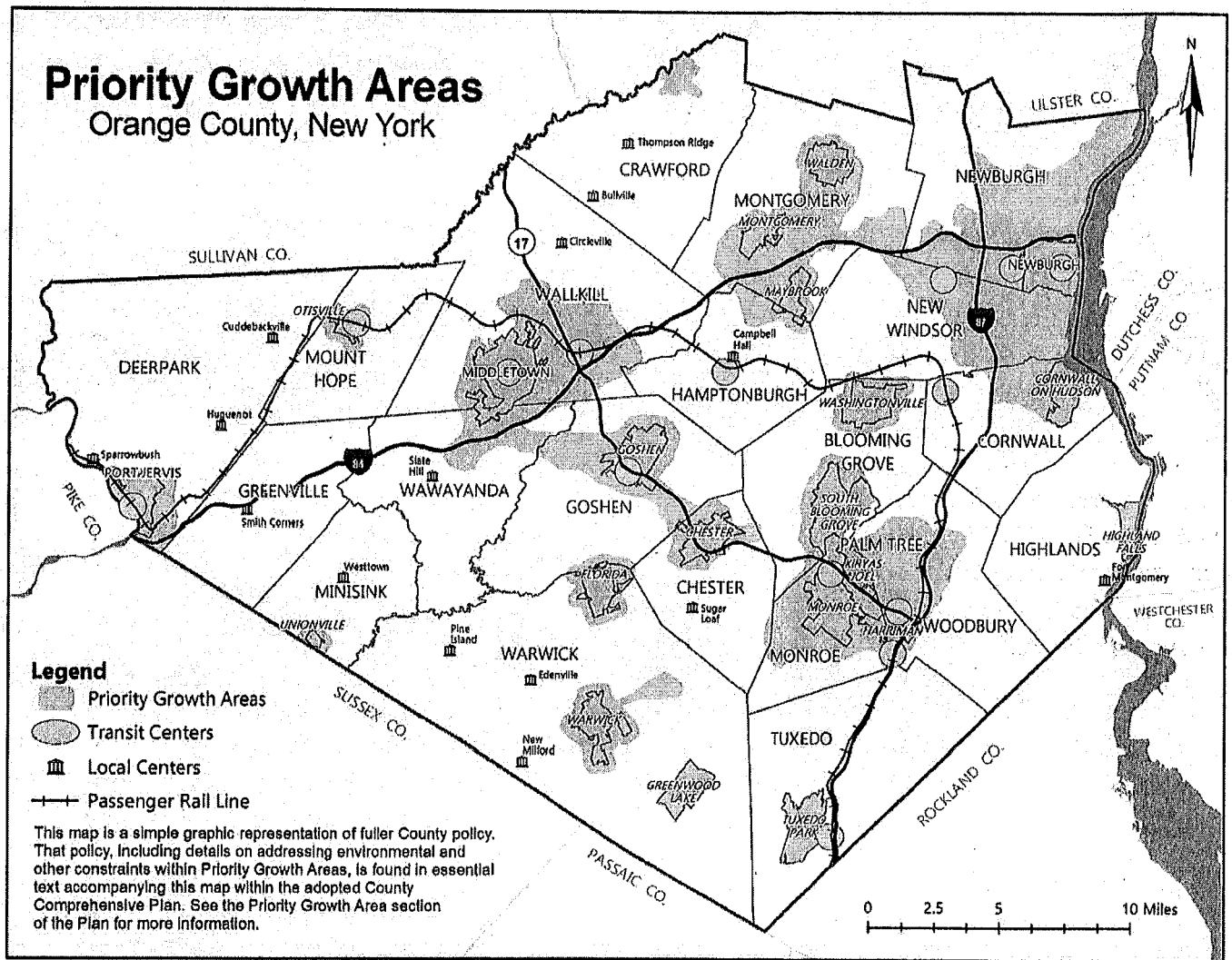
Below are the broad issues addressed in the *Orange County Comprehensive Plan* and are the key considerations taken into account by County Planning when conducting the review of a referred project:

- ***Declining Affordability:*** the need to find ways to insure greater access to livable wages, affordable housing, and available community services for all of our diverse population.
- ***Retaining and Attracting Our Youth:*** to insure the diversity and quality of our communities and our workforce in the future
- ***Ensuring A Lead Role for Our Central Places, Cities, Villages, and Hamlets:*** the vitality of these places is a prime indicator of successful planning
- ***Better Managing Development Patterns:*** traffic congestion and increasing difficulty in finding adequate water supplies are some of the leading signs that land development location, pace, and design need improved management
- ***The Future of Agriculture:*** the need for direct efforts to help reduce the costs and provide incentives to help overcome market forces that encourage the conversion of farms to residential and commercial development
- ***Protection of Water Resources:*** reservoirs and lakes, streams, wetlands aquifer recharge areas, and public water supplies are vital resources that provide essential services to the County residents, businesses, and ecosystems
- ***Conservation of open space and natural resources:*** development should be balanced with the conservation and protection of the County's biological gems, scenic vistas, historical sites, and recreational assets

II.2 The County's Priority Growth Areas (2019)

Orange County developed Priority Growth Areas (“PGA’s”) to provide a countywide, regional perspective for County leaders, local municipal officials, and all citizens involved in land use decisions. First introduced in the 2003 *Orange County Comprehensive Plan*, the PGA’s concept was reworked and redefined in the 2010 update and the 2019 update to the *Orange County Comprehensive Plan*. The PGA’s were reassessed with respect to centralized water and sewer service areas, land use, local zoning districts, certain environmental constraints and protected open space. The original elements, which included six settlement categories in the 2003 *Orange County Comprehensive Plan*, were redefined into just two categories: Local Centers and Transit Centers.

Figure II.1 “Priority Growth Areas”



➤ **Growth Areas:** Growth Areas include the historic cities and villages of the County where growth has historically occurred, with some outlying areas for logical projected growth. The Growth Areas identified are particularly significant in a region with a largely rural history and character because they provide a sense of place and a focus of services amid larger areas of open space, agriculture, forest lands and rural residential neighborhoods. Most include a prominent central business district, the presence of

regional civic and employment sites, a mix of land use types and intensities, pedestrian oriented neighborhoods, access to major transportation systems, and a diversity of housing, community and commercial activities. It is within the boundaries of the Growth Areas that Orange County encourages additional urban/village growth, such as higher density residential, commercial and certain industrial uses, as well as other community services. The use of infill construction as a method of revitalization is especially appropriate within the Growth Areas. Priority should be given to the Growth Areas, and specifically the Villages and Cities within them, for County support, incentives, and investment in water and sewer infrastructure improvements/extensions, sidewalk construction, transportation infrastructure, opportunities for transit-oriented development, housing, and commercial development.

- *Transit Centers:* Additional focus for growth within the Growth Areas should be given to areas of existing transit service. Priority consideration should be given to increasing options for travelers seeking intermodal connections between transit, motor vehicle, and pedestrian or bicycle transportation. The County strongly endorses the transit-oriented development concept that offers pedestrian-scaled projects and an appropriate mix of residential and commercial development at densities and scales sited to take advantage of transit connections.
- *Local Centers:* Another component of the refined PGA's concept is the Local Center, which includes many of the County's more established hamlets, some of which may provide limited services to surrounding residents. They typically include community or civic facilities and modest retail or professional services. Centralized public services are not currently common in these centers, but may be needed to accommodate added growth. Local centers also include some crossroads and major road intersections that serve or could serve as future community or neighborhood centers but are not reliant on immediate arterial or interstate highway access. County investment in these locations should be focused on addressing preexisting water and sewer infrastructure needs, improving transit and transportation, the enhancement of amenities, such as parks, trail development and tourist attractions and small business development.
- *Areas Outside Priority Growth Areas:* As described under "The Priority Growth Concept" section, the Orange County *Comprehensive Plan* PGA's concept is fundamentally based on a differentiation between urban and rural areas. While Orange County's goals for the urban areas are described above, following is a description of the County's objectives for the rural areas outside of the PGAs. The County's highest priority for rural areas is the protection of open space, which includes both working landscapes and natural resources. The many values of open space are outlined in Orange County's *Open Space Plan*, described under said heading later in this *Guide*.

II.3 The Water Master Plan (2010)

This document is a Supplemental Chapter to the *Orange County Comprehensive Plan* and is meant to clarify and enable ways that County government can smartly and effectively function in the future to assure the availability of water in the County. This Plan assumes that success for such function must be based on collaboration between municipalities, water purveyors, and the County including the Orange County Water Authority ("OCWA"). This Amendment also addresses core issues of concern and recommended actions from

the 2003 County Comprehensive Plan, notably towards “defining ... water carrying capacities” and “to foster cooperation with municipalities including inter-connections among local systems where possible.”

The *Water Master Plan* focuses on the overall evaluation of future demand for water within the Orange County and the formulation of initiatives to address these demands. The *Water Master Plan* also addresses the essential need for source water protection, research and monitoring, conservation and the promotion of water policies that encourage the efficient use of energy.

11.4 Orange County Open Space Plan (2004)

This document is a Supplemental Chapter to the *Orange County Comprehensive Plan* and identifies priority natural resource areas that are worthy of conservation. The *Orange Space Plan* also identifies techniques that can be utilized in order to provide for and protect open space. Natural resource areas of consideration are divided into five categories in the Plan:

- water resources
- agriculture
- recreation
- landforms and landscapes
- biological diversity

Protection of the specific resource areas identified in the *Open Space Plan* is a high priority recommendation to the municipalities in Orange County. The inventory and prioritization of resource areas in the *Plan* are also used by local and regional conservation partners for planning and protection efforts.

11.5 Other Policy and Reference Documents

While the *Orange County Comprehensive Plan* and its Supplemental Chapters are County Planning’s primary policy documents, there are many other plans and documents that the County uses as **guidance documents** – these are often quoted or referred to by County Planning in their GML 239 letters to the municipalities. Most of these documents can be found on County Planning’s or the OCWA’s websites and include, but are not limited to, the following:

- *Orange County Transportation Council Long Range Transportation Plan (2019)*: The Orange County Transportation Council carries out planning functions related to transportation matters in Orange County, including developing a Unified Planning Work Program every year, the Transportation Improvement Program every two years, and the Long Range Transportation Plan every four years. This planning is carried out by the Orange County Transportation Council, which is an inter-agency and inter-municipal body established by New York State and the Federal Government. OCTC is chaired by the County Executive and is staffed by County Planning.
- *Regional Housing Needs Assessment (2009)*: the Counties of Dutchess, Orange and Ulster initiated a Regional Housing Needs Assessment to determine whether the housing needs of the existing residents of the three (3) counties were being met; the final report found that Orange County in

particular lacks housing that is affordable for much of its population.

- *Agricultural Economic Development Strategy* (2004): Although not adopted by the Legislature, the County's Agriculture and Farmland Preservation Board has used this *Strategy* to inform discussions, decisions and processes.
- *Agricultural and Farmland Protection Plan* (2015): The document outlines recommendation that should be utilized to encourage and build the County's vital agriculture industry and preserve irreplaceable farmland.
- *Orange County Design Guide* (2010): In addition to assisting County Planning in the GML 239 review process, the *Design Guide* has been widely distributed among the municipalities in Orange County and continues to be marketed as an essential reference for local boards. Overall, the *Guide* serves as a manual towards smart growth goals and objectives by providing a series of visual examples that are organized into three themes: Green Infrastructure, Connectivity, and Complete Communities. The *Guide* also provides policy recommendations, tools and implementation strategies that can further those goals.
- *Non-motorized Transportation Plan* (1998): The Orange County Transportation Council developed Orange County's first Bicycle and Pedestrian Plan as an outgrowth of the Long Range Transportation Plan. The *Non-motorized Transportation Plan* inventories existing facilities and recommends future actions to promote bicycling and walking as viable travel alternatives. The *Plan* provides a vision statement supported by goals and objectives, and performance measures were identified to gauge the effectiveness of the objectives. The *Plan* is scheduled to be updated in 2012.
- *Southeastern Orange County Transportation and Land Use Plan* (2003): This document is a collaborative assessment and planning study largely resulting from increased population growth, land development, and traffic issues in the Southeast Part of Orange County. The *Southeastern Orange County Transportation and Land Use Plan* encompasses the following municipalities:
 - Blooming Grove (T)
 - Washingtonville (V)
 - Harriman (V)
 - Woodbury (T & V)
 - South Blooming Grove (V)
 - Monroe (T & V)
 - Kiryas Joel (V)
 -
- *Newburgh Transportation and Land Use Study* (2011): The document is an area-focused analysis that examines the past, present and future implications of transportation planning throughout the Newburgh Area, with a heightened emphasis on non-motorized (e.g. bicycle & pedestrian) planning. The *Newburgh Transportation and Land Use Study* encompasses the following municipalities:
 - Cornwall (T)
 - Montgomery (T & V)
 - Walden (V)
 - Newburgh (C)
 - Cornwall-on-Hudson (V)
 - Maybrook (V) Walden (V)
 - New Windsor (T)
 - Newburgh (T)
- *Mid-County Study* (ongoing): OCWA is conducting a planning study of the central portion of the County, focusing on development trends, smart growth planning alternatives, and water resource

evaluation and management. The *Mid-County Study* encompasses the following municipalities:

- Crawford (T)
- Wallkill (T)
- Wawayanda (T)
- Goshen (T & V)
- Middletown (C)
-

➤ *Moodna Creek Watershed Conservation & Management Plan (2010)*: OCWA worked collaboratively with many partners to create a watershed plan that inventories and addresses watershed issues related flooding, stormwater management, biodiversity, water quality, development intensity, public access to water, and other important topics. The Moodna Creek Watershed includes at least portions of the following municipalities:

- Blooming Grove (T)
- Washingtonville (V)
- Cornwall (T)
- Hamptonburgh (T)
- Montgomery (T)
- Warwick (T)
- South Blooming Grove (V)
- Chester (T & V)
- Goshen(T)
- Monroe (T)
- New Windsor (T)
- Woodbury (T & V)

➤ *Wallkill River Watershed Conservation & Management Plan (2006)*: This document identifies and prioritizes various management needs throughout the Wallkill River watershed, and provides guidance and a list of projects and actions that can be implemented to protect and improve the watershed. The Wallkill River Watershed includes at least portions of the following municipalities:

- Chester (T)
- Goshen (T & V)
- Hamptonburgh (T)
- Unionville (V)
- Maybrook (V)
- Mount Hope (T)
- New Windsor (T)
- Wallkill (T)
- Warwick (T & V)
- Wawayanda (T)
- Crawford (T)
- Greenville (T)
- Minisink (T)
- Montgomery (T & V)
- Walden (V)
- Otisville (V)
- Newburgh (T)
- Middletown (C)
- Florida (V)
-

➤ *Orange County Water Authority's Stream Biomonitoring Reports (2004 through 2010)*: The OCWA's stream biomonitoring program has given rise to an abundance of water quality data for Orange County's streams. This information is used to assess the overall health of streams countywide and to be the foundation of future exploratory work into causes of water quality impairments.

➤ *The Orange County Resilience Plan (2022)* identifies climate change risks and vulnerabilities and informs the selection of five prioritized resilience-based projects. This plan takes a county-wide approach and considers impact and damages to housing and economics, transportation and utilities, government services, agriculture, social infrastructure, and natural and cultural resources.

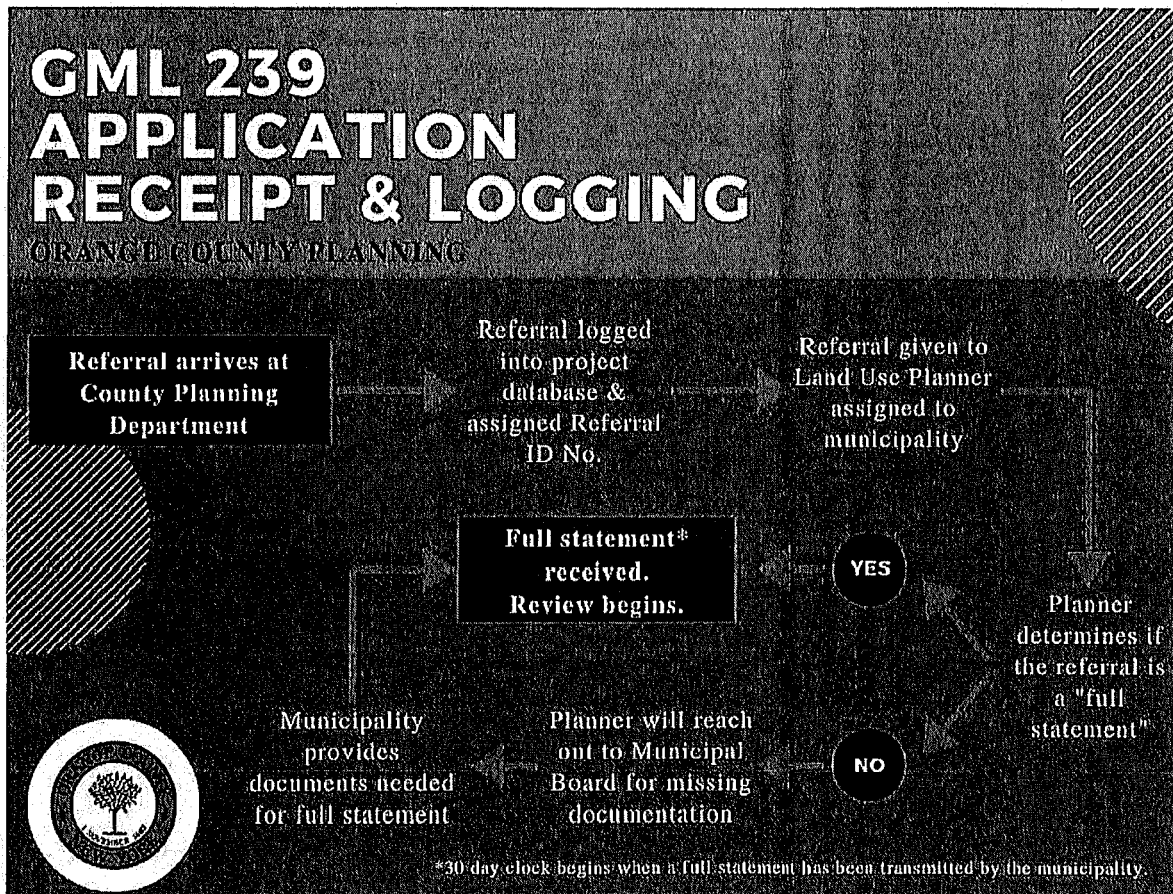
➤ *The West Central Transportation & Land Use Connection Study (2022)* makes recommendations to

improve the movement and transportation network of people and goods in the mid and western municipalities of Orange County, NY which include: The Cities of Middletown and Port Jervis; The Towns of Crawford, Wallkill, Mount Hope, Deerpark, Greenville, Minisink, Wawayanda, Goshen, Hamptonburgh, Chester and Warwick; and The villages within those towns, which includes Greenwood Lake, Warwick, Florida, Chester, Unionville, and Otisville. Potential improvements were developed by identifying travel patterns, developing strategies and conceptual plans, and creating a roadmap for future studies and project implementation.

III. County Planning Review Process

County Planning accepts hundreds of referrals each year. The flow chart below outlines the process that occurs once a referral arrives in County Planning's office.

Figure III.1 "Receipt and Logging Phase Flowchart"



While it is necessary to be explicit and clear about how the process works, the intent of County Planning's role is to provide helpful solutions to improve proposed plans and local laws and to give professional review of proposed development activities to assist the local municipality in making their decision. In so doing, Orange

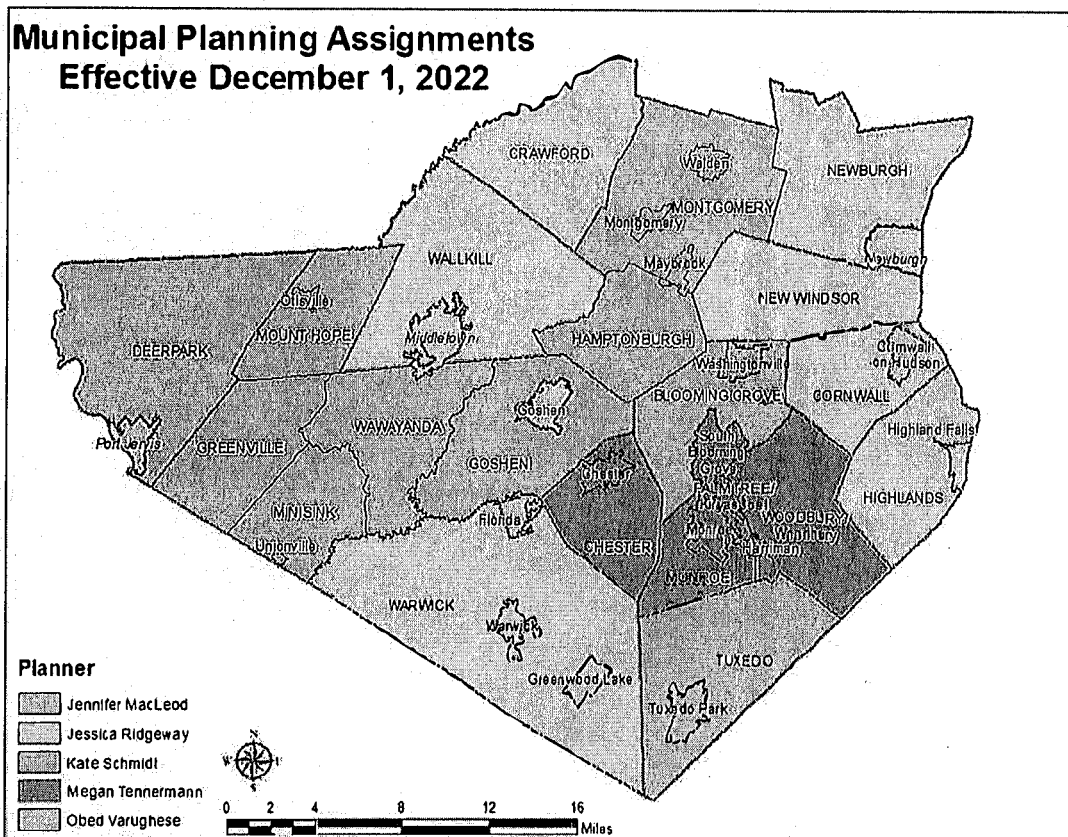
County hopes to advance the policies of adopted County plans, as well as protect the interests of Orange County. This process also enables County Planning to track and coordinate actions across municipal borders.

III.1 County Planning Staff Assignment and Review

Referrals are assigned to a certain planner based on municipality; each municipality is assigned to a specific planner. That planner is the lead contact person for all referrals from a set of municipalities. See Figure III-2 “Municipal Planning Assignments” for the map of current assignments.

Referrals are researched and reviewed by the assigned planner. As necessary, planners work with other county staff and with municipal or local contacts and experts to complete reviews. County Planning also coordinates with Orange County Departments of Public Works and/or Environmental Health, if relevant. Most reviews are read and signed by the Commissioner or Deputy Commissioner of Planning, although area variances are typically signed by one of two Senior Planners.

Figure III.2 Municipal Planning Assignments as of December 2022



III.2 Review Letter Recommendations

County Planning's review letters can include advisory comments, which are meant to provide helpful insights or suggestions, as well as binding recommendations, which are discussed below. An important distinction to make is that County Planning does not have actual decision-making or permitting authority for items referred for review under GML §239 l, m and n; the land use approval process in New York State is overseen by local boards, which have jurisdiction for nearly all procedural matters, including environmental review and public hearings. Therefore the strongest hand that County Planning can have is a binding recommendation.

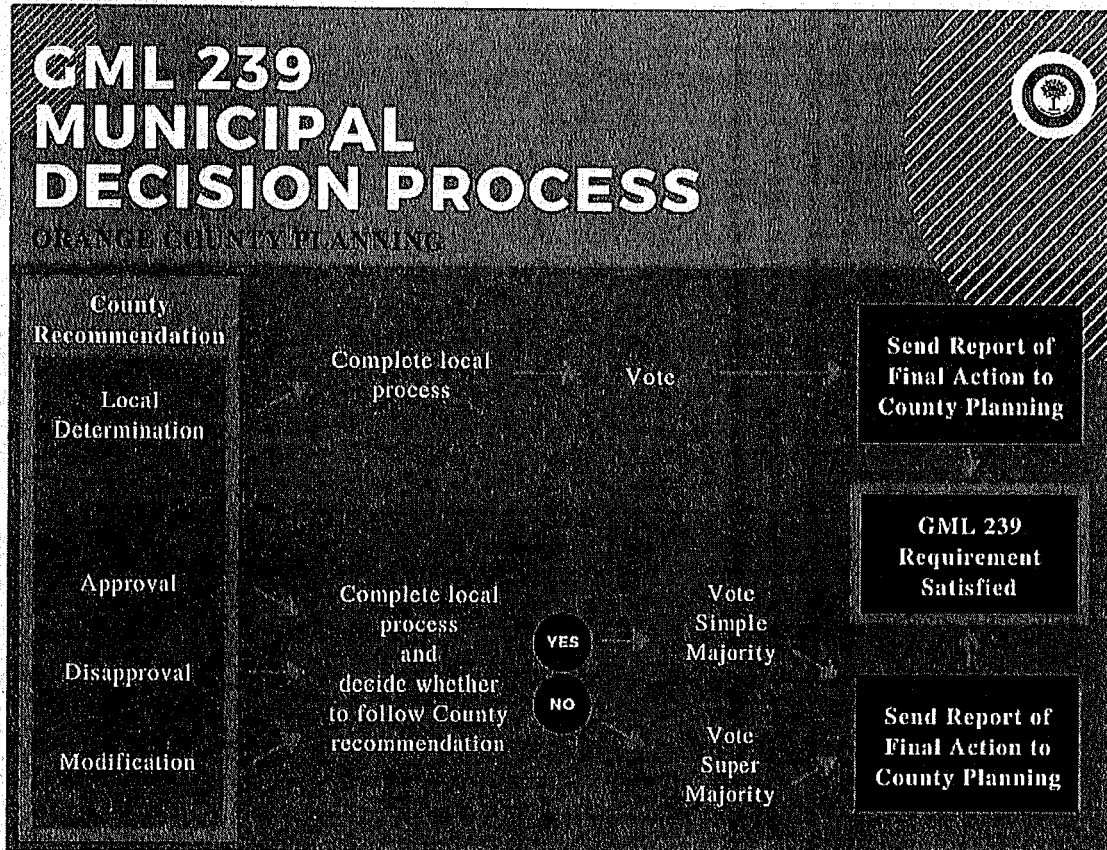
Binding recommendations are those that either require adherence by the local board or, if the local board feels strongly that the recommendation should not be adhered to, a supermajority vote (i.e. a simple majority plus one) to override County Planning's recommendation. In doing so, the local board must state - in the findings of its decision and in writing to County Planning - the rationale for taking that contrary action. The method of informing County Planning is by filling out and sending the Report of Final Local Action form, which can be found on County Planning's website or in the Appendix of this *Guide*.

County Planning can render one (1) of four (4) recommendations identified below:

1. *Approval*: County Planning finds that the project will not create any major inter-municipal and county-wide impact(s) to the items identified in GML §239 and is in general conformity with County Policy. A recommendation for approval is not binding on the municipality; no supermajority is needed to disapprove a project for which approval has been recommended.
2. *Modification, also known as "Approval with Conditions"*: County Planning agrees that the project should proceed if the conditions outlined in the review letter are met. Binding recommendations to modify a project require the municipality to have a supermajority vote to take contrary action.
3. *Disapproval*: The project is in stark contrast to established County policy and/or may have major inter-municipal and county-wide impact(s) on one or more of the items identified in GML §239(l). Any binding recommendations require supermajority to take contrary action.
4. *Local Determination*: County Planning may find that the matter is primarily of local concern when there are no significant county-wide or inter-community impact(s) and thus believes that the local board should come to a decision based on its findings alone. County Planning may attach advisory comments for the local board to consider during its deliberations.

The local board is required to send County Planning a record of its decision within thirty (30) days of taking final action. In addition the Report of Final Local Action form, the local board must provide findings for that contrary decision. Failure to comply with this policy - and indeed any policy stated in GML §239 l, m and n - could place the local board and the project in legal jeopardy.

Figure III.3 "Municipal Decision Phase Flowchart"



III.3 Meeting with County Planning

County Planning is available for a variety of assistance requests, and will meet with municipal officials, property owners, interested parties and municipal applicants as needed. County Planning is also available to attend municipal board meetings at the request of the local board.

If an applicant for a project that is subject to GML §239 review requests a meeting with a representative from County Planning, the County will typically oblige, although a representative from the municipality will be also invited to attend since County Planning’s obligations are to municipalities and not to applicants.

III.4 Gateway Meetings

In 2021, County Planning began holding preliminary meetings when receiving a referral for the early stages of a large project. These “gateway meetings”, including County Planning staff, the applicant and/or their agent, a representative of the municipality, and other relevant agency staff including but not limited to the County Health Department, County Department of Public Works, State Department of Transportation, State Department of Environmental Conservation, and others. We find that these gateway meetings at the beginning

of a project are useful for the applicant and the municipality by raising issues early in the process, which allows the applicant to adjust the design or other parameters based on site constraints.

IV. Legal Implications of the 239 Referral Process

Courts have repeatedly determined that municipal decisions or ordinances are null and void if the decision or ordinance concerns matters described in GML 239-l, m or n, and the municipality did not first refer the matter to the regional or county planning agency. Below is a listing of recent cases in which New York State Courts within Orange County's jurisdiction have reached this conclusion.

While the County does not have enforcement power against municipalities that do not comply with GML 239, there may be cases where it is appropriate to bring a legal action against a municipality for failing to refer a project that is subject to referral under GML §239, if the County has sufficient proof that the project that was not referred will damage County property or County interests.

IV.1 Applicable Cases

John F. Seyferth, Karen D. Ungerer and Donald Siebold v. Town Board of the Town of Woodbury et.al., Supreme Court of the State of New York, Orange County Indes # 8723/05, Motion Date 3/6/06. This CPLR Article 78 proceeding concerned the petitioners seeking judgment to annul five (5) zoning amendments and corresponding SEQRA findings by the Town of Woodbury in approving the Woodbury Suburban Project, also known as WP3.

Petitioners are resident property owners who challenged the Town of Woodbury actions as: (1) in violation of provisions of GML 239-m, (2) as inconsistent with the Town's 1988 *Master Plan* and 2005 *Comprehensive Plan* update, and (3) in violation of certain SEQRA regulations (6 NYCRR 617).

Most relevant to this *Guide*, is the decision on item (1) above by the Acting Supreme Court Justice, Honorable Elaine Slobod. Here the Court ruled that the referral to the County Planning Commissioner of the required "Full Statement of such Project" under GML 239-m(1)(c) must include not just a DEIS but also the FEIS. A review of this case also helps to clarify what should be referred to County Planning in meeting the statute definition of "Full Statement" and "all materials required by and submitted to the referring body", as well as the timing of such referral in triggering the statutory thirty (30) day time period for County Planning to make recommendations.

In re the Matter of Gernatt Asphalt Products, Inc. v. Town of Sardinia, et al., 664 N.E.2d 1226, 642 N.Y.S.2d 164 (1996). This was issued by the Court of Appeals, New York State's highest court of law and thus is binding in all New York State jurisdictions.

The owner of a mining operation challenged the municipality's adoption of two ordinances which repealed sections of law that designated quarries, clay, sand and gravel pits as "permitted uses" in the R-A district. Before adopting these ordinances, the Town referred the proposed amendments, as well as a third proposed ordinance which would have made quarries a "specially permitted use", to the Erie County Department of Environment and Planning under GML 239-l, which responded with "no recommendation."

The Petitioner argued that the matter should have been re-referred, because the Town initially referred three ordinances and then only adopted two, resulting in the prohibition of quarries and mining operations except as “nonconforming uses”, and that the Planning Department may have made a different recommendation if it knew only two were to be adopted.

The Court determined that the Planning Department was sufficiently notified of the proposed ordinances and a re-referral was not necessary, particularly since the Planning Board knew the Board’s intent was to limit mining operations, and the non-adoption of the third ordinance only changed the legal status of existing mining operations and “was of little relevance to traffic, population density, community appearance and facilities, and other matters within the domain and concern of the Planning Boards.”

Roanoke Sand & Gravel Corp. v. Town of Brookhaven, 24 A.D.3d 783 (2d Dept. 2005) Appellate decision binding in Orange County. A Property owner submitted an application to the Town for approval to construct an asphalt plant. While the application was pending, the Town Board enacted a moratorium on development, based on the pending review of the Town’s comprehensive plan and zoning laws. The property owner then brought suit, challenging the moratorium. The Court held that if the Town Board failed to refer the moratorium to the Suffolk County Planning Commission before enacting it, then the moratorium would be null and void.

Lamar Advertising of Penn LLC v. Village of Marathon, 24 A.D.3d 1011, 805 N.Y.S.2d 495 (3rd Dept. 2005). Appellate decision, not binding in Orange County. Owners of a billboard were denied a variance by the ZBA for a 60-foot billboard, where the zoning law limited billboards to 25 feet. The Owners sued, arguing that the ZBA decision was invalid in that it failed to refer the matter to the County Planning agency. The Court annulled the ZBA decision, writing that “failure to comply with this provision ‘is not a mere procedural irregularity, but rather ... a jurisdictional defect involving the validity of a legislative act.’”

Matter of Eastport Alliance v. Jackie Lofaro, 13 A.D.3d 527, 787 N.Y.S.2d 346 (2d Dept. 2004) Appellate decision binding in Orange County. A civic association and local residents challenged the site plan approvals provided to a developer of a catering hall by the Planning Board, arguing that the Planning Board failed to refer the projects to the Suffolk County Planning Commission before approving the site plans.

The Court held that the Administrative Code of the County of Suffolk, as well as GML 239-m, required the Planning Board to refer land use applications to the Planning Commission. Since the referral was never made, the Planning Board had no jurisdiction to approve the project and its approval was null and void.

Ernalex Const. Realty Corp. V. City of Glen Cove, 256 A.D.2d 336, 681 N.Y.S.2d 296 (2d Dept. 1998). The Court held that the City’s failure to refer municipal zoning ordinance to County Planning Agency was jurisdictional rendering the ordinance invalid.

In the Matter of Burchetta v. Town Board of the Town of Carmel, 167 A.D.2d 339, 561 N.Y.S.2d 305 (2d Dept. 1990) This is an Appellate decision, binding in Orange County.

Landowners challenged a Local Law which increased requirements for subdivision applications, including requiring the submission of an “environmental constraints map” with all applications for site plan approval, residential cluster development and subdivision of land, and tightened the definition of what constitutes “developable land.” The Law had not been referred to the County Planning Commission. The Court

invalidated the law, finding that it was null and void because the Town Board had no jurisdiction to enact it without making a referral to the Planning Commission.

Appendix A: Forms can be found online at <https://www.orangecountygov.com/328/Municipal-Referrals>



Warwick Town Clerk

From: Morse, Heather <HMorse@orangecountygov.com>
Sent: Tuesday, January 10, 2023 4:35 PM
Cc: Chapman, Langdon; Tyack, Alison
Subject: Please Review - World Trade Center Sick Leave Reimbursement Program
Attachments: 01 - 23 World Trade Center Sick Leave Reimbursement Program.pdf

Good afternoon,

Please review the attached Policy Advisory Report (PAR) -01-23 - Annual World Trade Center Sick Leave Reimbursement Program Notice, which is being sent to you on behalf of the New York State Department of Civil Service Municipal Services Division.

Thank you.

Best Regards,
Heather Morse
Director of Civil Service
Orange County Dept. of Human Resources
(845)291-2716 phone
(845) 378-2373 Fax Number
HMorse@orangecountygov.com

This communication may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender, and destroy all copies of the original message. No responsibility is accepted by Orange County Government for any loss or damage arising in any way from receiving this communication.



**Department of
Civil Service**

KATHY HOCHUL
Governor

TIMOTHY HOGUES
Commissioner

PAR-01-23

POLICY ADVISORY REPORT

TO: All Municipal Civil Service Agencies
Municipal Human Resources Administrators
Public Authority Human Resources Administrators

FROM: Municipal Services Division

SUBJECT: World Trade Center Sick Leave Reimbursement Program

DATE: January 06, 2023

RECEIVED
JAN 11 2023
Town of Warwick
Town Clerk

This notice is being distributed to Municipal Civil Service Agencies for dissemination to entities under their jurisdictions to inform municipalities and public authorities of the procedures established to obtain reimbursement for sick leave granted to employees for qualifying illnesses related to the World Trade Center attacks and subsequent recovery activities, per Chapter 60 of the Laws of 2020. We request that you provide this notice to officials responsible for administration of attendance and leave policies in your home municipality and any City, Town, Village, School District and Public Authority within your respective jurisdictions. The procedure and key contact information is provided below and in the subsequent attachment.

By January 31, 2023, participating entities with reimbursable claims prior to December 31, 2021, must submit an invoice to the Office of General Services Business Services Center (BSC) at accountspayable@ogs.ny.gov with a cc to Chapter273Laws2017@cs.ny.gov.

The subject line of the email should include the Invoice Number and the term "Department of Civil Service", and the invoice must contain the following:

- Name and address of the entity;
- NYS vendor/supplier ID number;
- Invoice date and number;
- Claiming period of the invoice; and
- Amount of reimbursement.

In addition to an invoice, the locality must submit the following items below to the Department of Civil Service at Chapter273Laws2017@cs.ny.gov:

- A signed copy of the attached attestation form;
- The timesheet report used to determine the hours of reimbursement for each employee in pdf form, with an identifying official heading;
 - A copy of the Notice of Participation in World Trade Center rescue, recovery, or cleanup operations for each applicable employee from the New York State Workers' Compensation Board, **AND** a copy of a letter from the New York State Workers' Compensation Board acknowledging receipt of the Notice of Participation. The claimant or municipality is responsible for requesting the letter from WCB and providing this letter to DCS.

OR

A verified copy of such approved Notice of Participation in rescue, recovery, or cleanup operations from his or her retirement system;

- Paystubs for the applicable sick days for each applicable employee.

Once the claims have been verified by the Department of Civil Service, the BSC will issue payment. All questions pertaining to these claims should be directed to Chapter273Laws2017@cs.ny.gov.

We thank you for your cooperation in implementing this important program.



**Department of
Civil Service**

KATHY HOCHUL
Governor

TIMOTHY HOGUES
Commissioner

World Trade Center Sick Leave Reimbursement Program

I hereby attest that the participants listed in the attached timesheet report:

- Are currently employed by the following State, public authority, or municipal corporation:
- Have been diagnosed with a qualifying World Trade Center condition (as specified in Chapter 60 of the Laws of 2020); and
- Have used sick leave due to the qualifying World Trade Center condition during the time period specified in the attached timesheet report.

Print Name and Title

Sign Name

Date

✓

Warwick Isle Group LLC Marketing Plan Offered for Sale by Warwick Isle Group LLC

In order to provide a choice of housing opportunities for a variety of income groups within the Town of Warwick, in accordance with the purposes of the Town of Warwick Zoning Ordinance and the policies of the Comprehensive Plan, the Planning Board and Town Board of the Town of Warwick must approve a marketing plan for the sale of an affordable unit approved by Special Use Permit and Subdivision Approval.

Number of affordable units. The Town of Warwick Subdivision Ordinance provides that subdivisions of land into 10 or more lots for single-family dwellings are required to include 10 percent of the total number of dwelling units within the subdivision as affordable housing units. The Warwick Isle Corp. overall subdivision plan was given Preliminary Approval for 32 Lots by the Town of Warwick Planning Board on June 21, 2009 which included 3 Affordable Housing Lots; Lot #5 in Section 1, Lot #7 in Section 2, and Lot #13 in Section 3.

Siting of affordable unit. All affordable units constructed or rehabilitated under the Town Zoning Ordinance shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. The affordable lot in the Warwick Isle Group LLC Subdivision shall be lot number 5, 7 and 13 as shown on the subdivision map.

Minimum design and construction standards for affordable units. The requirement for affordable housing unit shall be established by constructing a new dwelling on lot number 5, 7 and 13. Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be compatible in both interior and exterior design, appearance, construction and quality of materials with other units.

Local preference. First preference for affordable housing units shall be given to existing residents of the Town of Warwick, second preference to residents of other towns but who work as municipal or school district employees in the Town of Warwick, third preference to other residents of Orange County, and fourth preference to all others as permitted by law. Proof of residency, such as a driver's license or voter registration card, will be accepted to determine residency. The purchaser shall be selected by a lottery in order of preference. The Town of Warwick Tax Assessor's Office shall qualify applicants and the Town Clerk's office shall administer the lottery. The purchaser shall be required to sign a non-binding purchase offer and shall remit a \$1,000.00 binder deposit made payable to Bleakley Platt & Schmidt, LLP the attorney for the applicant, which shall be held in escrow and applied toward the down payment. The Purchaser must enter into a contract of sale within 21 days or the home will be offered to the next eligible applicant.

Marketing plan for affordable units. The Warwick Isle Group LLC subdivision (including the affordable home) will be advertised for sale through the Hudson Valley Multiple Listing Service. In addition, the subdivision (including the affordable home) will be advertised in the local newspapers. Letters will be sent to the Town Supervisor,

and the Mayors of the Villages of Warwick, Greenwood Lake and Florida with instructions to disseminate the availability of the affordable home to municipal employees including the police department. Letters will also be sent to the Superintendent of the Warwick, Florida and Greenwood Lake School Districts with instructions to disseminate the availability of the home to school district employees. Letters will be sent to Warwick, Florida and Greenwood Lake Fire Commissioners and Ambulance Corps with instructions to disseminate the availability of the home to its members.

Maximum incomes and selling prices:

Initial sale. The initial sale price of the affordable home shall be at a price requiring a monthly payment not exceeding 30% of the gross household income of households at or below 80% of the Orange County median income as reported by the U.S. Department of Housing and Urban Development. The maximum monthly payment shall be computed by utilizing prevailing FHA mortgage terms without other government assistance. To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and to certify, in writing and prior to transfer of title, to the Town of Warwick Tax Assessor's Office and the developer of the housing units or his/her agent, and within 30 days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the

\$75,000 as a result of this chapter, it has sold for 75 percent of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is \$150,000, the unit may be sold for no more than \$112,500, 75% of the appraised value of \$150,000.

Resale Purchasers. Any subsequent purchaser shall comply with income eligibility of Section 164-46 J (100) and purchaser's income will be verified by the Town Assessor's Office prior to closing.

The Building Inspector shall not issue a certificate of occupancy for any affordable unit until the deed restriction is recorded.

Selection Process. A lottery will be conducted by the Town Clerk's office from a pool of pre-qualified applicants. A pool of prospective eligible purchasers will be established based upon the following qualifying criteria:

1. Pool 1 will be comprised of qualified purchasers residing in the Town of Warwick who are either members of Town of Warwick essential service volunteer organizations such as firefighters and ambulance corp., Town of Warwick school district employees, health service workers, or municipal workers from the Town or its three Villages.
2. Pool 2 will be comprised of any qualified purchaser who is a current Town of Warwick resident.

3. Pool 3 will be comprised of any qualified purchaser residing in the County of Orange.

One qualified purchaser from Pool 1 will be selected by lottery and will sign a non-binding purchase offer, with \$1000 binder deposit, signifying their intent to proceed. In the event a contract is not signed within 21 days a new lottery drawing from Pool 1 will be made by the Town Clerk's office. This process will continue until a bonafide purchaser is obtained and a contract is signed. If Pool 1 is exhausted the process will continue to Pool 2 and then Pool 3 until a qualified purchaser is obtained and a contract is signed.

✓

**WHEELER ROAD ESTATES SUBDIVISION MARKETING PLAN
OFFERED FOR SALE BY WHEELER ROAD ASSOCIATES**

In order to provide a choice of housing opportunities for a variety of income groups within the Town of Warwick, in accordance with the purposes of the Town of Warwick Zoning Ordinance and the policies of the Comprehensive Plan, the Planning Board and Town Board of the Town of Warwick must approve a marketing plan for the sale of an affordable unit approved by Special Use Permit and Subdivision Approval.

Number of affordable units. The Town of Warwick Subdivision Ordinance provides that subdivisions of land into ten (10) or more lots for single-family dwellings are required to include 10 percent of the total number of dwelling units within the subdivision as affordable housing units. In the case of the Wheeler Road Estates Subdivision two lots shall be offered for sale as an affordable lot.

Siting of affordable unit. All affordable units constructed or rehabilitated under the Town Zoning Ordinance shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. The affordable lots in the Wheeler Road Estates Subdivision shall be Lot Number 5 in Section 1 and Lot Number 19 in Section 2 as shown on the subdivision map.

Minimum design and construction standards for affordable units. The requirement for affordable housing unit shall be established by constructing new dwellings on Lot Numbers 5 and 19. Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be compatible in both interior and exterior design, appearance, construction and quality of materials with other units.

Local preference. To the extent permissible by United States and New York law, first preference for affordable housing units shall be given to existing residents of the Town of Warwick, second preference to residents of other towns but who work as municipal or school district employees in the Town of Warwick, third preference to other residents of Orange County, and fourth preference to all others as permitted by law. Proof of residency, such as a driver's license or voter registration card, will be accepted to determine residency. The purchaser shall be selected by a lottery in order of preference. The Town of Warwick Tax Assessor's Office shall qualify applicants and the Town Clerk's office shall administer the lottery. The purchaser shall be required to sign a non-binding purchase offer and shall remit a \$1,000 binder deposit made payable to the attorney for the seller, which shall be held in escrow and applied toward the down payment. The Purchaser must enter into a contract of sale within 21 days, or the home will be offered to the next eligible applicant.

Marketing plan for affordable units. The Wheeler Road Estates subdivision (including the affordable homes) will be advertised for sale through the Hudson Valley Multiple Listing Service. In addition, the subdivision (including the affordable homes) will be advertised in the local newspapers. Letters will be sent to the Town Supervisor, the Village Mayors of the Villages of Warwick, Greenwood Lake and Florida with instructions to disseminate the availability of the affordable homes to municipal employees including the police department. Letters will also be sent to the Superintendent of the Warwick, Florida and Greenwood Lake School Districts with instructions to disseminate the availability of the home to school district employees. Letters will be sent to Warwick, Florida and Greenwood Lake Fire Commissioners and Ambulance Corps with instructions to disseminate the availability of the home to its members.

Maximum incomes and selling prices:

Initial sale. The initial sale price of the affordable homes shall be at a price requiring a monthly payment not exceeding 30% of the gross household income of households at or below 80% of the Orange County median income as reported by the U.S. Department of Housing and Urban Development. The maximum monthly payment shall be computed by utilizing prevailing FHA mortgage terms without other government assistance. To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and to certify, in writing and prior to transfer of title, to the Town of Warwick Tax Assessor's Office and the developer of the housing units or his/her agent, and within 30 days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Town of Warwick, and as may be revised from time to time.

Restrictions on occupancy. In order to fulfill the intent of this program, the dwellings are to be occupied by the purchaser as his/her primary residence. In the event the premises are rented the monthly rent of the affordable home shall be at an amount requiring a monthly payment not exceeding 30% of the gross household income of households at or below 80% of the Orange County median income as reported by the U.S. Department of Housing and Urban Development.

Restrictions on resale. In order to preserve affordability, each affordable unit created in accordance with this chapter shall have limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the units and to ensure the continued availability for affordable income households. The resale controls shall be established through a deed restriction on the property and shall be in force for a period of 40 years. All deeds of

affordable housing units shall contain references to the restrictions on resale enumerated herein, and such restrictions shall be placed on the subdivision plat as a condition of approval. In order to ensure compliance, all deeds will be executed by the Town of Warwick.

Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale: This percentage shall be recorded as part of the deed restriction on the property noted above. For example, if a unit appraised for \$100,000 is sold for \$75,000 as a result of this chapter, it has sold for 75 percent of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is \$150,000, the unit may be sold for no more than \$112,500, 75% of the appraised value of \$150,000.

Resale Purchasers. Any subsequent purchaser shall comply with income eligibility of Section 164-46 J (100) and purchaser's income will be verified by the Town Assessor's Office prior to closing.

The Building Inspector shall not issue a certificate of occupancy for any affordable unit until the deed restriction is recorded.

Selection Process. A lottery will be conducted by the Town Clerk's office from a pool of pre-qualified applicants. A pool of prospective eligible purchasers will be established based upon the following qualifying criteria subject to compliance with United States and New York law:

1. Pool 1 will be comprised of qualified purchasers residing in the Town of Warwick who are either members of Town of Warwick essential service volunteer organizations such as firefighters and ambulance corp., Town of Warwick school

district employees, health service workers, or municipal workers from the Town or its three Villages.

2. Pool 2 will be comprised of any qualified purchaser who is a current Town of Warwick resident.
3. Pool 3 will be comprised of any qualified purchaser residing in the County of Orange.

One qualified purchaser from Pool 1 will be selected by lottery and will sign a non-binding purchase offer, with \$1,000 binder deposit, signifying their intent to proceed. In the event a contract is not signed within 21 days a new lottery drawing from Pool 1 will be made by the Town Clerk's office. This process will continue until a bonified purchaser is obtained and a contract is signed. If Pool 1 is exhausted the process will continue to Pool 2 and then Pool 3 until a qualified purchaser is obtained and a contract is signed.