

# TOWN OF WARWICK

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February 23, 2024

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

RE: Local Law #2 of 2024

At the regular meeting of the Town Board of the Town of Warwick held on Thursday, February 22, 2024 the Town Board adopted Resolution #R2024-107, entitled ADOPT LOCAL LAW #2 OF 2024 entitled "Amend Chapter 164-53 to add an Alternate Member to the Zoning Board of Appeals".

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

Cc: John Bollenbach, Planning Board Attorney and Deputy Town Attorney

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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 #R2024-107 **ADOPT LOCAL LAW NO. 2 OF 2024** was adopted at the regular meeting of the Town Board of the Town of Warwick duly called and held on Thursday, February 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 23<sup>rd</sup> day of February, 2024.**

SEAL

  
Eileen M. Astorino, Town Clerk

#R2024-107 **ADOPT LOCAL LAW NO. 2 OF 2024**

Motion Supervisor Dwyer, seconded Councilman Kowal to adopt a resolution adopting Local Law No. 2 of 2024 entitled "Amend Chapter 164-53 to add an Alternate Member to the Zoning Board of Appeals".

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

## ADOPTED LOCAL LAW NO. 2 OF 2024

### 164-53 Zoning Board of Appeals

#### A. Creation, appointment and organization.

(1) There shall be a Board of Appeals of five members, pursuant to the provisions of § 267 of the Town Law.

(2) Appointment of members. The Town Board of Warwick shall appoint members to the Zoning Board of Appeals and shall designate a Chairperson. The Town Board may provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Town Board for such purpose.

(3) Town Board members ineligible. No person who is a member of the Town Board shall be eligible for membership on such Board of Appeals.

(4) Terms of members first appointed. In the creation of a new Board of Appeals, or the reestablishment of terms of an existing Board, the appointment of members to the Board shall be for terms so fixed that one member's term shall expire at the end of the calendar year in which such members were initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of each year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed for a term which shall be equal in years to the number of members of the Board.

(5) Terms of Zoning Board of Appeals members now in office. Zoning Board of Appeals members now holding office for terms which do not expire at the end of a calendar year shall leave office on the expiration date of their term. Successors to their offices shall then be appointed for terms of office for the remainder of the calendar year, plus one year less than the number of years equal to the number of members of the Board. Terms of successors of members of the Board whose terms expire at the end of a calendar year shall be for the number of years equal to the number of members of the Board. This subsection supersedes New York State Town Law § 267, Subdivision 5.

(6) Increasing membership. The Town Board may, by resolution, increase a three-member Board of Appeals to five members. Additional members shall be first appointed for a single term as provided in such resolution in order that the terms of members shall expire in each of five successive years, and their successors shall thereafter be appointed for full terms of five years. No such additional member shall take part in the consideration of any matter for which an application was on file with the Board of Appeals at the time of his or her appointment.

(7) Decreasing membership. The Town Board which has increased the number of members of the Board of Appeals to five may, by resolution, decrease the number of members of the Board of Appeals to three to take effect upon the next two expirations of terms. Any Board of Appeals which, upon the effective date of this section, has seven members, may continue to act as a duly constituted Zoning Board of Appeals until the Town Board, by resolution, reduces such membership to three or five. However, no incumbent shall be removed from office except upon the expiration of his or her term.

(8) Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint the new member for the unexpired term.

(9) Removal of members. The Town Board shall have the power to remove any member of the Board of Appeals for cause and after public hearing.

(10) Chairperson duties. All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as such Board may determine. Such Chairperson or, in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses.

(11) Alternate members.

(a) The Town Board may, by resolution, may appoint alternate members of the Board of Appeals, for a term established by the Town Board, to substitute for a member in the event such member is unable to participate because of a conflict of interest.

(b) The chairperson of the Board of Appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest regarding an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial zoning board of appeals meeting at which the substitution is made.

(c) All provisions of this section relating to Board of Appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.