

Wawayanda Town Board Meeting 5/16/2006

A Monthly Meeting/Worksession of the Town Board of the Town of Wawayanda was called to order at 7:30 P.M., on Tuesday, May 16, 2006, at the Town Hall, Ridgebury Hill Road, Slate Hill, NY.

Those present were:

	John R. Razzano	Supervisor
	David S. Cole	Councilman
	Gail M. Soro	Councilwoman
	Edward Krajewski	Councilman
	Richard Penaluna III	Councilman
	Kathryn Sherlock	Deputy Town Clerk
	Richard Guertin	Attorney for the Town
Absent:	Teresa Pierce	Town Clerk

Also Present: Mary Markiewicz & Barbara Parsons- Planning Board Members; Betty Kirby & Gladys Hall - Historians; and approximately 8 other individuals.

PLEDGE TO THE FLAG

REGULAR BUSINESS:

Comprehensive Plan Committee Meeting: Supervisor Razzano informed the Board that due to a scheduling conflict with Joe Catalano of Saratoga Associates, the Comprehensive Plan Committee meeting is taking place this evening at the Senior Center. They did not wish to miss a week without a meeting.

PEDDLERS & SOLICITORS CODES:

Richard Guertin, Attorney for the Town, advised that Board members have been provided with a proposed Local Law that will replace chapter 126 of our existing code. He further advised that the recommendations, provided by the Board at their last meeting, have been incorporated into the proposed law. He then proceeded to discuss the procedures that would be necessary in order to set a Public Hearing for the next Town Board Meeting.

Supervisor John Razzano explained that in revising our law, the codes of Warwick & Goshen were utilized. Items such as a fee schedule, hours of operation, noise ordinances, and movement of the vehicle were added to the code. The proposed law also addresses exemptions for organizations such as religious, schools, farmers, various government and military agencies, and garage sales.

Councilwoman Soro had questions about businesses, such as Schwan's that already go home to home and sell their products. She inquired if they would be covered under this law, and if so, how would they be made aware that our law exists.

Attorney Guertin advised that they would in fact be covered under this law, and once it is adopted the Town would then be required to publish the notice in the paper and post the notice at Town Hall.

Councilman Cole stated that some municipalities have signs along the road that say 'Peddlers Permit Required'.

Mary Markiewicz asked if the revision of the new code would implement a fee for a Garage

Sale permit, and was advised that it would not.
Some further discussion took place.

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to schedule a Public Hearing on Thursday, June 8, 2006, to consider a proposed local law which would replace Chapter 126 (Peddling & Soliciting) of the Code of the Town of Wawayanda.

ALL IN FAVOR - CARRIED

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RYERSON COURT CONSERVATION EASEMENT:

Attorney Guertin advised that Ryerson Court has been approved by the Planning Board, and that the conditions of the approval included a Development Agreement, and an Irrevocable Letter of Credit. At a recent Town Board Meeting an amount was set for engineering fees, and that amount has already been paid. The Development Agreement has been signed, but another condition which has not yet been addressed is the approval of the Conservation Easement. One of the conditions of the Planning Board approval was the adoption of a Conservation Easement on the part of the Developer. The Town Board has to approve it, and the developer has to record it in the County Clerk's Office, so that it will show up on the chain of title. The Subdivision map does show the area of the subdivision that is set aside for the Conservation Easement (about 13 acres). Currently, the developer has presented the town with a proposed Conservation Easement which needs to be accepted.

Attorney Guertin spoke about a model form of a Conservation Easement that **Attorney Bill Bavoso** developed, and said that he is not sure if that information has been conveyed to the Town Board. It provides for the grantee of the Easement to be determined. In the past, the Town has been designated as the grantee of Conservation Easements, and this one, for Ryerson Court, also proposes that the Town be the grantee. **Mr. Guertin** pointed out some of the most important features of the Conservation Easement, and advised that, as a Board, they would need to decide if the Town should be the grantee, and if they are satisfied with the terms and conditions of this agreement. If so, the Conservation Easement could be approved and the Supervisor could be authorized to sign it, so that the deed could be recorded. This is the last step before the Developer can obtain a building permit to proceed with the subdivision, complete the road, and the project.

Supervisor Razzano commented that having the Easement in the Town's name does have its advantages because if a situation arises, there would be no need to contact an outside agency, such as the Land Trust, to step in. We could handle it ourselves. There would be no liability placed on the Town.

Attorney Guertin agreed that there really is no liability to the Town that he can see.

Barbara Parson spoke about the Land Trust and their purpose which is to preserve open space. In the case of Ryerson Court, she said that this is the only way to go until our current situation gets sorted out.

Some further discussion took place.

MOTION by **Councilman Cole**, seconded by **Councilwoman Soro**, to approve the conservation easement, as presented, related to the certain real property located on Ryerson Road and Lippert Drive, and to authorize the Supervisor to sign the paperwork.

ALL IN FAVOR - CARRIED

PAYMENT TO MCGOEY, HAUSER & ENDSALL CONSULTING ENGINEERS, P.C.: **MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize payment in the amount of \$170.00 to McGoe, Hauser and Edsall Consulting Engineers, P.C. for engineering services rendered in reference to **Lakeridge Subdivision**, with payment being made from a Special Trust & Agency Account and charged to the Lakeridge Environmental Fees Account. (Balance in said account before payment is \$5,099.94).

ALL IN FAVOR - CARRIED

ORANGE & ROCKLAND LETTER: **Supervisor Razzano** informed the Board that he has met with representatives from Orange & Rockland Utilities. At this time they are seeking a rate increase for natural gas, and are looking for support from municipalities in regard to the construction of a natural gas infrastructure in Orange County. A sample letter of support, addressed to the New York State Public Service Commission, was provided to us. **Councilwoman Soro** questioned where the lines would be going.

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Supervisor Razzano stated that he was not provided with that information, and that this is being done in anticipation of working with the municipalities to identify high growth areas that would need such an infrastructure to meet the needs of future businesses.

Deborah Glover voiced her concerns with such a proposal and cautioned the Board to give this some thought before making a decision.

Councilman Krajewski stated that if Orange & Rockland feels the need, they will go ahead and install the lines anyway.

Councilman Penaluna questioned, "How many other municipalities have signed the contract?". **Supervisor Razzano** stated that the Town of Wawayanda was their first meeting, and that this matter came about quite hastily.

Councilwoman Soro stated that she is not in support of this because if it is to go down a main highway, that would mean ripping up residents front yards. She doesn't feel that Town Board members should be supporting such an action.

Councilman Cole suggested that we hold off until we see how many other municipalities participate in the effort.

Councilwoman Soro asked Attorney Guertin for his opinion.

Attorney Guertin stated that he would tend to shy away from blanket statements of support when you do not have all the details, and added that it tends to open up further problems down the road, especially if you are uncertain of what you are actually endorsing. If the document was tailored specifically to a purpose that the Board was comfortable with, it would be different. After some further discussion the Board decided not to take any action at this time.

EXHIBITION PERMIT / ANDREW BARRON: Mr. Barron has submitted an application for a permit to hold model airplane events at Barron Field on June 10 -11th. This is basically the same activity as in previous years. Code Enforcement Officer Grifo advised that there have been no complaints from last years events, so he has no objection to a permit being issue. A current Insurance Certificate is on file in the Town Clerk's office.

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to approve the issuance of an Exhibition Permit to Andrew Barron for the purpose of holding model airplane meets at Barron Field, LLC on June 10th - 11th, 2006.

ALL IN FAVOR - CARRIED

MEMORIAL DAY PARADE IN UNIONVILLE: **Supervisor Razzano** reminded the Board that they were invited by The American Legion in Unionville to march in the Memorial Day Parade. Kickoff time is 10:30 A.M., if anyone wishes to participate.

PINES MUSEUM / REQUEST FOR NEW FLOOR IN WAGON HOUSE: **Betty Kirby**, Historian, submitted a request to have a new concrete floor poured in the Wagon House which is adjacent to the Pines Museum. Added that Bryce Flynn, Park Superintendent, is aware that this work needs to be completed, and recommends that it be kept in house.

Supervisor Razzano will look into this matter further to determine if the funds are available to cover the cost of this project.

COMPREHENSIVE PLAN REVIEW:

Each Board Member provided opinions as to suggested amendments to the draft that was provided to them. Some of the members of the audience also offered opinions and recommendations. The changes that were recommended and discussed will be considered for incorporation into the document that will be presented for Public Hearing.

A formal resolution was provided, as follows:

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Town of Wawayanda

Resolution #7 - 2006

**Resolution to Accept the Draft GEIS & Comprehensive Plan
for Review & Adoption Proceedings**

The Town Board of the Town of Wawayanda met in a regular session at the Town Hall located at 80 Ridgebury Hill Road in Wawayanda on May 16, 2006, commencing at 7:30 P.M., at which time and place the following resolution was duly presented:

WHEREAS, the Town Board, in 2004, created a committee entitled, the "Master Plan and Zoning Committee" (hereinafter referred to as the "Committee"), and authorized said Committee to review the existing Town Comprehensive Plan adopted in 2000, and to update and prepare a new Comprehensive Plan for the Town of Wawayanda as well as to prepare possible amendments to the Town's zoning regulations; and

WHEREAS, in August of 2005, the Committee, after a thorough review of the 2000 Comprehensive Plan and after conducting a public opinion survey as well as other efforts, recommended to the Town Board that the Town Board proceed with an update of the 2000 Plan along with appropriate revisions to the Town Zoning regulations; and

WHEREAS, in November, 2005, the Town retained the planning firm, Saratoga Associates, to assist the Committee in the preparation of a new Comprehensive Plan and possible zoning amendments for recommendation to the Town Board; and

WHEREAS, the Committee, after diligently working for many months with Saratoga Associates, prepared a draft updated Comprehensive Plan which was subject to a public hearing held by the Committee as well as a written comment period; and

WHEREAS, the Committee made certain revisions to the draft Plan based on the public comments received and has finalized the draft Comprehensive Plan and accepted it as complete; and

WHEREAS, the Committee has forwarded the aforementioned Plan, entitled, "Town of Wawayanda Draft Comprehensive Plan" and dated May 4, 2006 to the Town Board with the recommendations that it be adopted by the Town Board; and

WHEREAS, the Town Board has received and reviewed said Plan forwarded by the Committee together with a Generic Environmental Impact Statement ('GEIS') prepared by Saratoga Associates that is incorporated in the Plan; and

WHEREAS, the Town Board has reviewed and deliberated on the draft Comprehensive Plan prepared by the Committee as well as the GEIS component;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board, after review and due deliberation on the draft Comprehensive Plan prepared and forwarded by the Committee, hereby accepts said Plan as revised by the Town Board, as suitable and adequate for proposed adoption by local law as the Town Comprehensive Plan for purposed of subjecting said draft Plan to a public hearing and further public comment.

2. The Town Board hereby determines that the proposed adoption of the aforesaid Comprehensive Plan is a Type I Action under the State Environmental Quality Review Act **Wawayanda Town Board Meeting 5/16/2006**

(SEQR) (6 NYCRR Part 617) regulations and as the only involved agency declared itself Lead Agency for the purposes of conducting an environmental review of the proposed action of adopting the Comprehensive Plan in accordance with SEQRA.

3. The Town Board as lead agency and sponsor of the proposed action hereby determines that the GEIS incorporated into the draft Comprehensive Plan for the purpose of analyzing the potential adverse environmental impacts of the proposed action is sufficient and adequate with respect to its scope and content for the purpose of commencing public review of the proposed adoption of the Comprehensive Plan and, hereby accepts the GEIS incorporated in said Plan for such purpose.

4. Since the GEIS has been prepared, the Town Board hereby waives the requirements for the preparation of a Full Environmental Assessment Form and determines that the GEIS component

of the draft Comprehensive Plan be treated as an EAF for the purpose of determining environmental significance.

5. The Town Board hereby directs that the GEIS and Comprehensive Plan be subjected to a 30-day written comment period as soon as such document is filed and available for public review and such comment period is to commence with the first filing and circulation of the notice of completion.

6. The Town Board also schedules a public hearing on the draft Comprehensive Plan and GEIS on June 8, 2006, to be held at Town Hall commencing at 7:30 PM and that a public notice be posed and published with respect to said hearing.

By MOTION made by Supervisor Razzano, seconded by Councilman Krajewski, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Wawayanda on May 16, 2006, as follows:

Supervisor Razzano	Yes	<u> X </u>	No
Councilman Cole	Yes	<u> X </u>	No
Councilman Krajewski	Yes	<u> X </u>	No
Councilman Penaluna	Yes	<u> X </u>	No _____
Councilwoman Soro	Yes	_____	No <u> X </u> _____

PUBLIC COMMENTS & QUESTIONS:

Deborah Glover spoke about a business on Route 17M that is currently in front of the Planning Board regarding certain issues and added that a sign has gone up on that property recently that said “Coach USA Shortline New York City Free Parking” which has not been approved by the Planning Board and is clearly in violation.

Ms. Glover also spoke about the trees that were taken down on an individuals property on Bigert Drive. She voiced her concerns, and stated that she feels this situation is setting a terrible precedent.

Supervisor Razzano informed Ms. Glover of the conversation that he had with John Van Benschoten, Highway Foreman, and that the trees were in the Town’s right-of-way and were near power lines. The process did not take very long and the homeowner did the clean up himself.

David LeBlanc spoke about the situation regarding A-Z Landscaping with the filling in of wetlands, and that he was granted a home occupation permit and clearly his operation is in violation of what the property is zoned for.

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Supervisor Razzano informed Mr. LeBlanc that he has spoken to the Building Inspector, and he is waiting for the determination report from the Town Engineer.

NO OTHER BUSINESS OR COMMENTS.

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to adjourn.
ALL IN FAVOR - CARRIED

MEETING ADJOURNED: 9:30 P.M.

**PREPARED BY KATHRYN SHERLOCK
RESPECTFULLY SUBMITTED,**

Teresa E. Pierce, Town Clerk

