

Wawayanda Town Board Meeting 8/11/2006

August 11, 2006

A Special Meeting of the Town Board of the Town of Wawayanda was called to order at 4:00 P.M., on Friday, August 11, 2006, at the Town Hall, Ridgebury Hill Road, Slate Hill, New York. The purpose of this meeting was to discuss the proposed local law entitled 'Residential Subdivision Law', and to address any other business that may come before the Board. Public Notice of this meeting was posted on the bulletin boards at Town Hall, Cable 6 TV Station, Slate Hill Post Office, Ridgebury Store, Perino's Store and Slate Hill Orchard. It was also faxed to The Times Herald Record and the Cumulative Radio Station, and posted on the Town of Wawayanda web-site.

Those present were:

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

Also Present: Mary Markiewicz, Barbara Parsons & Bennie Dombal - Planning Board Members; Gladys Hall & Betty Kirby - Historians; Howard Goldstein - Town Bookkeeper; and approximately 30 other individuals.

PLEDGE TO THE FLAG

RE-ADOPTION OF THE SEQRA STATEMENT OF FINDINGS & THE TOWN OF WAWAYANDA COMPREHENSIVE PLAN :

Supervisor Razzano stated that due to the fact that a Town Board Councilman, David Cole, was unable to attend the regular monthly meeting of the Town Board held on August 3, 2006, at which time the SEQRA Statement of Findings on the Generic Environmental Impact Statement for the 2006 Town of Wawayanda Comprehensive Plan was adopted by a 3 to 1 vote, and because the Town Board recognizes that the adoption of the Plan is an important step for the Town, and Councilman Cole expressed a strong desire to participate in such action;

I hereby move to ratify the adoption of the SEQRA Statement of Findings as adopted by the Town Board on August 3, 2006, and to re-adopt said Statement of Findings.

Upon **MOTION** by **Supervisor Razzano**, and seconded by **Councilman Cole**, the foregoing motions was duly adopted by a majority of the members of the Town Board of the Town of Wawayanda at its special meeting held on August 11, 2006, by roll call vote as follows:

VOTE:

Supervisor Razzano	- Aye
Councilman Cole	- Aye
Councilman Krajewski	- Aye

Councilman Penaluna - Aye
 Councilwoman Soro - Nay

MOTION CARRIED

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Supervisor Razzano stated that due to the fact that a Town Board Councilman, David Cole, was unable to attend the regular monthly meeting of the Town Board held on August 3, 2006, at which time the 2006 Town of Wawayanda Comprehensive Plan was adopted by a 3 to 1 vote, and because the Town Board recognizes that the adoption of the Plan is an important step for the Town, and Councilman Cole expressed a strong desire to participate in such action; and due to the fact that the Town Board adopted said Comprehensive Plan with revisions made that night and said revisions having been documented and made to the Comprehensive Plan, now dated August 3, 2006.

I hereby move and resolve to ratify the actions of the Town Board with respect to the adoption of the Town of Wawayanda Comprehensive Plan as revised by the Town Board on August 3, 2006.

Upon **MOTION** made by **Supervisor Razzano**, and seconded by **Councilman Penaluna**, the foregoing was duly adopted by a majority of the members of the Town Board of the Town of Wawayanda at its special meeting held on August 11, 2006, by roll call vote as follows:

VOTE:

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

MOTION CARRIED

Prior to this meeting Board members had been provided with a final copy of the Comprehensive Plan which contained the revisions that were discussed and approved at the August 3rd meeting. **Councilwoman Soro** questioned if there had been any changes to the Plan since it was voted on at the August 3rd meeting.

Supervisor Razzano assured her that the Plan had not been changed.

After examining her copy, Councilwoman Soro responded that she didn't see any substantial changes.

Supervisor Razzano presented a formal resolution, as follows:

Resolution # 11 - 2006
TOWN OF WAWAYANDA
RESOLUTION RE-AFFIRMING THE ADOPTION OF THE
TOWN OF WAWAYANDA COMPREHENSIVE PLAN
WITH REVISIONS MADE AT THE AUGUST 3RD, 2006
TOWN BOARD MEETING

WHEREAS, the Town Board on August 3, 2006, made a number of revisions to the draft Town of Wawayanda Comprehensive Plan, said draft being dated July 18, 2006; and

WHEREAS, the Town Board adopted said Comprehensive Plan as revised; and

WHEREAS, the revisions to the Comprehensive Plan have been made and the final Plan, dated August 3, 2006, has been reviewed by the Town Board; and

WHEREAS, the Town Board believes it important and necessary to adopt the Plan with all final revisions having been made and reviewed as complete; and

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WHEREAS, the Town Board not having all members present at its regular monthly meeting of August 3rd, believe it appropriate that all members have an opportunity to vote on the adoption of the Plan which is such an important step for the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Wawayanda hereby adopts the Town of Wawayanda Comprehensive Plan, dated August 3, 2006, as presented, as the official Comprehensive Plan of the Town of Wawayanda.

Upon **MOTION** by **Supervisor Razzano**, and seconded by **Councilman Krajewski**, the foregoing resolution was duly adopted by a majority of the members of the Town Board of the Town of Wawayanda at its special meeting held on August 11, 2006, by roll call vote as follows:

VOTE:

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

MOTION CARRIED

PROPOSED 'RESIDENTIAL SUBDIVISIONS' LOCAL LAW:

Councilwoman Soro spoke about a phone conversation with Attorney Catalano on the morning following the August 3rd meeting. It is mentioned in a letter dated August 4, 2006, which Ms. Soro wrote to Supervisor Razzano and the Town Board (letter is on file in the Town Clerk's office).

In the letter, she comments about the proposed 'Residential Subdivisions' local law, and she also states that she spoke with Mr. Catalano earlier that morning, and he advised her that the Board had ample time to correct flaws in the law and to enact the legislation prior to the expiration of the moratorium.

On August 4th, when **Supervisor Razzano** received Ms. Soro's letter, he faxed it to Mr. Catalano. The letter prompted Attorney Catalano to send a response to Mr. Razzano which he (Supervisor Razzano) read aloud at this time. In a portion of the letter faxed to Supervisor Razzano on August 4th, (copy on file in the Town Clerk's office), Mr. Catalano states, "Please be

advised that I certainly did not state to her in that conversation that the proposed Local Law #3 could be revised consistent with the County Planning Department's recommendation letter of August 3, 2006, and be enacted prior to the moratorium expiration date of August 15th. He further states how he had reiterated to her the same information that he had presented at the Town Board meeting the night before. Then, in another paragraph, the letter states, "I am perplexed as to how she could misconstrue my statements since I recall stating that the moratorium would expire before the Town Board could vote on a modified Local Law #3. Perhaps I did not emphasize that strongly enough, but I thought it was very clear based on my presentation to the Board last night, and the Board's discussion on that very point. I am also disappointed that Ms. Soro did not copy me on her letter to you despite the fact that she makes specific reference to me and my so-called advice".

In the final paragraph of Mr. Catalano's letter, he states "I hope the above sets the record straight and I thank you for your courtesy in sending me a copy of the letter. Please distribute a copy of this letter to each Town Board member, including Ms. Soro, and do not hesitate to contact me if you have any questions on the above".

Board members were provided with copies of a Resolution which provided for adoption of Local Law #3 of 2006, entitled "Residential Subdivisions Local Law".

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MOTION by **Councilman Cole**, seconded by **Councilman Krajewski**, to waive the reading of the resolution.

VOTE

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

MOTION CARRIED

Resolution, as follows:

**RESOLUTION # 12-2006
OF
TOWN BOARD OF TOWN OF WAWAYANDA
ADOPTION OF LOCAL LAW #3
8/11/2006**

At a special meeting of the Town Board of the Town of Wawayanda (hereinafter referred to as the "Town Board") held on August 11, 2006, the following resolution was presented to the Town Board.

WHEREAS, on July 6, 2006, the Town Board introduced Local Law #3 of 2006 entitled "Residential Subdivision Law of 2006 of the Town of Wawayanda". and commenced the procedures for adoption of said Law; and

WHEREAS, Local Law #3 proposed to amend the Town's zoning regulations by providing more comprehensive standards and procedures applicable to conservation

subdivisions, the provision of water and sewer or septic systems that will be applicable to all subdivisions, and new lower density requirements for residential zoning districts of the Town of Wawayanda; and

WHEREAS, the Town Board duly scheduled, noticed and held a public hearing on August 3, 2006 on the proposed Local Law #3; and

WHEREAS, the Orange County Planning Department has responded favorably with a recommendation to approve the proposed Local Law #3, but with certain modifications; and

WHEREAS, the Town Board waited to make a SEQRA determination of significance until after the public hearing was held and the comment period expired in order to have an opportunity to consider comments on the proposed Law and environmental issues associated with the proposed action of adopting said Law; and

WHEREAS, the Town Board has taken a hard look at the relevant areas of environmental concern regarding proposed Local Law #3, has completed the EAF, had determined that the adoption of proposed Local Law #3 does not have the potential for any significant environmental impacts and has adopted a Negative Declaration, Notice of Determination of Non-Significance; and

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WHEREAS, the SEQRA environmental review process having been completed, the public hearing closed with all those wishing to be heard on the proposed Local Law #3 having a full and fair opportunity to be heard, and the Town Board having carefully considered the proposed Local Law #3 and all relevant issues pertaining thereto; and

WHEREAS, subsequent to the scheduling of the public hearing, it was noticed that the proposed Local Law #3 contained a number of typographical errors; such errors were corrected; and the corrected proposed Local Law #3 was redistributed to the Supervisor and Town Board members seven days, excluding Sunday, prior to the vote hereon; and

WHEREAS, at the regular meeting of the Town Board held on August 3, 2006, the Board voted to adopt the proposed Local Law #3 of 2006 but, although that vote was in favor of adopting said proposed Law by 3 to 1 with one Board member absent, the proposed Law was not adopted because a super majority vote was needed to adopt since the Town Board decided to not follow the Orange County Planning Department's recommendation for modifications to Local Law #3 as proposed; and

WHEREAS, the Town Board hereby desires to vote again on the adoption of proposed Local Law #3 of 2006, in order to see if a super majority of members will vote in favor of adoption of said proposed Law; and

WHEREAS, all Town Board members have received notice of this special meeting

and it has been duly scheduled, noticed and held;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board finds that Local Law #3 is:
 - a. consistent with the Town's land use policies, goals and recommendations set forth in the Town's new Comprehensive Plan;
 - b. necessary in order to provide improved local control over residential development that should result in developments that are more in keeping with the community character of the Town of Wawayanda;
 - c. needed at the present time due to the fact that there are currently several major subdivision applications pending in the Town of Wawayanda and it is likely more may follow;
 - d. appropriate to adopt at the present time even though the Town is currently in the process of a complete zoning regulation re-write process since that process will take some time to complete and the Town Board does not want to continue the moratorium that has been in effect on major subdivisions for 15 months and longer; and
 - e. in furtherance of the general welfare, health and safety of the residents of the Town of Wawayanda.

2. The Town Board finds that the corrections to the first draft of the proposed Local Law #3 are minor in nature, do not change the content or meaning of said Law in any significant or material way, and, therefore, there is no need to schedule another public hearing because of said corrections.

2. The Town Board, after consideration of the County recommendation letter, does not agree with the recommendations that require modification of Local Law #3 as proposed for the reasons that follow:
 - a. The Town Board believes that to modify the law as the County recommends would require further proceedings of the Board as well as a public hearing on the modified law and would, thereby, occur after the moratorium has expired;

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 - b. The recommended modifications were specific issues that the Town Board has addressed in preparing this proposed law and each was specifically found by the Town Board to be appropriate as set forth in the proposed Law given local concerns, including but not limited to, not linking the requirement of conservation subdivisions to resource inventories; the 8-lot as the threshold minimum for requiring conservation subdivisions; not providing a waiver of minimum lot sizes; and requiring open space to be convenient and accessible to dwellings that the open space area is intended to serve; and
 - c. The Town Board will forward the County recommendation letter to the Town

Master Plan and Zoning Committee for further review and evaluation during the complete zoning re-write process currently ongoing.

2. Accordingly, the Town Board hereby adopts Local Law #3 of 2006 of the
the
Town of Wawayanda, entitled “Residential Subdivision Law of 2006 of the
Town of Wawayanda”.
2. That Local Law #3 of 2006 shall take effect immediately upon filing
with the
New York State Secretary of State and shall apply to all properties and all
new or pending subdivisions located within the municipal boundaries of the
Town of Wawayanda except those where an approval of a preliminary for a
major subdivision has been rendered prior to the effective date of said Law.
2. The Town Board orders the Town Clerk and Town Attorney to take
such
steps necessary as are necessary to file the Law prior to the expiration of the
moratorium.

Upon Motion made by **Supervisor Razzano**, and seconded by **Councilman Krajewski**, the foregoing resolution was duly adopted by a majority of the members of the Town Board of the Town of Wawayanda at its special meeting held on August 11, 2006, by roll call vote as follows:

VOTE

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

MOTION CARRIED

** A complete copy of the adopted Local Law #3, entitled ‘Residential Subdivision Local Law’ appears as addendum #1 following the adjournment of these minutes.

JEFFREY MILLS JR./INSTALLATION OF WATER METERS: Jeffrey Mills Jr. does the weekend testing in our special benefit districts. At the current time we have a grant to cover the installation of water meters. Since we are up against deadlines, rather than hire an outside company to come in, as a means of saving money, Supervisor Razzano asked the Board to consider hiring Jeffrey Mills Jr. to do this job. He has the time, knowledge, and ability to perform the job. He will work approximately 4 to 6 weeks, and will be paid \$14.00 per hour. There may also be some overtime when installing the hook-ups.

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MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize the

hiring of Jeffrey Mills Jr. to do the water meter installation in the Special Districts.
ALL IN FAVOR - CARRIED

NO OTHER BUSINESS OR COMMENTS.

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

MEETING ADJOURNED: 4:22 P.M.

RESPECTFULLY SUBMITTED,

Teresa E. Pierce, RMC
Town Clerk