

Wawayanda Town Board Meeting 4/18/2006

A Monthly Meeting/Worksession of the Town Board of the Town of Wawayanda was called to order at 7:34 P.M., on Tuesday, April 18, 2006, at the Town Hall, Ridgebury Hill Road, Slate Hill, NY.

Those present were:

John R. Razzano	Supervisor
David S. Cole	Councilman (Arrived at 7:40 P.M.)
Gail M. Soro	Councilwoman
Richard Penaluna III	Councilman
Teresa Pierce	Town Clerk
Richard Guertin	Attorney for the Town

Absent: Edward Krajewski Councilman

Also Present: Mary Markiewicz - Planning Board Member; Betty Kirby - Historian; and approximately 15 other individuals.

PLEDGE TO THE FLAG

Supervisor Razzano acknowledge the untimely passing of David Zuckerman, Esq., the former Town of Wawayanda Attorney.

REGULAR BUSINESS:

K HOVNANIAN / PLANNED ACTIVE ADULT COMMUNITY:

Scott Bonacic, Attorney for K Hovnanian Homes, stated that he and two representatives of K Hovnanian Homes were present to introduce their proposal to the Town Board. Their proposed project will be located on Airport Road in the Town of Wawayanda approximately a half mile from Water & Sewer Districts #1. Advised that they are aware of the current structure of Wawayanda Water & Sewer Districts #1 in that the City of Middletown provides 200,000 gallons of sewer & water per day. Their proposal will be an Active Adult Community under the Inclusionary Housing Floating Zone, as designated in the Town's Local Law, and they are looking to file a formal application as early as next month.

Chuck Hutching, of Shore DiPalma Engineering & Planning Firm, referred to an ariel photograph that pointed out that this project would be located on the south side of Airport Road to the North of I-84, and about 150 feet to the west is the intersections of Dolsontown Road, Airport Road, and Schutt Road. Advised that they have done a lot of research into this site and understand all of the environmental constraints. Added that they have put together a plan that is sensitive to those constraints. The total site has 60 acres with approximately 19 acres being wetlands, and less than one acre being slopes greater than 25%. The project will consist of 24 buildings with a portion being 10 units, and the rest 16 units to total 300 homes. At this time a Phase I Archaeological Study, as well as a Traffic Study has been conducted, and it has also been determined that there are no hazardous materials on site. Since Randall Airport is located directly across the street, they are aware that there is a notification process to the Airport which is also part of the approval process. Mr. Hutching also spoke about the possibility of this project being connected into the Water & Sewer Districts #1. Stated that they understand that it would be their responsibility to expand that facility to their site.

John Crane advised that each unit would be three stories with a garage, and would range in price from \$100,000 to \$300,000. Spoke about all of the amenities that would be available to the owners. Stated that they are the 7th largest builder in the nation. He also spoke about the procedure for extending the district and that they would have to obtain Board approval to allow for the water usage.

Councilwoman Soro questioned if the buildings would interfere with the flight patterns from Randall Airport, and was advised that they will take a closer look, but at this time it does not appear that the height of the buildings will interfere with the airport.

Supervisor Razzano spoke about his concerns with the process of the extension of Water & Sewer Districts #1.

Mr. Hutching reassured the Supervisor that they are aware of all the steps that need to be taken and that they intend to be very active in that process.

Councilman Cole inquired about the estimated water use that this project will require.

Mr. Hutching advised that the Health Department has proposed at least 130,000 gallons per day, but they estimate that the amount will be substantially less at approximately 80,000 - 90,000 per day. At this time the Health Department has not accepted the lower number, but this is something that they are working on.

Attorney Bonacic stated that although the districts do not have the availability that they would require, they would need to work closely with the town to make this come about.

Supervisor Razzano responded that it would be premature to send the project to the Planning Board at this time, since our legislation requires that they meet seven criteria before they can proceed.

Councilwoman Soro urged Attorney Bonacic to contact Edward Diana's office to obtain the money to move along with water studies.

Mary Markiewicz, Planning Board Member, inquired that in the event the new zoning were to eliminate the wetlands and steep slopes, would it change the density of this project.

She was advised that it would not.

TOM MOONEY/VENDOR'S PERMIT: Supervisor Razzano spoke about the discussion that took place at the last meeting regarding revisions to the Town's Peddling & Soliciting Code. Since that meeting, he has obtained copies of the Town of Goshen and the Town of Warwick's codes which appear to be virtually identical.

Councilman Penaluna and **Councilman Cole** will review the codes and come back with recommendations to amend our code. A Public Hearing will be scheduled to address any amendments. In the meantime, **Supervisor Razzano** suggested that a 90 day temporary permit be issued to Mr. Mooney under the current code.

Attorney Guertin recommend that an agreement between the owner of the property and the permittee be submitted to the town, acknowledging that it would be a temporary 90 day permit.

MOTION by **Councilman Cole**, seconded by **Councilman Penaluna**, to issue a temporary solicitor's permit, not to exceed 90 days, to Tom Mooney to allow his hot dog vending operation on the Soons property which is located adjacent to County Route 12.

ALL IN FAVOR - CARRIED

ORANGE COUNTY LAND TRUST: Supervisor Razzano advised that Orange County Land Trust has requested that the Town cut a path on the property that was entrusted to them in the area of 'The Ponds', in order to allow access to the lake. He added that this matter was discussed

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last year.

Attorney Guertin stated that there may be a prohibition in the State Constitution regarding the spending of municipal funds to benefit private property, and he would look further into this matter.

Some further discussion took place

DOLSONTOWN ROAD: At the last Town Board meeting, David LeBlanc questioned where the funds came from to pave Dolsontown Road. He said that it was his understanding that the funds were taken out of the Water & Sewer Department, rather than the Highway Department. **Supervisor Razzano** has researched this matter and according to the Town Board Minutes for November 6, 2003 and December 29, 2003 the money was to be transferred from the General Fund to the Water & Sewer District, but according to Howard Goldstein, Bookkeeper for the Town, the money was never transferred. Water & Sewer Districts #1 did not pay for the road improvement.

INTRODUCTION OF PROPOSED LOCAL LAW TO EXTEND MORATORIUM:

Supervisor Razzano advised that the Moratorium is about to expire as of May 12, 2006. Mr. Razzano has been in contact with Joe Catalano of Saratoga Associates, and he feels that a three month extension would be adequate time to complete their work.

Councilman Cole expressed an opinion that there is no way that the work could be done in time before the deadline. Said that he is comfortable with a three month extension.

Councilwoman Soro stated that wrong decisions were made at the beginning of the year, and it appears they do not have a choice in this matter.

MOTION by **Councilman Cole**, seconded by **Supervisor Razzano**, to introduce a proposed local law which would extend the Moratorium.

Attorney Guertin advised that no vote is necessary, and that it cannot be discussed any further this evening, and that the home rule law goes into effect.

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to schedule a Public Hearing on Thursday, May 4th, 2005, in regards to a Proposed Local Law which would extend the Moratorium on developments in the Town.

ALL IN FAVOR - CARRIED

LOG CABIN / SHANNEN PARK: **Supervisor Razzano** spoke about the Log Cabin materials that were donated to the park. He feels that we should get moving on the construction so that the Town may have some kind of a Recreation Center. Currently, the Town has approximately \$65,000. that has been collected in Recreation fees, and a \$50,000. grant from Aileen Gunther. He asked the Board how they would like to proceed with this.

Councilwoman Soro said that the building would need a bathroom and a small kitchen.

Attorney Guertin suggested that the Town could go out for bids for an Architect to assist in the design.

Dan Meyers explained that the log cabin was donated from BOCES, and proceeded to provide a brief history of the building and how we had acquired it. .

RIDGEBURY LAKE SEWER PLANT: **Supervisor Razzano** noted that the work on the new sewer plant was completed last fall, and that the Supervisor's office has received a request from

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Standard Construction for final payment on the construction of the plant.

Stated that there was a discrepancy on the amount of money that Standard Construction owed the town.

Councilman Cole expressed his concerns that, as per former Supervisor Skinner, Standard Construction was going to reimburse the town for the paving that was done by our Highway Department. He thought that an amount in the range of \$20,000. would be deducted from what we owed them.

Councilwoman Soro suggested that the Supervisor speak with Highway Superintendent Green on this matter.

HUDSON VALLEY UNITED REFORM CHURCH: A request has been received from the Hudson Valley United Reform Church requesting that the application fee in the amount of \$6,900 which they paid to the Planning Board be waived or reduced, since they are a non-profit organization and working on a limited budget.

Supervisor Razzano indicated that a good portion of this amount is to cover a Site Disturbance Fee. Added that our fee schedule should be reviewed.

Mary Markiewicz commented that it would not be appropriate to waive the fees for this church. According to past practices, churches have been charged.

N.Y. STATE TROOPERS/ TURN AROUND:

Supervisor Razzano informed the Board that **Michael Green, Highway Superintendent**, had sent a letter to the Woodbury Field & Stream Club requesting permission for their property to be used as a turn around site for the New York State Troopers.

In their response, this hunting club asked that the Town consider selling them the parcel of town property which is adjacent to their property.

There was a brief discussion about this and the reasons why the Town would like to hold onto that property. The Board decided not to entertain the Woodbury Field & Stream's offer at this time.

MARRIAGE OFFICE/SUPERVISOR JOHN RAZZANO:

MOTION by **Councilman Cole**, seconded by **Councilman Penaluna**, to appoint Supervisor John R. Razzano as a marriage officer for the Town of Wawayanda.

VOTE

Supervisor Razzano	- Abstain
Councilman Cole	- Aye
Councilman Krajewski	- Absent
Councilwoman Soro	- Aye
Councilman Penaluna	- Aye

MOTION CARRIED**COMMENTS & QUESTIONS:**

Water & Sewer Codes: **Councilwoman Soro** questioned the status of the Water & Sewer Codes.

Supervisor Razzano acknowledge that we do need to adopt the Water & Sewer Codes. He will review the proposed amendments and will come back to the Board on this matter.

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Lakeridge Estates: Councilwoman Soro asked about the status of the Lakeridge Estates. Said that homes are being built, and the new owners are going to want to move in.

Supervisor Razzano responded that he had spoken with Mr. Wolpert about four weeks ago, and he admitted that they are working. Eventually, it will come to a point when they cannot go any further.

David LeBlanc asked if a decision has been made on the selling of the surplus equipment.

Supervisor Razzano advised him that his intentions are to have all offices compile a list of equipment to be deemed surplus. Once this information is received, the Board will decide the method by which the items will be sold.

NO OTHER BUSINESS OR COMMENTS.

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

ALL IN FAVOR - CARRIED

MEETING ADJOURNED: 8:47 P.M.

**PREPARED BY KATHRYN SHERLOCK
RESPECTFULLY SUBMITTED,**

Teresa E. Pierce, Town Clerk