

## Wawayanda Town Board Meeting 7/18/06

July 18, 2006

A Regular monthly workshop meeting of the Town Board of the Town of Wawayanda was called to order at 7:35 P.M., on Wednesday, July 18, 2006 at the Town Hall, Ridgebury Hill Road, Slate Hill, New York.

Those present were:

	John R. Razzano	Supervisor
	Edward Krajewski	Councilman
	Gail M. Soro	Councilwoman
	Richard Penaluna III	Councilman
	Kathryn Sherlock	Deputy Town Clerk
	David S. Cole	Councilman
	Richard Guertin	Attorney for the Town (arrived at 9:00 pm)
Absent:	Teresa Pierce	Town Clerk

Also Present: Joseph Catalano - Attorney/Saratoga Associates; Nicolette Wagoner & Tanya Saltzman - Saratoga Associates Planners; Ann Yates - Planning Board Chairperson; Mary Markiewicz - Planning Board Member; Gladys Hall - Historian; and approximately 6 other individuals.

### PLEDGE TO THE FLAG

**Supervisor Razzano** stated that back in the beginning of the year arrangements were made for all Board members to receive a key to gain entrance to the building. Three of the Board members did not receive keys and at this time the Supervisor provided **Councilman Krajewski**, and **Councilman Penaluna** with a key. When asked **Councilwoman Soro** stated that she did not wish to have a key to the building.

### REVIEW OF DRAFT COMPREHENSIVE PLAN COMMENTS AND RESPONSES:

**Joe Catalano** Attorney from Saratoga Associates, advised that tonight they will be discussing the review of the Final Generic Environmental Impact Statement, and what they hope to do is get it to the point where the Board finds it in an acceptable form and accepts it as complete. The main component of the Final Environmental Impact Statement is the comments that were made by the public and the Board's response to those comments. Listed below are key issues, placed in no particular order, that were discussed:

- Build-out based on 2002 zoning, as opposed to 2000 zoning, on which the build out document is based.
- Plan Recommendations map: specifically, zoning designation under the area that is Water/Sewer district #1 (shown in purple on map); zoning designations for hamlets and specific industrial sites
- SEQR obligations
- Proposed density in the AR district
- Noise ordinance, ATV ordinance, overweight vehicles recommendations

- Code enforcement recommendation / wish list (see comment A46)
- Recommendation for posting Town Code online.
- Package plants - possibly reference the proposed Residential Subdivisions Local Law.
- Critical Environmental Areas
- Recommendations on tree preservation and protection of scenic views

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\*\*The Town of Wawayanda Comprehensive Plan, Associated Maps, Comments from the public, as well as responses prepared by Saratoga Associates, are on file in the Town Clerks Office.

The Board and Attorney Catalano reviewed the document which had been prepared by Saratoga Associates. They addressed each comment and the corresponding response, and made adjustment in the text where it was deemed necessary.

Discussion took place regarding **Comment A28:** which reads “The Town approved and paid for a community -wide survey. You have ignored it and the Town has refused to post it on the Town’s web site”.

**Mr. Catalano** suggested that it be referred to the response provided to **Comment A15** which reads: **While the community survey was conducted by the previous MPZC, the results were nevertheless taken into consideration, and referred to in the Plan document in multiple locations. The overwhelming desire of residents to maintain rural character while lessening the tax burden are the primary goals of the Plan. The Plan was prepared by the MPZC and Town Board during a public process as directed by Town Law.**

**Mr. Catalano** suggested that the Board consider adding “**As such the Town Board disagrees with the Commentor’s interpretation, and that also, the survey mentioned did not encompass a majority of the citizens of the Town**”. The survey results were 25% at most which is not a majority of the citizens of the Town.

**Supervisor Razzano** felt that the response should be kept as they have it without the additions. **Councilwoman Soro** stated that she does not agree with the response at all.

Further discussion took place.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to accept the response presented in regards to Comment A28, as prepared, without Mr. Catalano’s suggested addition to the text.

**VOTE**

Supervisor Razzano	-	Aye
Councilman Cole	-	Aye
Councilman Krajewski	-	Aye
Councilwoman Soro	-	Nay
Councilman Penaluna	-	Aye

**MOTION CARRIED**

**Comment A36:** **Councilwoman Soro** questioned **Comment A36** which talks about grandfathering and after a lengthy discussion it was determined that this is a zoning issue and will be further addressed when the zoning is being reviewed.

**Comment A41: Supervisor Razzano** talked about the fact the Hamlets in the Town are not being included on the map, and that he would like to see the hamlet of Denton restored. After further discussion it was determined this issue will be revisited during the zoning rewrite.

**Attorney Catalano** explained that the plan sets forth the policies and the recommendations for such items as to what the zoning districts are going to consist of. It does not touch on specifics of what use can be allowed, and also sets forth the broader policies. If you are changing the zoning law it would then have to be in accordance with those policies. The Town Board would then have the final say as to what would be effected in the policy with the changing of the zoning law. **Supervisor Razzano** at this point, the document, along with the comments, at this point, are purely recommendations, and in no way is the zoning being changed.

**Attorney Catalano** suggested that maybe the problem is that the plan and the zoning were being discussed at the same time, and that the zoning is not usually discussed until after the plan has been completed

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**Supervisor Razzano** noted that most of the comments will be discussed again when the time comes to revisit the zoning. At that time they will have to address the issues head on.

**Comment B5: Councilwoman Soro** asked for clarification on which document indicates that the lot size has been changed back from one acre to two acres, and was advised by Mr. Catalano that it was reverted back to its original state with requirements as indicated and defined in the proposed Local Law Entitled ‘Residential Subdivisions’, in Section 3, Subsection B, #3 Entitled “Subdivision Density. Accordingly, The maximum density of any subdivision shall be based upon a minimum lot size as follows:

- i. Agricultural Preservation Zoning District: 4 acres - with or without Community or Public sewer and water Systems;
- ii. Agricultural Business Zoning District: 2 acres - with or without Community or Public sewer and water Systems;
- iii. Agricultural Residential Zoning District: 2 acres without Community or Public sewer and water systems.
- iv. Exurban Residential Zoning District: 2 acres without Community or Public sewer and water Systems; 1-acre with Community or Public sewer and water Systems.
- v. Suburban Residential Zoning District: 2 acres without Community or Public sewer and water Systems; 1-acre with Community or Public sewer and water Systems.

The topic on critical streams initiated an intensive conversation which resulted in the change of the word of ‘critical’ to ‘important’ on page 7.5 of the Comprehensive Plan in the paragraph entitled ‘**Create a Stream Corridor Overlay District with development setback and clearing regulations to protect water quality.**’

The Board discussed the verbiage on page 7.6, the paragraph entitled “Preserve all wetlands with buffers around Federal (NWI) and state (NYSDEC) Wetlands” After a lengthy discussion it was determined that the last two lines of the paragraph would be deleted and replaced with “The Town should ensure that Federal and State standards are met and enforced”.

**MOTION** by **Councilman Cole**, seconded by **Councilman Krajewski**, to amend the paragraph on page 7.6 of the Comprehensive Plan dated May 22<sup>nd</sup>, 2006 as discussed by the Board.

**VOTE**

Supervisor Razzano - Aye  
 Councilman Cole - Aye  
 Councilman Krajewski - Aye  
 Councilwoman Soro - Nay  
 Councilman Penaluna - Aye

**MOTION CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to change the word ‘critical’ to ‘important’ when referencing Stream Corridors throughout the Comprehensive Plan.

**VOTE**

Supervisor Razzano - Aye  
 Councilman Cole - Aye  
 Councilman Krajewski - Aye  
 Councilwoman Soro - Nay  
 Councilman Penaluna - Aye

**MOTION CARRIED****Wawayanda Town Board Meeting 7/18/06**

**\*\*\*\*Be it noted that the map that was displayed during the meeting was not the correct map. Before concluding the discussion on the comments on the Comprehensive Plan it was replaced a correct map that was taken from the Town Clerk’s office.**

A resolution was presented which would provide for the acceptance of the Final Generic Environmental Impact Statement on the Comprehensive Plan, as follows:

**Resolution #9 - 2006  
 Acceptance of FGEIS on Comprehensive Plan**

WHEREAS, the Town of Wawayanda Town Board (the “Town Board) decided to prepare a Generic Environmental Impact Statement (“GEIS”) pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQRA”), prior to taking any action on the proposed adoption of the Town of Wawayanda Comprehensive Plan; and

WHEREAS, the Town Board, together with its consultants, completed a draft of the GEIS that the Town Board considered sufficient and adequate for purpose of commencing the public comment period and scheduling a public hearing on same; and

WHEREAS, on May 16<sup>th</sup>, 2006, the Town Board accepted the Draft Generic Environmental Impact Statement for the Town of Wawayanda Comprehensive Plan (“DGEIS”) as sufficient, adequate and complete for the commencement of the SEQRA public comment process; and

WHEREAS, on May 16<sup>th</sup>, 2006, the Town Board opened a public comment period during which written comments regarding the DGEIS and proposed Comprehensive Plan could be submitted to the Town Supervisor for consideration; and

WHEREAS, on June 8<sup>th</sup> and June 21<sup>st</sup>, 2006 the Town Board conducted Public Hearings to accept comments on the DGEIS and proposed Comprehensive Plan; and

WHEREAS, on July 5<sup>th</sup>, 2006 the public comment period ended; and

WHEREAS, the Town Board has reviewed and responded to all of the substantive comments received; and WHEREAS, the Town Board, together with its consultants, have completed a Final GEIS.

NOW, THEREFORE, BE IT RESOLVED, as follows

Section 1: The Town Board hereby accepts the Final Generic Environmental Impact Statement for the Town of Wawayanda Comprehensive Plan (“FGEIS”), as revised by the Town Board on July 18<sup>th</sup>, 2006, as complete pursuant to the requirements of SEQRA.

Section 2: The Town Board hereby authorizes its consultant, Saratoga Associates, to prepare, file and circulate pursuant to SEQRA a Notice of Completion of the FGEIS stating where the copies of the FGEIS can be reviewed and/or obtained.

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**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to accept the foregoing resolution as presented.

**VOTE**

Supervisor Razzano	-	Aye
Councilman Cole	-	Aye
Councilman Krajewski	-	Aye
Councilwoman Soro	-	Nay
Councilman Penaluna	-	Aye

**MOTION CARRIED**

**Attorney Catalano** stated that there is a ten day period in which the Town Board cannot take any action regarding the Comprehensive Plan project which is also referred to as a cooling off period.

**NEW BUSINESS:**

**YOUNG SOMMER CONTRACT / SUNRISE PARK SALT CONTAMINATION:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to authorize **Michael Moore of Young Sommer LLC**, to continue negotiations with the Attorney General’s Office and the State in regards to the **Salt Contamination** at Sunrise Park Drive, and for the cost not to exceed \$5,000.00 (five thousand dollars).

**ALL IN FAVOR - CARRIED**

**BOARD OF ELECTIONS LEASE:**

**MOTION** by **Councilman Krajewski**, seconded by **Councilman Penaluna**, to authorize Supervisor Razzano to sign a lease with the Orange County Board of Elections for use of the Town Hall and the Senior Center as polling sites for the 2006 Primary Day and General Election.

**ALL IN FAVOR - CARRIED**

**SWANSON CONSULTING INC. APPLICATION FOR ELECTRICAL SERVICES:**

**MOTION** by **Councilman Cole**, seconded by **Supervisor Razzano**, to accept the application of Swanson Consulting Inc. to perform electrical inspections in the Town of Wawayanda pending the receipt of a \$150.00 application fee.

**VOTE**

Supervisor Razzano	-	Aye
Councilman Cole	-	Aye
Councilman Krajewski	-	Aye
Councilwoman Soro	-	Nay
Councilman Penaluna	-	Aye

**MOTION CARRIED**

**SPEED CONTROL DEVISE:**

**MOTION** by **Councilman Cole**, seconded by **Councilman Krajewski**, to direct Michael K. Green, Highway Superintendent, to pick up a Speed Control Device from the Town of Wallkill to be used on McVeigh Road.

**VOTE**

Supervisor Razzano	-	Aye
Councilman Cole	-	Aye
Councilman Krajewski	-	Aye
Councilwoman Soro	-	Nay
Councilman Penaluna	-	Aye

**MOTION CARRIED**

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**AIR CONDITIONERS AT TOWN HALL:**

**MOTION** by **Councilman Krajewski**, seconded by **Councilman Cole**, to instruct all Town Offices to shut down all air conditioning units prior to leaving the building at the end of the business day.

**ALL IN FAVOR - CARRIED**

**NO OTHER BUSINESS OR COMMENTS.**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to adjourn.

**ALL IN FAVOR - CARRIED**

**MEETING ADJOURNED: 10:50 P.M.**

**PREPARED BY KATHRYN SHERLOCK  
RESPECTFULLY SUBMITTED,**

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**Teresa E. Pierce, Town Clerk**