The Mayor suspended the Village Board meeting to convene the Public Hearing at 8:00 p.m.

**PUBLIC HEARING:** “Amendment to the Zoning Code of the Village of Warsaw”

The Mayor stated that the zoning changes to be made.

No comments from the forum.

Public Hearing closed at 8:05 p.m.

Regular meeting reconvened at 8:05 p.m.

**RESOLUTION #57 OF 2015**

Adopted: April 20, 2015

The Village Board of the Village of Warsaw met at a regular board meeting at the Fire Hall of the Village of Warsaw located at 40 East Buffalo Street, Warsaw, New York on the 20th day of April 2015, commencing at 7:30 p.m., at which time and place the following members were:

**Present:** Mayor Robinson
Trustee Appleton
Trustee Gardner
Trustee Marsh

**Absent:** Trustee Wagner

**WHEREAS,** all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS,** the purpose of the proposed local law entitled “Amendment to the Zoning Code of the Village of Warsaw to Add Specific Parcels at Grade to the Gb- General Business District & CB- Central Business District and Add §163-69 to Article X of the G-B General Business District” is to add new uses to the Zoning Law relative to the Business District’s expansion, due to changing times many parcels have been converted to business related uses, but remain zoned in former districts; and

**WHEREAS,** Secondly, it is recognized that certain industrial activities, though typically most frequently sited within Industrial Zones, may with proper attention being paid to certain elements of their activity may be sited within a G-B- General Business District, so long as they have a retail component. Therefore it is recognized the special regulation of these uses is necessary to ensure the adverse effects will not contribute to the blighting or downgrading of the surrounding neighbors, businesses or land uses. The Special Use to be added shall be called an Artisan / Craftsman Facility; and
WHEREAS, by adopting this local law which provides for Re-zoning of specific parcels on Main Street and the Special Use Permit for Artisan / Craftsmen Facilities, the Village will continue to provide maximum protection to residential areas, lessen congestion of traffic flow within the Village and facilitate efficient and adequate provision of public facilities and services while improving the character of the neighborhood as a whole; and

WHEREAS, in accordance with SEQRA, the Village Board has deemed this action Type I and completed Parts II and III (Negative Declaration) of the long form SEQRA process and determined that the proposed Local Law shall have no significant environmental impacts; and

WHEREAS, in accordance with the SEQRA process, the Village Board feels that it is in the best interest of the Village of Warsaw that the Mayor execute the final section of the Negative Declaration relative to SEQRA and that the same be forwarded to all interested parties and filed with the New York State Department of Environmental Conservation to finalize the SEQRA process; and

WHEREAS, pursuant to § 239-l and 239-m of the General Municipal Law, said law and all supporting documents have been submitted to the Wyoming County Planning Board for their review and recommendations, the Wyoming County Planning Board felt that the Village was the best fit for Lead Agency; and

WHEREAS, The Village received no opposition to the Village Board adopting the role of Lead Agent. On March 2, 2015, the Village adopted said title; and

WHEREAS, a Notice of Public Hearing was duly published in the Village’s official newspaper and said public hearing was held on April 20, 2015 at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed local law; and

WHEREAS, the Village Board of the Village of Warsaw believes that this proposal to Re-zone specific parcels at grade as well as the Special Use Permit fits within the concept of the Village’s Comprehensive Plan; and

WHEREAS, the Plan permits the Village to Continue to develop in accordance with the Comprehensive Plan and minimizes any negative impacts by this provision developed by the Village Board with assistance from the Village Planning Board and County Planning Board; and

NOW ON MOTION OF Trustee Marsh, which has been duly seconded by Trustee Appleton, therefore, be it

RESOLVED, that the Village Board of the Village of Warsaw feels that the Village should adopt Local Law No. 1 of 2015 entitled “Amendment to the Zoning Code of the Village of Warsaw to Add Specific Parcels at Grade to the Gb- General Business District & CB- Central Business District and Add §163-69 to Article X of the G-B General Business District”, and be it

FURTHER RESOLVED, that in accordance with the SEQRA process, the Village Board feels that it is in the best interest of the Village of Warsaw that the Mayor execute the final
section of the Negative Declaration relative to SEQRA and that the same be forwarded to all interested parties and filed with the New York State Department of Environmental Conservation to finalize the SEQRA process; and

**FURTHER RESOLVED**, that the Village Clerk be and she hereby is directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

Mayor Robinson  Aye  
Trustee Appleton  Aye  
Trustee Gardner  Aye  
Trustee Marsh  Aye

CARRIED

RESOLUTION #58 of 2015

ADOPT LOCAL LAW #1 of 2015

Motion made by Trustee Appleton

Seconded by Trustee Marsh

**A PROPOSED LOCAL LAW ENTITLED “AMENDMENT TO THE ZONING CODE OF THE VILLAGE OF WARSAW TO ADD SPECIFIC PARCELS AT GRADE TO THE GB- GENERAL BUSINESS DISTRICT & CB- CENTRAL BUSINESS DISTRICT AND ADD §163-69 TO ARTICLE X OF THE G-B GENERAL BUSINESS DISTRICT ”**

Be it enacted by the Village Board of the Village of Warsaw as follows:

**SECTION I.  STATUTORY AUTHORITY; TITLE**

This local law is adopted pursuant to the authority of Municipal Home Rule Law of the State of New York, and shall be known as “Amendment to the Zoning code of the Village of Warsaw to add parcels at grade to the GB-General Business District and CB- Central Business District and to add §163-69 to Article X of the G-B General Business District”.

**SECTION II.  PURPOSE**

The purpose of this local law is to add specific parcels at grade to the GB-General Business District and CB- Central Business District. Due to changing times many parcels have been converted to business related uses, but remain zoned in former districts.

Secondly, it is recognized that certain industrial activities, though typically most frequently sited within Industrial Zones, may with proper attention being paid to certain elements of their activity may be sited within a G-B- General Business District, so long as they have a retail component.
Therefore it is recognized the special regulation of these uses is necessary to ensure the adverse effects will not contribute to the blighting or downgrading of the surrounding neighbors, businesses or land uses. The Special Use to be added shall be called an Artisan / Craftsman Facility.

SECTION III. RE ZONE SPECIFIC R-2 PARCELS TO GB PARCELS

The Village of Warsaw Zoning Code and Zoning Map be and hereby is amended by this Local Law as follows:

The following properties at grade on New York State Route 19, situate along North Main Street between Purdy Avenue and SBL No. 73.11-1-6.1, which was formerly zoned as R-2 Residential are hereby zoned and designated as GB- General Business District under the above noted local law, subject to all regulations created and established relative to said District, outlined in Article VII, §163-38 of the Village of Warsaw Zoning Code:

<table>
<thead>
<tr>
<th>Tax Map No.</th>
<th>Property Address</th>
<th>Reputed Owners</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADD 73.19-2-6.1</td>
<td>261 North Main Street, Warsaw 14569</td>
<td>Cheryl L. Pac *</td>
</tr>
<tr>
<td>ADD 73.19-2-5.2</td>
<td>263 North Main Street, Warsaw 14569</td>
<td>Cheryl L. Pac *</td>
</tr>
<tr>
<td>ADD 73.15-1-25</td>
<td>283 North Main Street, Warsaw 14569</td>
<td>E Properties LLC</td>
</tr>
<tr>
<td>ADD 73.15-1-24.1</td>
<td>287 North Main Street, Warsaw 14569</td>
<td>E Properties LLC</td>
</tr>
<tr>
<td>ADD 73.15-1-22.2</td>
<td>North Main Street, Warsaw 14569</td>
<td>Thomas Flint Jr.</td>
</tr>
<tr>
<td>ADD 73.15-1-22.1</td>
<td>North Main Street, Warsaw 14569</td>
<td>Thomas Flint Jr.</td>
</tr>
</tbody>
</table>

SECTION IV. RE ZONE SPECIFIC R-2 PARCELS TO CB PARCELS

The Village of Warsaw Zoning Code and Zoning Map be and hereby is amended by this Local Law as follows:

The following properties at grade on New York State Route 19, situate along North Main Street, which were formerly zoned as R-2 Residential are hereby zoned and designated as CB- Central Business District under the above noted local law, subject to all regulations created and established relative to said District, outlined in Article VII, §163-37 of the Village of Warsaw Zoning Code:

<table>
<thead>
<tr>
<th>Tax Map No.</th>
<th>Property Address</th>
<th>Reputed Owners</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADD</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Village Zoning Map attached for a more detailed boundary lines.

** Note that Parcel Numbers between parcels listed above shall be rezoned due to below grade status at this time.

* Village Zoning Map attached for more detailed boundary lines.

** Note that Parcel Numbers between parcels listed above are not rezoned due to being below grade.
ARTISAN / CRAFTSMAN FACILITIES

§163.10. Definitions

ARTISAN / CRAFTSMAN FACILITY - An establishment where raw materials are refined, milled or processed into finish grade for sale on premises and offered into a general stream of commerce.

Article X
Special Permit Uses

§163.69. Artisan / Craftsman Facilities

The Planning Board may approve a special use permit for an Artisan / Craftsman Facility in the G-B General Business District, provided that the following Standards and provisions are maintained:

A. Minimum lot size, frontage and set back requirements shall conform to the specifications set forth in Schedule I of this chapter. Entire area intended for retail parking and shall be of a hard surface (asphalt or concrete). As these facilities shall be considered multi-use, minimum percentage to be utilized for retail shall be 20% and parking shall be calculated based upon both uses.

B. Items onsite must be raw materials which will be refined, milled and or processed into a finish grade for sale on premises and entered into a general stream of commerce.

C. The Planning Board shall determine that that character of the site is appropriate for such use and that plans for water supply, sewage disposal and storm drainage are capable of serving the proposed use. The proposed use shall not exceed the normal lighting, emissions, noise, odor or vibrations for the area.
D. The Planning Board shall determine that the street system serving the site is adequate to carry the anticipated traffic flows and that the proposal will not create a burden or nuisance to adjoining property owners. The Planning Board shall specify the location, number and width of driveways deemed appropriate to serve the proposed use.

E. The Planning Board shall determine that areas designated for off-street parking and for the loading and unloading of goods are adequate to accommodate the level of activity anticipated for the proposed use.

F. No site preparation or construction shall commence until a final site development plan approval has been granted and permits have been issued by all governmental agencies involved. All additional storage facilities, bulk storage areas, tanks or chemical storage vessels shall be set forth in site plan.

G. The Planning Board shall review and approve the amount and location of landscaping and buffer screening to be provided for the use.

H. The only signage to be permitted shall be approved by the Planning Board and shall be in accordance with Article XIII

I. The proposed facility may include:

   (i) a loading dock for delivery of raw materials
   (ii) a processing plant for creation of final products
   (iii) a warehousing facility for storage of final product awaiting delivery
   (iv) a loading facility for re-entry of final product into general commerce
   (v) twenty percent (20%) of the entire facility must be utilized for retail purposes.
   (vi) on site consumption of goods is permitted

*Note: This shall mean that either retail space of twenty percent (20%) of the whole facility is utilized for retail space or in the alternative that a processing facility is constructed in such a manner that retail customers are brought into the processing area for an Artisan / Craftsman experience.

   (i.e.- artisanal cheese makers, craft breweries, wineries, bakeries, graphic design with retail outlet, pasta / bread makers, maple syrup makers, pottery, glass blowing, soaps / oils etc.)

J. Permitted structures may include an existing facility or within a principal building or accessory structure.

K. Hours of Operation may be from 6:00 A.M. to 11:00 P.M. for loading, unloading and manufacturing purposes, and include retail operational hours from 6:00 A.M. to 2:00 P.M.
There shall be no hazardous materials stored, used, or manufactured onsite including highly toxic, explosive, flammable, combustible, corrosive, radio-active or similar waste products exceeding those amounts which are typically found in normal business use.

No structures shall exceed 35 feet in height.

The Village will not authorize the use or confinement of animals onsite for any Artisan / Craftsman Use.

The Planning Board in approving such uses, may impose other controls and operation requirements which in its opinion, are necessary to protect public health, safety and welfare.

It is recognized that certain industrial activities, though typically most frequently sited within Industrial Zones, may with proper attention being paid to certain elements of their activity may be sited within a G-B- General Business District, so long as they have a retail component. Therefore it is recognized the special regulation of these uses is necessary to ensure the adverse effects will not contribute to the blighting or downgrading of the surrounding neighbors, businesses or land uses.

SECTION VI. SEVERABILITY/ VALIDITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Village Board of the Village of Warsaw hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION VII. REPEAL

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION VIII. EFFECTIVENESS

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with §27 of the Municipal Home Rule Law.

CARIED

Dave Roach discussed solar energy and the advantages for municipalities. Nathan Rizzo from Solar Liberty will discuss in further detail. Mr Rizzo will also be speaking at the Wyoming County Village Association meeting tomorrow night. If the village is interested, a letter of intent
must be submitted by June 1, 2015. There will be further investigation to see if this can work for the village.

RESOLUTION #59 of 2015  
VILLAGE OF WARSAW  
RESOLUTION FOR AUTHORIZATION OF A  
SOLAR PROJECT WITH REMOTE NET METERING  
Adopted: April 16, 2015  

The Village Board of the Village of Warsaw met at a special board meeting at the Fire Hall of the Village of Warsaw located at 40 East Buffalo Street, Warsaw, New York on the 20th day of April 2015, commencing at 7:30 p.m., at which time and place the following members were:  

Present: Mayor Robinson  
         Trustee Appleton  
         Trustee Gardner  
         Trustee Marsh  

Absent: Trustee Wagner  

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and  

WHEREAS, The Village of Warsaw (“The Village”) is interested in developing a clean energy solar system under a remote net metering program (“Remote Net Metering Program”) of the Public Service Commission of the State of New York (“PSC”), hereinafter referred to as the “Solar Project,” that produces power at approximately 45 Acres on Industrial Street as well as an area to be determined within the Industrial Park (“Host Site”) resulting in power production credits that can be credited against power consumption of the Village at one or more remote net metered satellite locations (“Satellite Locations”); and  

WHEREAS, pursuant to the PSC’s Proposed Transition Plan dated March 19, 2015 (in PSC Case Nos.14-E-0151 and 14-E-0422), the PSC is changing the methodology of providing credit under the Remote Net Metering Program from a monetary credit method to a volumetric credit method, and this anticipated change will result in a considerable loss in the value of the credit to the Village under the Remote Net Metering Program; and  

WHEREAS, PSC has announced a proposed period where the Village can qualify for grandfather status permitting its Solar Project to be credited under the current monetary credit method for the life of the Solar Project if “a developer has submitted a completed preliminary interconnection application to the relevant utility;” and  

WHEREAS, the Village will obtain considerable savings if it enters an immediate non-binding, commitment with Solar Liberty to develop the Solar Project with favorable grandfather
status under the Remote Net Metering Program by promptly submitting an interconnection application as outlined in this Resolution; and

NOW ON MOTION OF Trustee Appleton, which has been duly seconded by Trustee Marsh, therefore, be it

RESOLVED, That Village shall be authorized to enter into an agreement with Solar Liberty Energy Systems, Inc. or a subsidiary thereof (“Solar Liberty”) according to the following:

- Solar Liberty shall have the exclusive right to develop a Solar Project at the Industrial park and approximately 45 acres on Industrial Street under a power purchase agreement for a period of 20 years ("Term").
- Notwithstanding, the Village has no obligation to proceed with the construction of Solar Project at Host Site, so long as if the Village does proceed with Solar Project, Solar Liberty shall have the exclusive right to develop the Solar Project.
- The Village authorizes Solar Liberty to act on its behalf to file interconnection applications (at Solar Liberty’s sole cost and expense) with New York State Electric and Gas (“Utility”) before May 1, 2015, or as otherwise extended, and shall cooperate with Solar Liberty in the preparation and filing of the application.
- The Village shall lease the Host Site to Solar Liberty at a nominal rate for the Term.
- Solar Liberty shall develop and construct the Solar System on Host Site at its expense, and shall maintain the Solar Project for the Term.
- The Village shall purchase electricity from Solar Liberty under the Remote Net Metered Program for the Term at a savings over current and reasonably forecasted electric rates of the Village.
- Solar Liberty and the Village agree to negotiate, in good faith, a nominal cost site lease and power purchase agreement according to terms and conditions that are agreeable to both parties and reasonably customary in the solar industry.

CARRIED

RESOLUTION #60 of 2015

AUDIT AND PAY BILLS:

Motion made by Trustee Gardner
Seconded by Trustee Marsh

RESOLVED – That the bills be allowed as read; that checks in payment thereof be issued, that Mayor Robinson be and hereby is authorized to sign General Abstract #22 in the amount of $44,626.42 Water Abstract #22 in the amount of $3,310.11 and Sewer Abstract #22 in the amount of $4,194.27.

CARRIED
EXECUTIVE SESSION – Village Property – 8:28 p.m.

Adjourn Executive Session at 9:20 p.m.

Moved and Seconded to adjourn at 9:21 p.m.

________________________________________

Linda K Hoffmeister, Clerk