

Wawayanda Town Board Meeting 09/02/2021**September 2, 2021**

A Regular monthly business meeting of the Town Board of the Town of Wawayanda was called to order at 7:00 P.M., on Thursday, September 2, 2021, at the Town Hall, Ridgebury Hill Road, Slate Hill, New York.

Those present were:	Denise Quinn	Supervisor
	David S. Cole	Councilman
	Ron Myruski	Councilman
	Russ LaSpina	Councilman
	Rich Penaluna	Councilman
	Kathryn Sherlock	Town Clerk
	Benjamin Gailey	Attorney for the Town

Also, Present: James Bergen, Howard Goldstein – Town Bookkeeper; Cathy Cole; Itzel Flores & Alan Martinez – House of Biria Food Truck; Frank Thompson and three other individuals.

PLEDGE TO THE FLAG**APPROVAL OF DEPARTMENT REPORTS:**

MOTION by **Supervisor Quinn**, seconded by **Councilman LaSpina**, to accept the various departmental reports, as submitted.

ALL IN FAVOR - CARRIED**PAYMENT OF BILLS:**

MOTION by **Supervisor Quinn**, seconded by **Councilman Penaluna**, to authorize the payment of bills in the amount of **\$7,409.53** from the General disbursement account representing bills that were payable upon receipt. Breakdown as follows:

Orange & Rockland – Manual Check	\$2,572.87
Weisshorn Solar 1, LLC – Manual Check	\$4,836.66

ALL IN FAVOR – CARRIED

MOTION by **Supervisor Quinn**, seconded by **Councilman Myruski**, to authorize the payment of bills from the General Disbursement Account in the amount of **\$346,357.03**. Breakdown as follows:

General Fund	G21-00954 thru 00995	38,729.62
Highway Fund	H21 -00907 thru 00934	138,151.99
Water/Sewer Districts	WS21-00935 thru 00953	117,063.98
Lakeridge Lighting	SLLK 21-00906	25.28
Robinn Meadows Water Capital	RMWC21-00996-00997	52,386.16

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Robinn Meadows Sewer District	10,847.27
Robinn Meadows Water District	2,815.53
Ridgebury Lake Acres Sewer District	69,053.43
Ridgebury Lake Acres Water District	936.46
Denton Hills Water District	478.40
Arluck Water District	1,001.61
Water Districts #1	18,593.79
Sewer Districts #1	13,337.49

Water/Sewer Total = \$117,063.98

ALL IN FAVOR – CARRIED

MOTION by **Supervisor Quinn**, seconded by **Councilman Cole**, to pay the following vendors for services or goods rendered in reference to the following:

MCGOEY, HAUSER AND EDSALL ENGINEERING - \$9,813.23

- Ford – Barbara & Dean - \$123.20
- Ford – Steven & Brian - \$123.20
- Highland Cemetery - \$435.40
- Golf Links – Fini - \$123.20
- Marangi - \$445.80
- DeBlock - \$381.40
- Kirk Rother / Simon - \$451.20
- Bacarella – Bldg Dept - \$15.00
- RDM Warehouse #2 – Cty 56 - \$301.80
- Fidanza Subaru - \$346.60
- RDM #3 – Dewpoint South - \$628.59
- RDM #4 – Dewpoint North - \$ 412.99
- RDM #5 – Dolsontown East - \$160.39
- MV Home Builders - \$82.00
- Fox Auto Group - \$153.20
- Scannell Properties - \$184.80
- Grandview – Bldg - \$1,840.36
- Autumn Sky 001 - \$164.44
- Airport Road Solar - \$437.84
- Borrego Solar - \$92.40
- Dolsontown Plaza 2018-21 - \$714.14
- Fehring / Oya Solar – Jogee Rd - \$638.40
- Marshall Machinery Bldg - \$49.64
- Matrix Warehouse 001 - \$881.16
- Congregation Divrei Yoel Bldg - \$231.00
- Henry Devries Bldg - \$395.44

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GREIGHTON MANNING ENGINEERING - \$1,681.61

- RDM Warehouse #2 – Cty 56 - \$807.51
- Marangi - \$174.82
- Kirk Rother / Simon - \$174.82
- RDM #3 – Dewpoint South - \$174.82
- RDM #4 – Dewpoint North - \$174.82
- RDM #5 – Dolsontown East - \$174.82

Payments will be made through the Special Trust and Agency and charged to the individual Escrow Account listed above.

ALL IN FAVOR – CARRIED

MOTION by **Supervisor Quinn**, seconded by **Councilman LaSpina**, to transfer \$95.00 from 8020.4A back to the following escrow account. The escrow account was charged twice for an invoice.

- Dolsontown Plaza

ALL IN FAVOR – CARRIED

MOTION by **Supervisor Quinn**, seconded by **Councilman LaSpina**, to reimburse the following account for invoices or expenses in reference to the following escrow accounts:

8020.4A

- Mauro - \$1,642.40
- Gallagher - \$112.40
- Sheeley Car Wash - \$408.80
- Ridgebury Farm - \$141.70
- Riry Mulrad – YSG Solar - \$261.00
- Wigan / Smith – YSG Solar - \$261.00

Payment will be made through the Special Trust and Agency account and charged to the individual escrow account listed above.

ALL IN FAVOR – CARRIED

APPROVAL OF MINUTES: Kathryn A. Sherlock, Town Clerk is requesting approval of the minutes of the August 5, 2021, July 8, 2021 and the Special Meeting held on July 22, 2021. All Board members were present at August 5, 2021, July 8, 2021.

Councilman LaSpina was absent at the July 22, 2021 Special Meeting.

MOTION by **Supervisor Quinn**, seconded by **Councilman Penaluna**, to approve the minutes of the August 5, 2021, July 8, 2021, Town Board Meetings, as presented by the Town Clerk.

ALL IN FAVOR – CARRIED

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MOTION by **Supervisor Quinn**, seconded by **Councilman Myruski**, to approve the minutes of the July 22, 2021, as presented by the Town Clerk.

VOTE

Supervisor Quinn	- Aye
Councilman Cole	- Aye
Councilman Myruski	- Aye
Councilman LaSpina	- Abstain
Councilman Penaluna	- Aye

MOTION CARRIED

HOUSE OF BIRIA / FOOD VENDERS PERMIT / 6 BATES GATES ROAD:

Kathryn A. Sherlock, Town Clerk is requesting the Town Board approve a Food Vender Permit for one year to be issued to **Itzel Flores** who owns the **House of Biria**. Ms. Flores signed a lease agreement with Jatt Boys Properties to operate a food cart on the property located at 6 Bates Gates Road. I have provided all of you with a map showing the locations of the Food cart and the patron parking.

At this time, I am in receipt of the Certificate of Liability Insurance, naming the Town of Wawayanda as the co-insured, in an amount no less than one million dollars (\$1,000,000). current Department of Health Certificate and a completed application.

Charles White, Code Enforcement Officer, has been consulted with and has no issue with the permit being issued.

MOTION by **Supervisor Quinn**, seconded by **Councilman Cole**, to approve a Solicitors permit for Itzel Flores to operate a Food Vending Cart at 6 Bates Gates Road, New Hampton, NY for a period of one year.

ALL IN FAVOR – CARRIED

ZONING UPDATES:

Supervisor Quinn stated that during the extended comment period the Town did not receive any written comments.

Ben Gailey, Attorney for the Town, stated that the Town Board held a Public Hearing on August 10, 2021 at the Senior Center and allowed the written comment period to be extended until August 24, 2021 and said that no additional comments had been received. At this time the next step is the compliance with the New York State Environmental Quality Review Act and the town board has completed parts I,II,III of the Environment Assessment Review Form. He continued on to say that he has prepared a draft resolution for the SEQR Declaration which concludes that the adoption of the proposed Zoning Amendment will not have a significant adverse impact on the environment. The first order of business would be for the board to adopt the Negative Declaration resolution.

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MOTION by **Supervisor Quinn**, seconded by **Councilman Myruski**, to adopt the foregoing resolution.

Resolution #14 - 2021
Town of Wawayanda Town Board
Resolution of SEQR Negative Declaration

Local Law – Zoning Amendments

BE IT RESOLVED as follows:

The Town Board of the Town of Wawayanda, acting pursuant to the State Environmental Quality Review Act (SEQR) and 6 NYCRR Part 617 (the SEQR Regulations) has carefully considered the “Zoning Amendments” introductory local law. The purposes of the proposed zoning amendments is set forth in the Legislative Intent section of the introductory local law.

Since the local law would change the allowable uses within zoning districts affecting 25 or more acres of the district, the local law is considered a SEQR Type I action. The Board is aware that a Type I action is presumed to be more likely to have one or more significant adverse impacts and, therefore, the Board must determine whether or not this action may cause one or more potential significant adverse environmental impacts. In making this SEQR determination, the Board has considered the criteria set forth in §617.7(c) of the SEQR Regulations and analyzed relevant areas of potential environmental concern. The Board has reviewed the full Environmental Assessment Form (EAF) Part 1 and completed Part 2 and Part 3 of the EAF, and the Board is familiar with the Town’s land use, community and other relevant environmental conditions. The Board conducted a public hearing on August 10, 2021, received public comments and answered questions from the public. The Board closed the public hearing, except allowed written comments until August 24, and received no written comments. The Board also received and reviewed comments from the County Planning Department, dated August 10, 2021, pursuant to state General Municipal Law §239-m, and the Town Planning Board recommendation.

This resolution documents the basis for the Board’s determination that the proposed action does not have the potential for a significant adverse environmental impact and that preparation of an environmental impact statement is not required.

Title of Action:	Local Law – Zoning Amendments
SEQR Status:	Type I
Project Location:	Townwide
Description of Action:	The local law would amend the Town zoning code by adding schools and places of worship as special uses in the Town’s

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Residential zoning districts, provided such uses front on and obtain vehicular access from State or County highways; deleting summer camps/campgrounds as a special use in Residential zoning districts; deleting annual membership clubs and places of worship as permitted or special uses in certain Commercial zoning districts; rescinding §195-154 regarding Institutions; clarifying the definitions of ‘hotel’ and ‘motel’; and amending the zoning map and establishing a new TC-2 Town Commercial District, which allows the same uses as the TC-1 Town Commercial District, except that manufacturing facilities, research development labs, and warehouses, storage and distribution facilities are prohibited in the TC-2 zoning district, all as detailed in the introductory local law. As stated above, the Legislative Intent section of the introductory local law explains the purposes of the action.

Reasons Supporting this Determination:

The Board has carefully reviewed all of the proposed zoning amendments. None of the amendments, whether considered individually or cumulatively, long-term, short-term, direct or indirect, will have a significant adverse impact on the environment. There are no simultaneous or reasonably anticipated subsequent actions which will have a significant adverse impact on the environment. There are no applications pending at the Planning Board and no land development proposals of which the Board is aware that relate to any of the proposed zoning amendments.

The County Planning Department issued its recommendation of Local Determination. The Board has considered County Planning’s advisory comments, none of which pertain to a potential significant adverse impact on the environment, and will not include as revisions in this local law.

Based on the Board’s review and consideration of the EAF, the Comprehensive Plan, the zoning code, Town Planning Board, County Planning Department and public comments, and the Board familiarity with the Town’s land use, community and other relevant environmental conditions, for the reasons set forth herein, the Board determines that this action will not cause any significant adverse environmental impact. Accordingly, this SEQRA Negative Declaration is hereby issued and shall be filed in accordance with the SEQRA Regulations.

This Negative Declaration was prepared in accordance with Article 8 of the Environmental Conservation Law.

Contact Person: Denise Quinn, Town Supervisor

Town of Wawayanda
80 Ridgebury Hill Road
Slate Hill, New York 10973

Phone: (845) 355-5700 Ext. 4

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Email: supervisor@townofwawayanda.com

A copy of this Negative Declaration shall be filed in the Office of the Town Board and Town Clerk. A notice of this Negative Declaration shall be sent to the Environmental Notice Bulletin for publication.

the foregoing Resolution was adopted on a vote of **5 Ayes, 0 Nays**.

MOTION by **Supervisor Quinn**, seconded by **Councilman Penaluna**, to adopt the foregoing resolution.

Resolution #15 - 2021

**TOWN OF WAWAYANDA
RESOLUTION OF ADOPTION
LOCAL LAW NO. 4 OF 2021
ZONING AMENDMENTS**

WHEREAS, an introductory Local Law entitled “Zoning Amendments” was introduced before the Town Board of the Town of Wawayanda on July 22, 2021, and upon notice duly published and posted, a hearing was held on August 10, 2021, before the Town Board, and

WHEREAS, written comments were received and public discussion was heard concerning the merits and environmental significance of said introductory Local Law.

NOW, THEREFORE,

BE IT RESOLVED, that the adoption of the introductory Local Law entitled “Zoning Amendments” is a Type I action under SEQR and the Board determined, by separate resolution, that the action will not have a significant adverse effect on the environment.

BE IT FURTHER RESOLVED, that the introductory Local Law entitled “Zoning Amendments” of the Town of Wawayanda be and hereby is adopted as Local Law #4 of 2021 of the Town of Wawayanda on September 2, 2021.

On the motion of Supervisor Quinn, seconded by Councilperson Penaluna, the foregoing resolution was adopted on a vote of 5 Ayes, 0 Nays.

The Supervisor declared the resolution adopted.

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CDBG GRANT FY 2020/ ROBINN MEADOWS WATER TREATMENT FACILITY:

Supervisor Quinn spoke and explained that **McGoey, Hauser & Edsall** contacted her office a few weeks ago advising that the **Orange County Office of Community Development** notified them that there is an \$150,000.00 grant available for the **Robinn Meadows Water Treatment Facility project**. At this time, she is requesting authorization from the board to sign all of the documents pertaining to securing the additional funds for this project.

MOTION by **Supervisor Quinn**, seconded by **Councilman Myruski**, to authorize the Supervisor to sign any and all documentation pertaining to the \$150,000.00 granted to the town by the County of Orange Office of Community Development for the Community Development Block Grant additional funding of the Robinn Meadows Water District project.

ALL IN FAVOR – CARRIED

DAN LONG / RESIGNATION / PLANNING BOARD MEMBER:

Supervisor Quinn stated that **Dan Long** has submitted his letter to the Board advising that he is resigning as a town Planning Board member after serving for 20 years.

Supervisor Quinn spoke and said that she is very sad to see Dan go but wished him well on his future endeavors.

FALL CLEAN UP DAY:

Supervisor Quinn advised that we have actively sought bids for the Fall Clean Up. Middletown Carting, LLC came in the lowest for the dumpsters, Advanced .Recycling for the electronics and Stericycle / Shred – It for the shredding service.

MOTION by **Supervisor Quinn**, seconded by **Councilman Myruski**, to accept the bids from **Middletown Carting LLC** to provide dumpster, **Advanced Recycling** for the electronics and **Stericycle /Shred It** for the shredding for the Fall Clean Up day scheduled to take place on October 16, 2021 between the hours of 9:00am – 2:00pm.

ALL IN FAVOR – CARRIED

PURCHASE PRICE HIGHWAY TRUCK:

Supervisor Quinn referred to the memo submitted by **Thomas DeBlock**, Highway Superintendent requesting approval to purchase a new Tandem dump truck to replace the one that was totaled from the garage fire. The specs on this truck are the same as the one we purchased in July; Freightliner chassis and a Henderson body, The purchase price is \$258,590.00.

MOTION by **Supervisor Quinn**, seconded by **Councilman Myruski** to authorize the purchase of one (1) Tandem Diesel Truck from Henderson at a cost not to exceed \$258,590.00, to replace the Tandem that had been totaled in the fire and for the funds to come from the insurance settlement.

ALL IN FAVOR - CARRIED

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TOWN HALL SECURITY CAMERAS:

Supervisor Quinn addressed the board and explained that she has obtained quotes for a **Security System** to be installed at the **Town Hall** and **Highway Garage**. She continued on to say that it will give us a better idea as to how much this will cost before we proceed.

A brief discussion took place with all of the board members providing their input and it was agreed that they will move ahead with this project.

5G WIRELES FACILITIES:

Supervisor Quinn referred to correspondence that she had received from the **Zoning Board Chairman** regarding placement of **5G Facilities**. The concern is that if our Zoning Code does not address this type of facilities they could be placed anywhere in the town.

Ben Gailey, Attorney for the Town spoke and explained that these types of facilities could already be addressed in our current code and that he would review and this matter will be re addressed at a future meeting.

TRACTOR TRAILER PARKING ON TOWN PROPERTY AGREEMENT:

Supervisor Quinn addressed the Board and said the **Attorney Gailey** has provided us with an agreement for the Tractor Trailer Parking at the Town Highway Garage. The document outlines what will be required from the individuals that still wish to park there. She continued on to say the **Highway Superintendent DeBlock** is trying to locate the owner of the trailer that is not registered to have them remove it.

Attorney Gailey asked for clarification as to whether or not the fee was per person regardless of how many pieces of equipment a person has or piece of equipment.

Supervisor Quinn replied that it was per truck.

MOTION by **Supervisor Quinn**, seconded by **Councilman LaSpina** to accept the document as the permit and license for the Town of Wawayanda for vehicle storage.

ALL IN FAVOR - CARRIED

TOWN OF WALLKILL INTERNUMICIPAL AGREEMENT:

Supervisor Quinn explained that the **Strip Mall** and **Gas Station** that are currently being constructed on **Dolsontown Road**, the applicant is currently working with the Town of Wallkill to extend their water lines to the property and added that they were unable to obtain sewer service. She continued on to say that we have been provided with an **Intermunicipal Agreement** from the **Town of Wallkill** for this project.

MOTION by **Supervisor Quinn**, seconded by **Councilman LaSpina**, to authorize the Supervisor to sign any and all documentation pertaining to the Intermunicipal Agreement with the Town of Wallkill and DESI BOYS PROPERTIES, LLC to provide on-site water supply for the project located at 1308 Dolsontown Road, SBL 1-1-16.11 and Airport Road & Dolsontown Road, Town of Wallkill SBL 72-1-15.1.

ALL IN FAVOR – CARRIED

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JOHNSTON SUBARU WATER & SEWER HOOK UP / CONNECTION FEE AGREEMENT:

Supervisor Quinn stated that the new Subaru building located at 3480 State Route 6 is building an additional building and needs to hook into the Water & Sewer District #1. The dealership will have to pay hook up fees to both the Town of Wawayanda and the City of Middletown.

MOTION by **Supervisor Quinn**, seconded by **Councilman Penaluna**, to authorize the Supervisor to sign any and all documentation pertaining to the Connection Fee Agreement with SJAR Realty, LLC for the new building constructed at 3480 State Route 6 within the Town of Wawayanda.

ALL IN FAVOR – CARRIED

Zoning Board of Appeals Notice of Public Hearing / 29 Roger Ave:

Supervisor Quinn addressed the Board and explained that a Notice of Public Hearing had been received from the Zoning Board of Appeals for a request for an Area Variance of 195-17 A (3) (a) for less than the minimum side/rear yard setback of 10 feet for an existing shed. She continued on to say that this property is next to our water district. She continued on to say that she does not have any objections to this request and if any of the other board members had any questions or concerns they should speak to the Zoning Board Secretary.

LDC Meeting:

Councilman Cole announced that he has scheduled and LDC Meeting to take place on September 21, 2021 at 6:00PM so that the board could approved payment of bills along with budget discussion.

PUBLIC COMMENTS & QUESTIONS:

Frank Thompson questioned the Supervisor as to how they were calculating the fee for the Truck parking.

Supervisor Quinn replied that it would be \$150.00 for the tractor and trailer if attached and \$150.00 is they just chose to storge the trailer.

Mr. Thompson asked about 11 & 32 Breeze Hill Road and the Carports that have no permits. Wanted to know why they have not filed for a permit.

Attorney Gailey advised that he would contact the Building Department to inquire on the 2 properties.

Mr. Thompson stated that he had filed a FOIL request for the August 5, 2021 Town Board meeting minutes and said that his response was he would receive them in 30 days. Continued on to say that the open meetings law requires that minutes to be made available 10 days after a meeting takes place.

Kathryn Sherlock, Town Clerk replied by stating that since **Mr. Thompson** utilized the FOIL process to obtain the document she was using the FOIL Law to comply.

Mr. Thompson said that the property next to the Agway and Royal Pools both has shipping containers on the property and told the board they need to be removed.

Mr. Thompson discussed the Subdivision Map for Hampton Meadows Drive and said that the dimensions for the road are wrong on the map.

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Attorney Gailey made an attempt to discuss the Subdivision Map and the road dimensions with **Mr. Thompson** continually interrupting and insisting he was wrong with his response.

No other comments or questions.

MOTION by **Supervisor Quinn**, seconded by **Councilman Rich**, to adjourn the meeting.
ALL IN FAVOR – CARRIED

MEETING ADJOURNED: 7:35 P.M.

RESPECTFULLY SUBMITTED,

Kathryn A. Sherlock
Town Clerk