

TOWN OF WARWICK



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August 23, 2024

General Code Publishers Corp.
781 Elmgrove Rd.
Rochester, NY 14624

RE: Local Law #5 of 2024

At a Special meeting of the Town Board of the Town of Warwick held on Thursday, August 22, 2024 the Town Board adopted Resolution #R2024-366, entitled, **ADOPT LOCAL LAW NO. 5 OF 2024** "Amending Town Code to include a parcel of Real Property, SBL 8-2-8.2, within the APO Overlay District."

A certified copy of this resolution and Local Law is enclosed. Please include this in the Town of Warwick Code Book.

If you have any questions regarding the enclosed documents for filing please do not hesitate to contact my office at the above listed telephone number.

Yours truly,

Eileen Astorino
Town Clerk

TOWN OF WARWICK



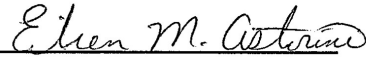
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I, EILEEN ASTORINO, Town Clerk of the Town of Warwick, in the County of Orange, State of New York HERE BY CERTIFY that the following resolution #R2024-357 ADOPT LOCAL LAW NO. 5 OF 2024 was adopted at a special meeting of the Town Board of the Town of Warwick duly called and held on Thursday, August 22, 2024 have been compared by me with the original minutes as officially recorded in the Town Clerk's Office in the Minute Book of the Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matter.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of Warwick this 23rd day of August 2024.

SEAL


Eileen M. Astorino, Town Clerk

#R2024-357 ADOPT LOCAL LAW NO. 5 OF 2024

Motion Councilman DeAngelo, seconded Councilman Mattingly adopt Local Law No. 5 of 2024 entitled "Amending Town Code to include a parcel of Real Property, SBL# 8-2-8.2, within the APO Overlay District.

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

ADOPTED LOCAL LAW NO.5 OF 2024

ADOPT LOCAL LAW NO. 5 OF 2024 - REQUEST TO AMEND TOWN CODE TO INCLUDE A PARCEL OF REAL PROPERTY, SECTION 8 BLOCK 2 LOT 8.2, WITHIN THE AGRICULTURAL PROTECTION OVERLAY DISTRICT

Motion Councilman Kowal, seconded Councilman DeAngelo to adopt the following resolution regarding Request to Amend Town Code to include a parcel of Real Property within in the Town of Warwick Agricultural Protection Overlay District:

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

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

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

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

WHEREAS, Zoning Law Sections 164-47.3 and 164-60 allows property owners to request that Town Board amend the Town of Warwick Agricultural Protection Overlay District Qualifying Area Map, to include additional parcels of real property; and

WHEREAS, the property owners, Patrick Scott and Soham Dhesi, have submitted to the Town Clerk, an application requesting that the Town Board amend the Town of Warwick Agricultural Protection Overlay District Qualifying Area Map, to include 66 Wheeler Road, Florida, NY, a 24.10 acre parcel known as Section 8 Block 2 Lot 8.2 of the Tax Map of the Town of Warwick, along with proof of substantiation that the subject parcel of real property, satisfies the requirements set forth in Zoning Law Sections 164-47 .3 and 164-60 A (2), and

WHEREAS, the Town Board has determined that the application satisfies the requirements set forth in Zoning Law Sections 164-47 .3 and 164-60 A (2),

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held with regard to amending the Town of Warwick Agricultural Protection Overlay District Qualifying Area Map, to include 66 Wheeler Road, Florida, NY, a 24.10 acre parcel known as Section 8 Block 2 Lot 8.2 of the Tax Map of the Town of Warwick, belonging to Patrick Scott and Soham Dhesi.

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

Section 164-47.3 Agricultural Protection Overlay District.

B. Applicability.

(1) The AP-O District qualifying area is hereby established as an overlay district as shown on the Town of Warwick Agricultural Protection Overlay District Qualifying Area Map, and containing a critical mass of lands meeting the following criteria:

(a) Contiguous land in single ownership as of the effective date of this chapter on which at least 50% of the surficial soils are classified as prime farmland soils (Class 1 and 2), soils of statewide significance (Class 3 and 4) or black dirt soils as established by criteria of the Natural Resources Conservation Service, United States Department of Agriculture (hereinafter "agricultural soils"); or

(b) Parcels of land included in Agricultural District 2 established pursuant to the New York State Agriculture and Markets Law, Article 25-AA, §§ 303 and 304, both as of the effective date of this chapter and as may thereafter be added to the District; or

(c) Parcels of land receiving farm tax assessment as of the effective date of this chapter and as may thereafter receive such assessment; or

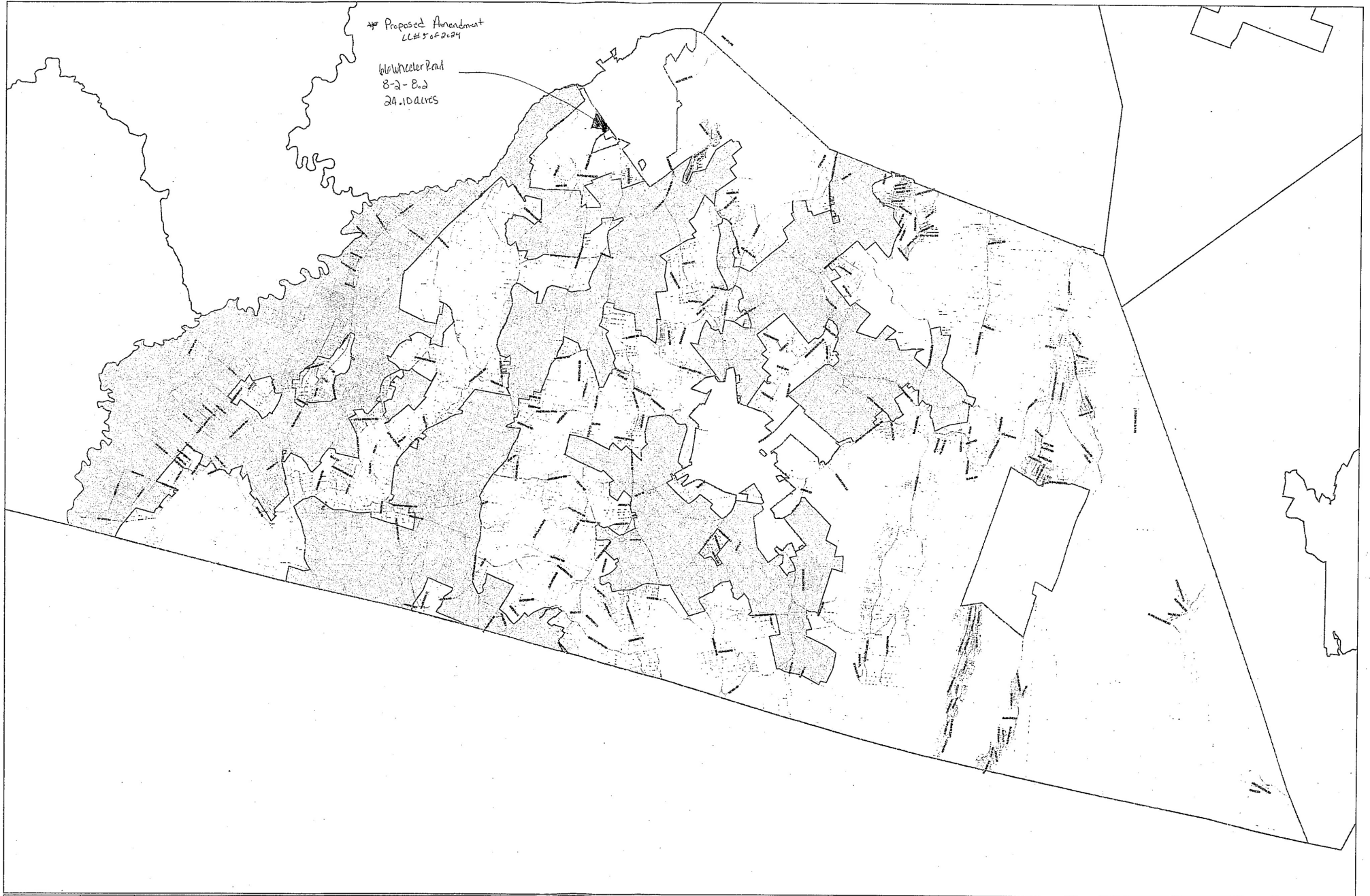
(d) Parcels of land that are part of an operating farm as of the effective date of this chapter and as verified

through submission annually to the Town of Warwick Building Department, a copy of Federal Form 1040, Schedule F (Profit or Loss from Farming) demonstrating a minimum of \$10,000 in annual farm income; and [Amended 4-14-2022 by L.L. No. 3-2022]

(e) Other parcels of land, which because of their location within or adjacent to lands described in Subsection B(1)(a), (b), (c) and/or (d) above and their undeveloped nature, large size or siting amidst farmlands are necessary to include in the AP-O District to prevent the proliferation of conflicting adjacent uses that could jeopardize the future survival of farming within the District.

(2) The Town Board hereby adopts the map entitled "Town of Warwick Agriculture Protection Overlay District Qualifying Area Map", reflecting lands included within the AP-O District as described in Subsection B(1) above. Said map shall be the basis for administration of the regulations contained in this District.

(3) Any landowner whose land has not been mapped on the Town of Warwick Agriculture Protection Overlay District Qualifying Area Map may request to be covered by the regulations of this District. If the Town Board finds that such land satisfies the criteria for AP-O designation in § 164-47.3B(1) above, it may amend the AP-O Map to include such land.



* Proposed Amendment
 LH# 5 of 2024
 Wheeler Pond
 8-2-B.2
 24.10 acres



1" = 2,000'

TOWN OF WARWICK
AGRICULTURAL PROTECTION OVERLAY (AP-O)
DISTRICT QUALIFYING AREA

ADOPTED: JANUARY 24, 2002
 AMENDED: OCTOBER 24, 2002

LEGEND
 AGRICULTURAL PROTECTION OVERLAY
 THE PURPOSE OF THE AGRICULTURAL PROTECTION OVERLAY DISTRICT
 IS TO PROTECT AND MAINTAIN THE TOWN'S FARMLAND FOR PRESENT
 AND FUTURE AGRICULTURAL USES.

Design: David White Architects
 1000 Main St., 00861
 401-751-1234
 DATE: 10/24/02
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]
 APPROVED BY: [illegible]