

A regular meeting of the Town Board of the Town of Wallkill was held on July 26,2007 at 7:30 pm at Wallkill Town Hall 99 Tower Drive Bldg A, Middletown NY .Members present were Supervisor Ward, Councilman King ,Councilman Valentin, Councilman Mulqueen and Councilman McCarey. Also present were Attorney Joe McKay, Mr. Lippert , Mr. Jaques and Mr. Smith.

Public comment on Agenda Items.  
None

**CORRESPONDENCE**

To: Town Board  
From: John Lippert

Request to advertise and solicit bids for the placement of footings and setting of the arch culvert and wing walls for York Road.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

To: Town Board  
From: Bill Fiorvanti

Request permission to use the Little League facility on September 15,2007 for the Wiffle for Kids Tournament. They will provide insurance for the day.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

To: Town Board  
From: Mrs. Healy

The residents of 4 Scotchtown Lane desire to hold a block party on Sunday August 26<sup>th</sup> from 12pm until sunset. The road will remain open to emergency vehicles.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

To; Town Board  
From: J. McDonough

The residents of Rose Lane would like to request permission to hold a block party on August 4, 2007 from 12pm-10pm. There will be emergency vehicle access.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

To: Town Board  
From: M. Hunt, Planning Bd. Secretary

Upon recommendation of Dick McGoey a letter of credit be established for the Countryside Meadows Subdivision in the amount of \$456,861.00.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

Supervisor Ward reads correspondence from Time Warner Cable regarding a change in programming.

To: Town Board  
From: Mr. Lippert

Permission to accept the bid from Franklin Paint Co. 259 Cottage Street, Franklin MA for waterborne traffic paint.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. King

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

To: Town Board  
From: Chief Hertman

Letter of thanks to Officers Algarian and Badendyck for their quick and courteous response.

To: Town Board  
From: Galleria at Crystal Run

Request permission to hold a Tent sale on behalf of Royal Pool and Spas of New Hampton.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. McCarey

Supervisor Ward	Voting No
Councilman King	Voting No
Councilman Valentin	Voting No
Councilman Mulqueen	Voting No
Councilman McCarey	Voting No

**MOTION FAILS**

To: Town Board  
From: E. Smith Superintendent of Water and Sewer

The NYS DEC has requested permission to use Townley Hall on January 17 & 18 2008 to hold a training seminar. In return for the use the DEC will waive the fees for one Town Employee to attend.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. King

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

To: Edward Smith, Water Superintendent  
From: Orange County Health Dept.

An inspection of the drinking water supply that serves the above establishment (Circleville Park Beach House) was conducted by Mr. Hodge, a representative of this department on June 12, 2007.

The inspection report indicates that sanitary conditions were generally satisfactory for your non-community water supply.

Your continued cooperation in the maintenance of safe sanitary conditions will be appreciated.

Very Truly Yours

Jane Harkinson

Senior Public Health Sanitarian

To: Town Board  
From: E. Smith Water and Sewer Superintendent

I would like to request permission to send Robert Waligroski to attend the activated sludge course from October 29, 2007 until November 1,2007 and the basic laboratory course November 26,2007 until November 30,2007. Both courses are held SUNY Morrisville at a cost of \$500.00 each, plus housing, meals and course materials.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. King

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

## **MOTION CARRIED**

## **RESOLUTIONS**

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING THE TOWN SUPERVISOR AND HIGHWAY SUPERINTENDENT  
TO ENTER INTO A DEVELOPER'S AGREEMENT CONCERNING THE  
WALLKILL MANOR DEVELOPMENT LOCATED AT THE INTERSECTION OF  
SECOND STREET AND SCOTCHTOWN-SILVERLAKE ROAD

**WHEREAS**, the Town of Wallkill Planning Board granted subdivision, special use permit and site plan approval for the construction of a 70-unit residential development located at the intersection of Second Street and Scotchtown-Silverlake Road (the "Project"); and

**WHEREAS**, as a condition of that approval, the developer, North Jersey Realty Co., Inc., was required to enter into a Developer's Agreement (the "Developer's Agreement") to provide for the implementation of a wetland mitigation plan, to make traffic mitigation contributions and to place a restrictive covenant on the property declaring that the access road to the Project will remain and be maintained as a private road, and to place a restrictive covenant on the Project premises prohibiting further development on specific portions of the property designated on the Town of Wallkill tax map as section 50, block 1, lots 1 and 2, section 51, block 12, lot 2 and section 52, block 13, lot 1.1; and

**WHEREAS**, the Town Board of the Town of Wallkill has previously authorized the sale of the 0.889 +/- acre parcel constituting the paper street to be used as access to the Project;

**NOW, THEREFORE, IT IS HEREBY RESOLVED,**

**THAT** the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor and Highway Superintendent to enter into a Developer's Agreement with North Jersey Realty Co., Inc., a copy of which is annexed hereto, subject to final review by the Town's counsel.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting Absent
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

This resolution was passed on July 3, 2007.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL SETTING TIME AND PLACE FOR A PUBLIC HEARING REGARDING THE ABANDONMENT OF HIGHWAY, DIRECTING ENTRY OF CERTIFICATE OF ABANDONMENT AND AUTHORIZING THE GRANT OF RIGHT OF WAY AND SALE OF PROPERTY CONSTITUTING A PORTION OF GILLEN ROAD**

**WHEREAS**, a road known as "Gillen Road" is shown on subdivision map #3; and

**WHEREAS**, Section 205 of the New York State Highway Law provides that if a public street is not opened or worked within six (6) years after dedication to the public or if a public street has not been traveled or used as a street for a period of six (6) years, then such highway shall cease to be a public street and the Town Board shall direct the Highway Superintendent to declare it abandoned; and

**WHEREAS**, a street or unused portion thereof is legally abandoned upon the expiration of the six-year period of non-use specified above; and

**WHEREAS**, a portion of "Gillen Road" is to be abandoned; and

**WHEREAS**, adjoining landowners and those having an interest in the real property constituting the portion of Gillen Road to be abandoned have been notified of the Town's intention to abandon that portion of said road.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that a public hearing be held by the Town Board with respect to the adoption of the aforesaid Local Law shall be held at 7:25 p.m. on August 23, 2007, at Wallkill Town Hall, 99 Tower Drive - Bldg. A, Middletown, New York; and it is further

**RESOLVED** that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

### **MOTION CARRIED**

#### **RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL ADOPTING LEAD AGENCY FINDINGS STATEMENT WITH RESPECT TO PROPOSED LOCAL LAW NO. 15 OF 2007 IMPLEMENTING COMPREHENSIVE ZONING CHANGES IN THE TOWN OF WALLKILL**

**WHEREAS**, on January 11, 2007, the Town Board of the Town of Wallkill passed a resolution noticing its intent to designate itself as the lead agency with respect to the adoption of a local law for 2007 amending chapter 249 of the town code, which law provides for comprehensive revisions to the town's zoning regulations, including the modification of zoning district boundaries, creation of new zoning districts and district designations, and which further provides for the permissible uses and regulations applicable within all zoning boundaries and districts within the town, in accord with the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Town Board of the Town of Wallkill passed a resolution on March 8, 2007, designating itself as lead agency for environmental review with respect to the adoption of the aforementioned local law and authorized circulation of the Environmental Assessment Form ("EAF") to all interested parties, which EAF indicated that the proposed local law would have one or more large impacts on the environment; and

**WHEREAS**, the Town Board was provided with and reviewed the Draft Generic Environmental Impact Statement (“DGEIS”) and found that the DGEIS was complete with respect to scope and content and resolved that the same was adequate for public comment and review on March 22, 2007; and

**WHEREAS**, the Town Board, held concurrent public hearings on the DGEIS and the proposed local law to adopt comprehensive zoning changes at 7:15 p.m. on April 26, 2007; and

**WHEREAS**, the Town Board heard comments from members of the public with respect to the DGEIS and local law on April 26, 2007, and reviewed written comments submitted thereto by members of the public and the Town of Wallkill Planning Board; and

**WHEREAS**, on May 24, 2007, the Town Board reviewed the Final Generic Environmental Impact Statement (“FGEIS”) and found that the FGEIS was complete with respect to scope and content and that the same was adequate for public comment and review and authorized its circulation to involved agencies, interested parties and the public, and authorized the preparation of a Findings Statement; and

**WHEREAS**, the Town Board held a further joint public hearing on June 28, 2007 on the FGEIS and on the proposed local law;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law (“ECL”), the Town Board, as Lead Agency, hereby adopts the attached Findings Statement with regard to the adoption of the comprehensive zoning changes set forth in proposed Local Law #15-2007.

UPON ROLL CALL VOTE AS LISTED ABOVE THE SUPERVISOR DECLARES THE RESOLUTION AS DULY ADOPTED

LOCAL LAW NO. 15 OF 2007

A LOCAL LAW AMENDING CHAPTER 249 OF THE CODE OF THE TOWN OF WALLKILL, COUNTY OF ORANGE, CREATING NEW ZONING DISTRICTS AND AMENDING CERTAIN OTHER PROVISIONS OF THE ZONING CODE IN ORDER TO IMPLEMENT THE TOWN OF WALLKILL’S 2005 COMPREHENSIVE PLAN

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WALLKILL AS FOLLOWS:

Section 1.

The Town of Wallkill Code, Chapter 249-3, entitled “Definitions” shall be amended by adding

the following definitions in alphabetical order:

**COMMERCIAL RECREATION:** Any establishment which receives a fee in return for the provision of some recreational activity including but not limited to: athletic and racquet clubs, amusement parks, auditorium, bowling alley, conference center, museum, performance theater, pool or billiard hall, and skating rink. Commercial recreation uses Include facilities providing accommodations for individual or organized sports such as sports arenas.

**FINANCIAL INSTITUTION:** An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies such as banks, savings and loans, or credit unions.

**FUNERAL HOME (see also MORTUARY):** A licensed establishment where deceased persons are prepared for burial or cremation, where the body may be viewed, or where funeral services are held.

**IMPERVIOUS COVERAGE, MAXIMUM:** The maximum area of a lot, expressed as a percentage of a lot's total area, which may be encumbered by structures and impervious surfaces such as buildings, parking areas, and driveways.

**LOT FRONTAGE:** Distance between the side lot lines, as measured thirty-five feet from the road centerline and parallel to the street line.

**MANUFACTURING AND PRODUCTION:** The manufacturing of products from raw or unprocessed materials. Normal operations might include the use of heat, noise, or odor 2 (updated May 2007) generating/producing processes.

**MANUFACTURING AND PRODUCTION, LIGHT:** An establishment or activity primarily engaged in manufacturing, production or assembly which does not involve on the premises use of heat, noise, or odor generating/producing processes which are detectable off-site. Includes the

assembly, testing, repair and packing of components, devices and equipment systems

**MORTUARY (see also FUNERAL HOME):** A licensed establishment where deceased persons are prepared for burial or cremation, where the body may be viewed, or where funeral services are held.

**OFFICE:** Professional or government offices including accounting, auditing, advertising agencies, architectural, engineering, planning, and surveying services, attorneys, data processing and computer services, doctors, dentists, veterinarians, and similar uses.

**PUBLIC USE:** Includes public utilities or public buildings.

**REPAIR SHOP:** Establishments primarily engaged in the provision of repair services to individuals and households, but excluding automotive repair use types. Typical uses include appliance repair shops, shoe repair, or watch and jewelry repair shops.

**SCHOOL, VOCATIONAL:** A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, computer repair, hairdressing, or other similar activities.

**SELF STORAGE:** An enclosed structure used exclusively for the temporary indoor storage of personal materials and goods. The structure shall contain multiple individual mini-warehouse units that are rented or leased to the general public  
Section 2.

The Town of Wallkill Code, Chapter 249-4, shall be amended as follows:

- 1) Add “RA-1 Low Density Agriculture” to the list beneath “RA Rural Agricultural District”.
  - 2) Add “TC Town Center District” to the list beneath “HC Highway Commercial”.
  - 3) Add “O/R Office and Research District” to the list beneath “TC Town Center”.
  - 4) Delete “PID Planned Interchange Development District” and add “ENT Enterprise District” in its place.
  - 5) Delete “MI Manufacturing and Industrial District” and add “ENT-L Enterprise, Light District” in its place.
  - 6) Add “POD Performance Overlay District” at the bottom of the list.
- 3 (updated May 2007)

Section 3.

The Town of Wallkill Code, Chapter 249-5, shall be amended with the new Zoning Map attached hereto by referenced dated March 2007.

Section 4.

The Town of Wallkill Code, Chapter 249-8 A.(6)(a) shall be amended by deleting “except in RA Districts,” and replacing that language with “except in RA and RA-1 Districts,”.

Section 5.

The Town of Wallkill Code, Chapter 249-9 C.(6) shall be amended by deleting “Fences or walls for the RA, R-2 and R-1 Districts...” and replacing that language with “Fences or walls for the RA, RA-1, R-2 and R-1 Districts...”.

Section 6.

The Town of Wallkill Code, Chapter 249-10. Animals shall be amended as follows:

- 1) Delete “Within the RA District, no more than...” and replace that language with “Within the RA and RA-1 District, no more than...”.
- 2) Delete “Within the R-1, R-2, NC, HC, MI and PID Districts...” and replace that language with “Within the R-1, R-2, NC, HC, ENT, ENT-L, TC and O/R Districts...”.

Section 7.

The Town of Wallkill Code, Chapter 249-11 N. shall be amended by deleting “Signs permitted in Highway Commercial, Manufacturing Industrial and Planned Interchange Development Districts.

The following signs shall be permitted within the Highway Commercial, Manufacturing Industrial and Planned Interchange Development Districts in the Town:” and replacing that

language with “Signs permitted in Highway commercial, Enterprise, Enterprise Light and Office

and Research Districts. The following signs shall be permitted within the Highway Commercial,

Enterprise, Enterprise Light and Office and Research Districts in the Town:”.

4 (updated May 2007)

Section 8.

The Town of Wallkill Code, Chapter 249-11 N.(2)(b) shall be amended by deleting “In the Planned Interchange Development District, the maximum...” and replacing that language with “In the Office and Research District, the maximum...”.

Section 9.

The Town of Wallkill Code, Chapter 249-11 O(1)(a)[3][d] shall be amended by deleting “...”, except in the Planned Interchange Development District, where the ...”and replacing that language with “..., except in the Office and Research District, where the ...”.

Section 10.

The Town of Wallkill Code, Chapter 249-11 O(1)(b)[3][d] shall be amended by deleting “. . . .”, except in the Planned Interchange Development District, where the . . .” and replacing that language with “. . . , except in the Office and Research District, where the . . .”.

Section 11.

The Town of Wallkill Code, Chapter 249-11 O(2)(b)[2] shall be amended by deleting “In the Planned Interchange Development District, the maximum . . .” and replacing that language with “In the Office and Research District, the maximum . . .”.

Section 12.

The Town of Wallkill Code, Chapter 249-11 O(3)(b)[2] shall be amended by deleting “In the Planned Interchange Development District, the maximum . . .” and replacing that language with “In the Office and Research District, the maximum . . .”.

Section 13.

The Town of Wallkill Code, Chapter 249-12 B.(2) shall be amended by deleting “. . . garage or driveway in any RA, R-1 or R-2 District . . .” and replacing that language with “. . . garage or driveway in any RA, RA-1, R-1 or R-2 District. . .”.  
5 (updated May 2007)

Section 14.

The Town of Wallkill Code, Chapter 249-12 D.(2)(a) shall be amended by deleting “These safety islands shall be raised planting islands a minimum of four feet in width with external rounded curbs of net less than a two-foot radius. Curbs of raised planting islands shall be concrete and designed to prevent pedestrian movements which would damage such planting.”

Section 15.

The Town of Wallkill Code, Chapter 249-12 D.(2)(c) shall be amended by deleting the entire paragraph and replacing that language with “See § 249-100.4 Parking Lot Landscaping for more specific requirements.”

Section 16.

The Town of Wallkill Code, Chapter 249-12 D.(11)(a) shall be amended by deleting the word “Screening” and replacing that language with “See § 249-100.3 and § 249-100.4 for more specific requirements.”

Section 17.

The Town of Wallkill Code, Chapter 249-12 D.(11)(b) shall be amended by deleting all text including the word “landscaping and deleting all text at [1], [2], [3] and [4].

Section 18.

The Town of Wallkill Code, Chapter 249-19 B(10) shall be amended by adding, immediately

after “In no case shall there be more than one trailer per farm.” the following: “The trailer must be removed in the event the farm use terminates and/or the farm no longer requires the housing of farm workers.”

Also, in the following sub-paragraph (a), add the following sentence: “The site plan must also show the septic system, septic system design details, water supply, well and associated details.”

immediately after “. . . off-street parking and vehicular and pedestrian access.”  
Section 19.

The Town of Wallkill Code, Chapter 249-19 D.(1) shall be amended by adding in the table “Lot 6 (updated May 2007)

Frontage 200 feet” underneath “Both side yards 100 feet”  
Section 20.

The Town of Wallkill Code, Chapter 249, shall be amended by adding, immediately before

§ 249-20, Section 249-19.1 entitled “RA-1 Low Density Agricultural District” as follows:  
§ 249-19.1 RA-1 LOW DENSITY AGRICULTURAL DISTRICT

A. Purpose

The RA-1 District is intended to provide areas of the Town of Wallkill for agricultural and farming operations.

B. Permitted Uses

- One-family detached dwellings, not to exceed one such dwelling per lot
- Growing of crops, orchards, and the grazing of livestock, and appurtenant structures customarily associated with agricultural use, including, but not limited to, barns, greenhouses, and equipment sheds.
- Public use
- Religious institutions

G The minimum lot size shall be three acres

G No building shall be nearer than 50 feet to any lot line

G The maximum lot coverage shall be 20%

C. Special Permit Uses

- Schools and educational institutions
- Commercial recreation
- Cemeteries

G The minimum lot size, when not accessory to a religious institution, shall be three acres

- Home occupations

G All approvals shall be granted as revocable permits. Such permits may be reviewed at any time by the Planning Board to ensure total compliance with the spirit and intent of the Zoning Law

G No display of goods shall be visible from the street

G The premises shall not be used in any manner so as to cause injury or disturbance to the surrounding properties, their owners or occupants

G No person, outside the resident family, shall be employed in the home occupation

G No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced or allowed on the premises

G The occupation shall not occupy more than 1/2 of the ground floor area of 7 (updated May 2007)

the dwelling or its equivalent elsewhere in the dwelling if so used

- Dog Kennels

G The minimum lot size shall be 10 acres, except where no more than six animals are kept, in which case the minimum lot size shall be 80,000 square feet;

G No structure for such use shall be located nearer than 100 feet to any property line nor nearer than 200 feet to any residential district line;

G Said uses shall be screened and fenced from all surrounding properties;

G All animals shall be confined in suitably enclosed and ventilated buildings between the hours of sunset and 7:00 a.m.

#### D. Accessory Uses and Structures

- The keeping of livestock, other than pigs and mink.

G The minimum lot size for the keeping of livestock shall be 80,000 square feet for up to one such animal. One additional livestock may be kept for each additional 40,000 square feet of lot size.

G No structure for such use shall be located nearer than 100 feet to any property line nor nearer than 200 feet to any residential district line, except where said structure is 26 feet or less in height, measured from the ground to its highest point, in which case said structure shall not be located any nearer than 50 feet to any property line nor nearer than 100 feet to any residential district line.

G The keeping of pigs and/or mink is not authorized by this section but, where now existing as a nonconforming use, may be continued under the restrictions imposed by the ordinance entitled, "Ordinance Regulating the Keeping of Swine or Mink in the Town of Wallkill, Orange County," dated August 13, 1959, Editor's Note: See Ch. 70, Animals, Art. II, Swine and Mink. and the regulations for keeping pigs for home consumption, on farm premises, as stated therein, continue to apply.

- Keeping of fowl

G The minimum lot size shall be 10 acres, except where no more than six fowl are kept for noncommercial purposes, in which case the minimum lot size shall be 80,000 square feet.

G No structure for such use shall be located nearer than 100 feet to any property line nor nearer than 200 feet to any residential district line.

- The sale of agricultural products on the premises where the principal use is agriculture may be conducted within a seasonal roadside stand located on such

premises.

G Such stand shall not exceed one story in height.

G Such stand shall not exceed 1,000 square feet in total floor area.

G One sign shall be permitted, in accordance with the pertinent provisions of § 249-11, only during the period of operation.

- A veterinary hospital, in conjunction with a permitted agricultural operation. 8 (updated May 2007)

G Any kennels, runs or similar animal housing shall comply with the following:

< Said uses shall be solely for use by animals undergoing hospital care;

< Said uses shall be placed a minimum of 100 feet from any lot line and shall be fenced;

< Said uses shall be screened from all surrounding properties.

G All animals shall be confined in suitably enclosed and ventilated buildings between the hours of sunset and 7:00 a.m.

- The outside storage of farm and earthmoving equipment, provided that such equipment is kept beyond the required minimum front yard.

- Private garage.

- The renting of rooms, by a resident family, in a one-family dwelling for rooming or boarding purposes only. Accommodations by no more than four roomers can be provided in each dwelling.

- In conjunction with a permitted use or an existing nonconforming use, one truck trailer may be placed on a parcel to be used for storage purposes only. The placement of the truck trailers must meet all applicable setback requirements, and they must be so placed as to not cause an unnecessarily adverse effect on the use and enjoyment of any adjacent properties, except that, in conjunction with an agricultural farm use, the total number of such truck trailers permitted per parcel will be based on the function ability of the site and the plan submitted.

G A site plan must be submitted and approved by the Town Engineer prior to any such storage truck trailer being placed on a property. Said site plan shall contain such maps as are necessary to show the proposed locations and their relationship to the existing structures, off-street parking and vehicular and pedestrian access.

G Such approvals shall be valid for one year from the date of approval. They may be renewed for additional one-year periods.

G No hazardous materials shall be placed or stored in any such storage truck trailers.

G All such storage truck trailers shall remain legally registered and mounted on their wheels.

- In conjunction with a permitted one-family detached dwelling, one residential trailer may be placed on a working farm of 100 acres or over for the purpose of housing farm workers. The placement of the trailer must meet all applicable setback requirements; meet the requirements of the environmental control formula

for septic systems and have adequate water supply. The trailer shall be placed so as not to cause an adverse effect on the use and enjoyment of any adjacent properties. In no case shall there be more than one trailer per farm. The trailer must be removed in the event the farm use terminates and/or the farm no longer requires the housing of farm workers.

G A site plan must be submitted and approved by the Town Planner and 9 (updated May 2007)

Town Engineer prior to the placement of any such trailer on a property. Said site plan shall show the proposed trailer location and its relationship to the existing structure or structures, off-street parking and vehicular and pedestrian access. The site plan must also show the septic system, septic system design details, water supply, well and associated details.

The Town of Wallkill Code, Chapter 249, shall be amended by adding, immediately before

§ 249-20, Section 249-19.1 entitled “RA-1 Low Density Agricultural District” as follows:

E. Lot and building standards for the RA-1 District

(1) Minimum Required

Minimum required:

Lot area (square feet) per Environmental Control Formula, but not less than 5acres (type1)

and 3acres (type 2)

Floor area (square feet) 1,000

Lot width (feet) 250

Lot depth (feet) 300

Front yard (feet) 60

Rear yard (feet) 70

One side yard (feet) 40

Both side yards (feet) 100

Lot frontage 250

Maximum permitted

Lot coverage: 20%

Height (feet): 35

10 (updated May 2007)

(2) Soil factors and lot size information

Type I Lots

Conventional

Group

Environmental

Factor Min Lot Size

I

II

III

IV

V

VI  
VII  
VIII  
IX  
X  
XI  
XII  
XIII  
XIV  
XV  
0.33  
0.22  
0.17  
0.12  
0.11  
0.11  
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Type II Lots  
Conservation  
Group  
Environmental  
Factor Min Lot Size  
I  
II  
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IV  
V  
VI

VII  
VIII  
IX  
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XI  
XII  
XIII  
XIV  
XV  
0.66  
0.45  
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No Septic

All Type I subdivisions shall adhere to the regulations of this section. Applications for Type II subdivisions shall adhere to the regulations set forth within the Town of Wallkill’s “Conservation Subdivision” law.  
11 (updated May 2007)  
Section 21.  
The Town of Wallkill Code, Chapter 249-20 C.(12)[1] shall be amended by adding in the table “Lot Frontage 125 125 150 feet” underneath “Both side yards 40 40 50”.

Section 22.

The Town of Wallkill Code, Chapter 249-20 D.(1) shall be amended by adding in the table “Lot

Frontage (feet) 150 150 200” underneath “Both side (feet) 40 40 40”.

Section 23.

The Town of Wallkill Code, Chapter 249-20 D.(2) shall be amended by adding in the table “Lot

Frontage (feet) 150 150 200” underneath “Both side (feet) 40 40 40”.

Section 24.

The Town of Wallkill Code, Chapter 249-22 C.(6)(i) shall be amended by adding in the table

“Lot Frontage (feet) 150 150 150 150” underneath “Both side yards (feet) 60 60 60 60”.

Section 25.

The Town of Wallkill Code, Chapter 249-22 C.(11)(f) shall be amended by adding in the table

“Lot Frontage (feet) 150 150” underneath “Rear yard (feet) 30 30”.

Section 26.

The Town of Wallkill Code, Chapter 249-22 D.(1) shall be amended by adding in the table “Lot

Frontage (feet) 100 100 125” underneath “Both side (feet) 40 40 40”.

Section 27.

The Town of Wallkill Code, Chapter 249-22 D.(2) shall be amended by adding in the table “Lot

Frontage (feet) 80 80 100” underneath “Both side (feet) 40 40 40”.

12 (updated May 2007)

Section 28.

The Town of Wallkill Code, Chapter 249-23 C.(h) shall be amended by adding in the table “Lot

Frontage (feet) 150 150 150 150” underneath “Rear yard (feet) 30 30 30 30”.

Section 29.

The Town of Wallkill Code, Chapter 249-24 H. shall be amended by adding in the table “Lot

Frontage (feet) 50” underneath “Both side yards (feet) 15”.

Section 30.

The Town of Wallkill Code, Chapter 249-24.1 D. shall be amended by adding in the table “Lot

Frontage (feet) 150” underneath “Side yard (feet) 20”.

Section 31.

The Town of Wallkill Code, Chapter 249-24.1 E shall be amended by adding in the table “Lot

Frontage (feet) 80 80 100” underneath “Both side yards (feet) 30 30 35”.

Section 32.

The Town of Wallkill Code, Chapter 249-26 entitled “Highway Commercial District”, shall be

amended by deleting the entire section and replacing it with the following language:  
§ 249-26 HIGHWAY COMMERCIAL DISTRICT

A. Purpose

The Highway Commercial District is intended to provide areas suitable for small- to medium-scale retail, office and service operations serving local needs.

B. Permitted Uses

- Financial Institution
- Office
- Public Use
- Religious Institutions
- Retail
- Service and Repair Shops

13 (updated May 2007)

C. Special Permit Uses

- Clubs and Lodges
- Day Care and Nursery
- Eating and Drinking Establishment
- Funeral Parlor and Mortuary
- Gasoline Filling and Service Station
- Hotels/Motels
- School, Vocational
- School
- Shopping Center
- Single-family residences
- Theater including drive-ins
- Veterinary hospitals

D. Accessory Uses and Structures

Accessory uses that are customarily incidental to an allowed principal use may be allowed in this district and must comply with the regulations and standards of this chapter. All accessory structures shall be subject to the same area and bulk requirements as are required for principal structures within such districts.

E. Area and Bulk Requirements

Area and Bulk Table

The following table represents the baseline requirements and in some cases, additional standards may apply (e.g., special permit uses or through overlay districts).

Minimum Required

Type of Lot

A B C

Lot area (square feet) 10,000 15,000 20,000 (See Note 1)

Lot width (feet) 100 100 130

Lot depth (feet) 100 100 120

Front yard (feet) 35 35 35

Rear yard (feet) 40 40 40

One side yard (feet) 20 20 20  
Both side yards (feet) 30 30 30  
Floor area (square feet) 600 600 600

Maximum Permitted

Building height (feet) 35 35 35

Type of Lot: A = Lots served by a public sewerage and a public water system, B = Lots served by a public sewerage system, but not served by a public water system, C = Lots not served by a public water system or a public sewerage system.

Note 1: For residential construction, refer to §249-20-D.

#### F. Mandatory Buffer of Pre-existing Residential Structures

(1) All nonresidential development shall provide buffering for adjacent, preexisting residential uses. In general, this buffering shall be developed to alleviate the impact of nonresidential development, including, but not limited to:

14 (updated May 2007)

(a) Light;

(b) Parking and loading areas;

(c) Noise and odor;

(d) Location of ancillary equipment such as dumpsters and HVAC; and

(e) Traffic flow and light glare from vehicles.

(2) Buffer area. The area of buffer shall be commensurate with the potential impact to neighboring properties.

(3) Review process. During site plan review, development applicants shall provide a buffering plan demonstrating how the project will alleviate any potential adverse impacts to adjacent, preexisting residential structures. The Planning Board shall review the buffer plan and reject for re-submittal, accept, or accept with modifications. In all cases, the Planning Board review shall include review by the Town's landscape architect.

#### G. Fences

(1) The planning board shall determine the need, placement, type and height of all fencing.

#### H. Site Plan Approval

(1) A site plan showing the location of buildings, signs and other improvements including off-street parking facilities, truck loading spaces, landscaping and access to all public rights-of-way shall be submitted to the Planning Board for approval prior to the issuance of a building permit. The procedures and requirements set forth in §249-38 of this chapter shall be adhered to.

#### Section 33.

The Town of Wallkill Code, Chapter 249, shall be amended by adding, immediately after § 249-

26, Section 249-26.1 entitled "Town Center District" as follows:

#### § 249-26.1 TOWN CENTER DISTRICT

##### A. Purpose

The Town Center District is intended to provide areas suitable for large scale shopping

centers serving regional needs. Such centers are characterized by uses offering retail comparison shopper goods, locations accessible from regional highways, and an integrated and connected complex of structures with internal roadways.

B. Permitted Uses

- Financial Institution
- Office

15 (updated May 2007)

- Public Use
- Religious Institution
- Retail
- Service and Repair Shops

C. Special Permit Uses

- Car Wash
- Clubs and Lodges
- Commercial Recreation
- Day Care and Nursery
- Eating and Drinking Establishment
- Funeral Parlor and Mortuary
- Gasoline Filling and Service Station
- Motor Vehicle Sales and Rental Establishments
- Hotel/Motel
- Research Facilities
- School, Vocational
- Shopping Center
- Theater/Cinema

D. Accessory Uses and Structures

Accessory uses that are customarily incidental to an allowed principal may be allowed in this district and use must comply with the regulations and standards of this chapter. All accessory structures shall be subject to the same area and bulk requirements as are required for

principal structures within such districts.

E. Area and Bulk Requirements

Area and Bulk Table

The following table represents the baseline requirements and in some cases, additional standards may apply (e.g., special permit uses or through overlay districts).

Lot

Area

(sq. ft.)

Lot

Width

Lot

Depth

Front

Yard

Side  
Yard  
Rear  
Yard Height  
Maximum  
Impervious  
Coverage

60,000 200' 200' 50' 50' 50'(1) 60' 70%

(1) 50' or equal to the height of the building, whichever is greater

F. Mandatory Buffer of Pre-existing Residential Structures

(1) All nonresidential development shall provide buffering for adjacent, preexisting residential uses. In general, this buffering shall be developed to alleviate the impact of nonresidential development, including, but not limited to:

(a) Light

(b) Parking and loading areas;

16 (updated May 2007)

(c) Noise and Odor;

(d) Location of ancillary equipment such as dumpsters and HVAC; and

(e) Traffic flow and light glare from vehicles.

(2) Buffer area. The area of buffer shall be commensurate with the potential impact to neighboring properties.

(3) Review process. During site plan review, development applicants shall provide a buffering plan demonstrating how the project will alleviate any potential adverse impacts to adjacent, preexisting residential structures. The Planning Board shall review the buffer plan and reject for re-submittal, accept, or accept with modifications. In all cases, the Planning Board review shall include review by the Town's landscape architect.

G. Fences

(1) The planning board shall determine the need, placement, type and height of all fencing.

H. Site Plan Approval

(1) A site plan showing the location of buildings, signs and other improvements including off-street parking facilities, truck loading spaces, landscaping and access to all public rights-of-way shall be submitted to the Planning Board for approval prior to the issuance of a building permit. The procedures and requirements set forth in §249-38 of this chapter shall be adhered to.

Section 34.

The Town of Wallkill Code, Chapter 249, shall be amended by adding, immediately after § 249-

26.1, Section 249-26.2 entitled "Office and Research District" as follows:

§249-26.2 OFFICE AND RESEARCH DISTRICT

A. Purpose

The Office and Research district provides areas suitable for businesses such as corporate headquarters, research and development facilities, medical and educational facilities, and

institutional uses in a landscaped setting. A high quality of design is maintained within the district through the integration and consideration of natural resources and features with development, inclusion of open space, and landscaping and buffering from surrounding uses.

B. Permitted Uses

- Financial Institution
- Office
- Public Use
- Religious Institution

17 (updated May 2007)

C. Special Permit Uses

- Day Care and Nursery
- Eating and Drinking Establishment
- Gasoline Filling and Service Station
- Hospital
- Hotel/Motel
- Research Facilities
- Retail
- School, Vocational
- Service and Repair Shops

D. Accessory Uses and Structures

Accessory uses that are customarily incidental to an allowed principal may be allowed in this district and use must comply with the regulations and standards of this chapter. All accessory structures shall be subject to the same area and bulk requirements as are required for principal structures within such districts.

E. Area and Bulk Requirements

Area and Bulk Table

Please note that the following table represents the baseline requirements and in some cases, additional standards may apply (e.g., special permit standards or through overlay districts).

Lot  
Area  
(sq. ft)  
Lot  
Width  
Lot  
Depth  
Front  
Yard  
Side

Yard

Rear

Yard Height

Lot

Coverage

(buildings)

Maximum

Impervious

Coverage

40,000 200' 200' 30' 30' 30'(1) 100' (2) 40% 60%

(1) 30' or equal to the height of the building, whichever is greater.

(2) Maximum building height: Any structure within 100' of pre-existing residential uses (measured at the lot line) or a residential zoning district shall not exceed 45' in height. The 100' maximum building height

limitation may be waived at the discretion of the Planning Board for hospitals, provided the structure is not within 100' of a pre-existing residential use or district.

F. Mandatory Buffer of Pre-existing Residential Structures

(1) All nonresidential development shall provide buffering for adjacent, preexisting

residential uses. In general, this buffering shall be developed to alleviate the impact of nonresidential development, including, but not limited to:

(a) Light;

(b) Parking and loading areas;

(c) Noise and odor;

(d) Location of ancillary equipment such as dumpsters and HVAC; and

(e) Traffic flow and light glare from vehicles

(2) Buffer area. The area of buffer shall be commensurate with the potential impact to neighboring properties.

(3) Review process. During site plan review, development applicants shall provide a

18 (updated May 2007)

buffering plan demonstrating how the project will alleviate any potential adverse impacts to adjacent, preexisting residential structures. The Planning Board shall review the buffer plan and reject for re-submittal, accept, or accept with modifications. In all cases, the Planning Board review shall include review by the Town's landscape architect.

G. Accessory Structures

(1) All accessory structures shall be subject to the same area and bulk requirements as

are required for principal structures within such districts.

H. Fences

(1) The planning board shall determine the need, placement, type and height of all fencing.

## I. Site Plan Approval

(1) A site plan showing the location of buildings, signs and other improvements including off-street parking facilities, truck loading spaces, landscaping and access to all public rights-of-way shall be submitted to the Planning Board for approval prior to the issuance of a building permit. The procedures and requirements set forth in §249-38 of this chapter shall be adhered to.

### Section 35.

The Town of Wallkill Code, Chapter 249-27 entitled “Manufacturing and Industrial District”,

shall be amended by deleting the entire section and replacing it with the following language:

#### § 249-27 ENTERPRISE DISTRICT

##### A. Purpose

The Enterprise district is intended primarily to accommodate a variety of businesses engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other accessory commercial uses are allowed to support the range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated within the town to provide an adequate and diversified economic base that will facilitate job creation and retention.

##### B. Permitted Uses

- Public Use
  - Financial Institution
  - Religious Institution
- 19 (updated May 2007)

##### C. Special Permit Uses

- Airport/Heliport
- Car Wash
- Commercial Recreation
- Dog Kennel
- Gasoline filling and Service Station
- Manufacturing and Production
- Motor Vehicle Sales and Rental Establishment
- Motor Vehicle Repair Establishment
- Office Research Facilities
- Self Storage
- Veterinary Hospital
- Warehouse
- Wholesale Establishment
- Quarry

- Junkyard

D. Accessory Uses and Structures

Accessory uses that are customarily incidental to an allowed principal may be allowed in this district and use must comply with the regulations and standards of this chapter. All accessory structures shall be subject to the same area and bulk requirements as are required for principal structures within such districts.

E. Area and Bulk Requirements

Area and Bulk Table

Please note that the following table represents the baseline requirements and in some cases, additional standards may apply (e.g., special permit uses or through overlay districts).

Lot Area

(sq. ft.)

Lot

Width

Lot

Depth

Front

Yard

Side

Yard

Rear

Yard Height

Lot

Coverage

Maximum

Impervious

Coverage

40,000 150' 200' 50' 20'(1) 50' 35' 40% 70%

(1) 20' or equal to the height of the building, whichever is greater

F. The Outdoor Storage of Building Supplies, raw Material or Equipment

(1) In no case shall the material shall be stored so as to exceed the height of any wall or fence.

(2) Liquids may be stored in underground tanks subject to all appropriate provisions

of the Fire and Building Codes. Editor's Note: See Ch. 82, Building Construction, and Ch. 122, Fire Prevention. Original Subsection C(16)(a), which required that outdoor storage of building supplies, equipment and raw materials be screened by a solid or opaque wall or fence and immediately preceded this subsection, was repealed 8-25-1983 by L.L. No. 10-1983.

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#### G. Mandatory Buffer of Pre-existing Residential Structures

(1) All nonresidential development shall provide buffering for adjacent, preexisting

residential uses. In general, this buffering shall be developed to alleviate the impact of nonresidential development, including, but not limited to:

- (a) Light;
- (b) Parking and loading areas;
- (c) Noise and odor;
- (d) Location of ancillary equipment such as dumpsters and HVAC; and
- (e) Traffic flow and light glare from vehicles.

(2) Buffer area. The area of buffer shall be commensurate with the potential impact to neighboring properties.

(3) Review process. During site plan review, development applicants shall provide a buffering plan demonstrating how the project will alleviate any potential adverse impacts to adjacent, preexisting residential structures. The Planning Board shall review the buffer plan and reject for re-submittal, accept, or accept with modifications. In all cases, the Planning Board review shall include review by the Town's landscape architect.

#### H. Fences

(1) The planning board shall determine the need, placement, type and height of all fencing.

#### I. Site Plan approval

(1) A site plan showing the location of buildings, signs and other improvements including off-street parking facilities, truck loading spaces, landscaping and access to all public rights-of-way shall be submitted to the Planning Board for approval prior to the issuance of a building permit. The procedures and requirements set forth in §249-38 of this chapter shall be adhered to.

(2) Before approvals are given on buildings, the plat must note the type of use which will occupy the building. If the applicant does not know what use will occupy the building at the time of approval, the applicant must come back before the Planning Board for approval of the use before a certificate of occupancy can be issued for the building.

#### J. Performance Standards

No use shall be permitted that does not conform to the following standards of use, occupancy and operation. Such standards are hereby established as the minimum requirements to be maintained.

(1) Noise: noise not to exceed an intensity, as measured from the boundaries of the lot

where such use is situated, greater than the average intensity occurrence and duration of the noise of street traffic at adjoining streets.

(2) Atmospheric effluence. No dust, dirt, smoke, odor or noxious gases shall be  
21 (updated May 2007)

disseminated beyond the boundaries of the lot, except in accordance with the standards approved by the New York State Department of Health or similarly empowered agency.

(3) Glare and heat. No glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which the use is situated.

(4) Industrial wastes. No solid or liquid wastes shall be discharged into any public sewer, private disposal system or stream or on or into the ground, except in accordance with the standards approved by the New York State Department of Health and in accordance with the Town of Wallkill Sewer Ordinance. Editor's Note: See Ch. 194, Sewers and Sewage Disposal, Art. II, Sewer Use.

(5) Fire and explosion hazards. All activities involving and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited. The relevant provisions of state and local laws shall also apply.

(6) Radioactivity or electromagnetic disturbance. No activities shall be permitted which emit dangerous radioactivity beyond the structure in which such activity is situated; nor shall any electrical disturbance be created which adversely effects the operation of any equipment, other than that of the creator of such disturbance. Section 36.

The Town of Wallkill Code, Chapter 249, shall be amended by adding, immediately after § 249-

27, Section 249-27.1 entitled "Enterprise, Light District" as follows:

§ 249-27.1 ENTERPRISE, LIGHT DISTRICT

A. Purpose

The Light Enterprise District is intended primarily to accommodate research and development oriented industries as well as distribution and manufacturing uses which do not include adverse effects from smoke, noise, odors, dust and dirt. This district is designed to attract and encourage uses that generally do not require processes associated with heavy industry and large-scale production.

B. Permitted Uses

- Financial Institution
- Office
- Public Use
- Religious Institution

22 (updated May 2007)

C. Special Permit Uses

- Car Wash
- Commercial Recreation

- Day Care and Nursery
- Eating and Drinking Establishment
- Funeral Parlor and Mortuary
- Gasoline Filling and Service Station
- Hospital
- Hotel/Motel
- Manufacturing and Production, Light
- Motor Vehicle Sales and Rental Establishment
- Motor Vehicle Repair Establishment
- Retail
- Research Facilities
- Self Storage
- Service and Repair shops
- Veterinary Hospital
- Warehouse
- Wholesale Establishment

D. Accessory Uses and Structures

Accessory uses that are customarily incidental to an allowed principal may be allowed in this district and use must comply with the regulations and standards of this chapter. All accessory structures shall be subject to the same area and bulk requirements as are required for principal structures within such districts.

E. Area and Bulk Requirements

Area and Bulk Table

Please note that the following table represents the baseline requirements and in some cases, additional standards may apply (e.g., special permit uses or through overlay districts)

Lot Area  
(sq. ft.)  
Lot  
Width  
Lot  
Depth  
Front  
Yard  
Side  
Yard  
Rear  
Yard Height  
Lot  
Coverage  
Maximum  
Impervious  
Coverage

40,000 150' 200' 50' 20'(1) 50' 35' 40% 60%

(1) 20' or equal to the height of the building, whichever is greater

#### F. The Outdoor Storage of Building Supplies, Raw Material or Equipment

(1) In no case shall the material shall be stored so as to exceed the height of any wall or fence.

(2) Liquids may be stored in underground tanks subject to all appropriate provisions

of the Fire and Building Codes. Editor's Note: See Ch. 82, Building Construction, and Ch. 122, Fire Prevention. Original Subsection C(16)(a), which required that outdoor storage of building supplies, equipment and raw materials be screened by 23 (updated May 2007)

a solid or opaque wall or fence and immediately preceded this subsection, was repealed 8-25-1983 by L.L. No. 10-1983.

#### G. Mandatory Buffer of Pre-existing Residential Structures

(1) All nonresidential development shall provide buffering for adjacent, preexisting

residential uses. In general, this buffering shall be developed to alleviate the impact of nonresidential development, including, but not limited to:

(a) Light;

(b) Parking and loading areas;

(c) Noise and odor;

(d) Location of ancillary equipment such as dumpsters and HVAC; and

(e) Traffic flow and light glare from vehicles

(2) Buffer area. The area of buffer shall be commensurate with the potential impact to neighboring properties.

(3) Review process. During site plan review, development applicants shall provide a

buffering plan demonstrating how the project will alleviate any potential adverse impacts to adjacent, preexisting residential structures. The Planning Board shall review the buffer plan and reject for re-submittal, accept, or accept with modifications. In all cases, the Planning Board review shall include review by the Town's landscape architect.

#### H. Fences

(1) The planning board shall determine the need, placement, type and height of all fencing.

#### I. Site Plan Approval

(1) A site plan showing the location of buildings, signs and other improvements including off-street parking facilities, truck loading spaces, landscaping and access to all public rights-of-way shall be submitted to the Planning Board for approval prior to the issuance of a building permit. The procedures and requirements set forth in §249-38 of this chapter shall be adhered to.

(2) Before approvals are given on buildings, the plat must note the type of use which

will occupy the building. If the applicant does not know what use will occupy the

building at the time of approval, the applicant must come back before the Planning Board for approval of the use before a certificate of occupancy can be issued for the building.

#### J. Performance Standards

No use shall be permitted that does not conform to the following standards of use, occupancy and operation. Such standards are hereby established as the minimum requirements to be maintained.

(1) Noise: noise not to exceed an intensity, as measured from the boundaries of the lot

where such use is situated, greater than the average intensity occurrence and

24 (updated May 2007)

duration of the noise of street traffic at adjoining streets.

(2) Atmospheric effluence. No dust, dirt, smoke, odor or noxious gases shall be disseminated beyond the boundaries of the lot, except in accordance with the standards approved by the New York State Department of Health or similarly empowered agency.

(3) Glare and heat. No glare or heat shall be produced that is perceptible beyond the

boundaries of the lot on which the use is situated.

(4) Industrial wastes. No solid or liquid wastes shall be discharged into any public sewer, private disposal system or stream or on or into the ground, except in accordance with the standards approved by the New York State Department of Health and in accordance with the Town of Wallkill Sewer Ordinance. Editor's Note: See Ch. 194, Sewers and Sewage Disposal, Art. II, Sewer Use.

(5) Fire and explosion hazards. All activities involving and all storage of flammable

and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited. The relevant provisions of state and local laws shall also apply.

(6) Radioactivity or electromagnetic disturbance. No activities shall be permitted which emit dangerous radioactivity beyond the structure in which such activity is situated; nor shall any electrical disturbance be created which adversely effects the

operation of any equipment, other than that of the creator of such disturbance.

Section 37.

The Town of Wallkill Code, Chapter 249-28 entitled "PID Planned Interchange Development

District" shall be amended by deleting the entire section and replacing it with the following

language:

§ 249-28 - Reserved for Future Use.

Section 38.

The Town of Wallkill Code, Chapter 249-32 E(2) shall be amended by deleting “. . . in an RA,

R-1 or R-2 District must . . .” and replacing that language with “. . . in an RA,

RA-1, R-1 or R-2

District must . . .”.

Section 39.

The Town of Wallkill Code, Chapter 249-38 C shall be amended by deleting “. . . except when

25 (updated May 2007)

the site is within those zones designated RA - Rural Agricultural District, where all . . .” and

replacing that language with “. . . except when the site is within those zones designated RA -

Rural Agricultural District and RA-1 Low Density Agriculture District, where all . . .”.

Section 40.

The Town of Wallkill Code, Chapter 249, shall be amended by deleting Section 249-39 entitled

“Requirements For Special Permit Uses” in its entirety and replacing it with the following:

#### § 249-39 REQUIREMENTS FOR SPECIAL PERMIT USES

A. Special uses listed in this chapter possess characteristics of a nature such as to require

special review and the application of special standards in order to assure an orderly and

harmonious arrangement of land uses in the district and in the community. Before a

special use is approved, the Board shall find that the proposed use:

(1) Will be properly located in regard to transportation, water supply, waste disposal,

fire protection, police protection or other facilities.

(2) Will not create undue traffic or congestion or traffic hazards.

(3) Will not adversely affect the value of property, character of the neighborhood or

the pattern of development.

(4) Will encourage appropriate use of land consistent with the needs of the Town of

Wallkill.

(5) Will not impair the public health, safety and general welfare.

(6) Meets all applicable requirements of this chapter and the Planning Board may impose any additional requirements the Board deems appropriate to assure that the

proposed use will be in harmony with the surrounding properties.

(a) Before imposing such conditions, the Board shall consider the following:

[1] The location and the intensity of the use;

[2] The location and height of the proposed buildings and structures;

[3] Traffic access and circulation;

[4] The location and extent of parking and loading areas;

[5] The location, extent and type of exterior artificial lighting and advertising;

[6] The proposed landscaping, screening and fencing;

[7] The probably extent of noise, vibration, smoke, dust, and other adverse influences.

B. The planning board may impose a limit on the hours of operation of a use upon finding

that such a limit is necessary

C. Any use for which a special use permit may be granted shall be deemed to be a conforming use in the district in which such use is located. Said special use shall be

26 (updated May 2007)

deemed to affect only the lot or portion thereof for which such permit shall have been

granted

D. For condominiums or cooperative housing projects requiring approval by the New York

State Attorney General, the one-year approval period shall not commence running until

the final approval is granted by the Attorney General.

(1) In all cases, proof of submission of the plans to the Attorney General shall be furnished to the Planning Board within 60 days of the Board's Conditional or Final approval of the special use. If the proof of submission is not furnished in the prescribed period of time, the special use shall be deemed null and void.

(2) Upon approval of the application by the Attorney General, a copy of said approval

shall be submitted to the Planning Board for its records. In the event that the Attorney General denies approval of the application, the special use shall be deemed null and void.

E. Each application for a special use shall be accompanied by a proposed site plan as set

forth in §249-40.

Section 41.

The Town of Wallkill Code, Chapter 249, shall be amended by adding, immediately after § 249-

39, Section 249-39.1 entitled "Standards For Specific Special Permit Uses in Commercial and

Industrial Districts" as follows:

**§ 249-39.1 STANDARDS FOR SPECIFIC SPECIAL PERMIT USES IN  
COMMERCIAL  
AND INDUSTRIAL DISTRICTS.**

In addition to the general objectives stated above and the town's site plan review considerations, the following specific requirements shall be complied with for the particular

special permit uses cited below.

A. Accessory retail store for manufacturing and production uses.

(1) An accessory retail store for the display and/or sale of merchandise primarily manufactured upon the premises subject to the following conditions: [Added 6-23-1983 by L.L. No. 9-1983].

(2) The accessory retail store shall be carried on in an attached, enclosed building and

shall not exceed 20% of the entire manufacturing floor area or 1,000 square feet in

floor area, whichever is less.

(3) One parking space shall be provided per 150 square feet of floor area.

(4) One sign is permitted on the premises in accordance with § 249-11.

27 (updated May 2007)

B. Airports and Heliports

(1) The hours of operation shall be limited by the Planning Board to prevent disturbance to nearby residences.

(2) No area to be used by aircraft under its own power on the ground shall be nearer

than 200 feet to any lot line. Evidence shall be submitted to the Board that ample safeguards to minimize hazards and disturbances from aircraft noise will be assured at all times of operation from affecting residents and properties in the vicinity.

(3) Access to areas used by aircraft in motion shall be controlled by fences and gates.

(4) Vending machines, newsstands, governmental installations, airlines and express offices and aircraft repair facilities may be permitted within completely enclosed buildings.

(5) The storage and sale of aviation gasoline may also be permitted.

C. Cemeteries. [Added 2-11-1982 by L.L. No. 1-1982]

(1) The minimum lot size, when not accessory to a religious institution, shall be three

acres.

D. Churches and religious institutions

(1) The minimum lot size shall be three acres.

(2) No building shall be nearer than 50 feet to any lot line.

(3) The maximum lot coverage shall be 20%.

E. Day-care centers and nursery schools. [Added 12-27-1990 by L.L. No. 18-1990]

(1) Such uses may be a principal use or allowed as accessory uses in conjunction with

the following other special permit uses: office and research buildings; hotels, motels and conference centers; retail stores, service and personal service establishments; conference centers or other similar facilities; high-rise multiple residences; health-related facilities; and churches and religious institutions.

(2) The required outdoor play space shall be adequate in size and location as

determined by the Planning Board.

(3) No play area shall be located in a required front yard or landscaped buffer strips.

(4) All play areas shall be fenced and suitably landscaped and buffered.

(5) Indoor play areas shall consist of a minimum of 35 square feet per child, excluding hallways, kitchens, bathrooms, office space and sleeping quarters for infants. Sleeping quarters for infants shall consist of a minimum of 20 square feet additional per infant where an infant is a child less than three years of age.

(6) Adequate pickup/dropoff areas shall be provided and designed to ensure safe, direct access to the facility as determined by the Planning Board. Said areas shall not conflict with access to required parking.

(7) There shall be a minimum of one toilet per 15 children.

(8) Day-care centers shall be licensed by the New York State Department of Social

Services prior to operating such facilities.

28 (updated May 2007)

(9) All child-care centers shall indicate the designated number of children and shall

comply with regulations of the New York State Department of Social Services as stated in 18 NYCRR Part 418 as they apply to centers for 44 or fewer and 45 or more children.

F. Dog kennels. [Added 12-27-1990 by L.L. No. 18-1990].

(1) All animal housing, kennels or runs and related structures shall be placed a minimum of 50 feet from any lot line and shall be fenced.

(2) All facilities shall be permanently screened from all surrounding properties.

(3) All animals shall be confined in suitably enclosed and ventilated buildings between the hours of sunset and 7:00 a.m.

G. Eating and Drinking Establishments.

(1) Where drive-in components are proposed, the operation of the establishment shall

not adversely impact the public safety in streets and sidewalks.

(2) Vehicle stacking lanes for any drive-up service must be adequate so that adjacent

sidewalks or streets are not obstructed.

(3) No stacking space, when occupied shall prevent vehicles in designated parking spaces from turning into or backing out of a parking space, nor prohibit or inhibit vehicles from making turns or movements within the site.

(4) Only one point of ingress and one point of egress, or one point of combined ingress and egress shall be provided per street for each eating and drinking establishment. Where the point of ingress is provided separately from the point of egress on the same street, such points of access shall be separated by a minimum distance of 100 feet, measured from the center line of each point of access at the street line.

(5) Points of ingress and egress shall be limited to the adjacent thoroughfare having

commercial zoned frontage only.

(6) The physical design, including the color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location.

H. Gasoline filling stations.

(1) The minimum lot size shall be 40,000 square feet.

(2) All remaining lot and building standards shall comply with § 249-26D (Lot Type

C). [Amended 11-14-2002 by L.L. No. 10-2002].

(3) All driveways shall be located a minimum of 10 feet from any property lines.

(4) Gasoline pumps shall be located at least 20 feet from any property lines.

(5) There shall be no outdoor storage of vehicles on the site.

I. Gasoline service stations.

(1) The minimum lot size shall be 40,000 square feet. All remaining lot and building

standards shall comply with § 249-26D (Lot Type C). [Amended 11-14-2002 by 29 (updated May 2007)

L.L. No. 10-2002]

(2) All driveways shall be located a minimum of 10 feet from any property lines.

(3) Gasoline pumps shall be located at least 20 feet from any property lines.

(4) There shall be no more than five motor vehicles stored or parked outdoors on the site.

J. Hotels, motels and conference centers, including eating and drinking establishments

either attached to the hotel, motel, conference center or freestanding. The minimum lot

area shall be 40,000 square feet plus 1,500 square feet for each guest room in excess of

four. [Amended 10-24-1996 by L.L. No. 8-1996].

(1) Motor vehicle rental facilities may be accessory to the hotels, motels and conference centers subject to approval by the Planning Board at the time of special permit approval. [Added 12-27-1990 by L.L. No. 18-1990].

(a) The minimum additional lot size for the rental use shall be 20,000 square feet.

(b) Service facilities exclusively for subject vehicles may be accessory to the rental use if approved by the Planning Board at the time of special permit approval.

(c) If permitted, all service or repairs shall be conducted in a building fully enclosed on all sides.

(d) Two gasoline pumps may be permitted incidental to the use of the premises, but the sale of gasoline to the general public shall not be permitted. Said pumps shall not be located in front of any building.

(e) Outdoor storage of rental vehicles shall be permitted only in the side or rear yards of any building and shall comply with required parking space size and aisle widths as specified in § 249-12.

(f) All driveways related to rental uses shall be located a minimum of 10 feet from any property line. Said driveways shall be so laid out as to avoid the necessity for any vehicle entering the site to back out across any public right-of-way or portion thereof.

K. Junkyards, including automobile junkyards, subject to all the provisions of an Ordinance

for Licensing and Regulating Dealers in Secondhand, Junk and Auto Parts Activities and

Businesses in the Town of Wallkill, adopted April 21, 1961, or as amended.<sup>25</sup>

Editor's

note: see Ch. 145, Junk Dealers.

L. Motor Vehicle Repair Garages

(1) The minimum lot size shall be 40,000 square feet. All remaining lot and building

standards shall comply with § 249-26D (Lot Type C). [Amended 11-14-2002 by L.L. No. 10-2002].

(2) Two gasoline pumps may be permitted incidental to the use of the premises, but

the sale of gasoline to the general public shall not be permitted. Said pumps shall not be located in front of any building.

30 (updated May 2007)

(3) All driveways shall be located a minimum of 10 feet from any property line.

(4) There shall be no more than 10 motor vehicles stored or parked outdoors.

M. Motor Vehicle Rental and Leasing Establishments. Added 12-27-1990 by L.L. No.

18-1990]

(1) The minimum lot size shall be 20,000 square feet. [Amended 11-14-2002 by L.L.

No. 10-2002].

(2) All remaining lot and building standards shall comply with § 249-26D (Lot Type

C).

(3) Service facilities exclusively for subject vehicles may be accessory to the rental/lease use if approved by the Planning Board at the time of special permit approval.

(4) If permitted, all service or repairs shall be conducted in a building fully enclosed

on all sides.

(5) Two gasoline pumps may be permitted incidental to the use of the premises, but

the sale of gasoline to the general public shall not be permitted. Said pumps shall not be located in front of the building.

(6) Outdoor storage of motor vehicles shall be permitted only in the side or rear yards

and shall comply with required parking space size and aisle widths.

(7) All driveways shall be located a minimum of 10 feet from any property line. Said

driveways shall be so laid out as to avoid the necessity for any vehicle entering the

site to back out across any public right-of-way or portion thereof.

N. Motor Vehicle Sales Establishment

(1) The minimum lot size shall be 40,000 square feet.

(2) All remaining lot and building standards shall comply with § 249-26D (Lot Type

C). [Amended 11-14-2002 by L.L. No. 10-2002].

(3) Service facilities may be accessory to the sales use if approved by the Planning

Board at the time of special permit approval.

(4) Entrance and exit driveways shall have an unrestricted width of not less than 30 feet.

(a) Said driveways shall be located not closer than 10 feet to any property line.

(b) Said driveways shall be so laid out as to avoid the necessity for any vehicle entering the site to back out across any public right-of-way or portion thereof.

(5) Outdoor Storage of motor vehicles shall be permitted only in the side or rear yards, except that a small area for only the display of new or used motor vehicles may be permitted by the Planning Board at the time of site plan approval.

(6) If permitted, all service or repairs shall be conducted in a building fully enclosed on all sides.

(7) Two gasoline pumps may be permitted incidental to the use of the premises, but

the sale of gasoline to the general public shall not be permitted. Said pumps shall not be located in front of the building.

31 (updated May 2007)

(8) Motor vehicle rental and leasing facilities may be accessory to the sales use if approved by the Planning Board at the time of special permit approval. [Added 12-27-1990 by L.L. No. 18-1990].

O. Self-Storage

(1) The following standards apply for all self storage uses:

(a) Minimum lot size: two acres;

(b) Minimum lot width: 200 feet;

(c) Minimum front yard setback: 100 feet.

(2) There shall be no outdoor storage of materials or goods.

(3) All mini-warehouse structures shall have their exterior walls that face or are visible from along a public right-of-way, or are adjacent or opposite a residentially-zoned lot, consist of decorated brick or stone or similar quality material.

P. Single Family Residences in Highway Commercial Districts

(1) All single-family residences proposed by special permit for the Highway

Commercial district shall adhere to the standards set forth in §249-20 D (Lot and building standards in the R-2 District).

Q. Theaters/cinemas. Such use shall be permitted only as part of a shopping center of 300,000 square feet or over and shall be housed in the principal shopping center building.

[Added 7-30-1990 by L.L. No. 11-1990).

R. Veterinary hospitals. [Added 12-27-1990 by L.L. No. 18-1990].

(1) Any kennels, runs or similar animal housing shall comply with the following:

(a) Such use shall be solely for use by animals undergoing hospital care.

(b) Such use shall be placed a minimum of 50 feet from any lot line and shall be fenced.

(c) Said uses shall be screened from all surrounding properties.

(2) All animals shall be confined in suitably enclosed and ventilated buildings between the hours of sunset and 7:00 a.m.

Section 42.

The Town of Wallkill Code, Chapter 249-40 B(3), shall be amended by deleting “. . . that all

playgrounds, parking and service areas are reasonably screened during all season of the year from

the view of adjacent residential lots and streets, also that the general landscaping of the site is in

harmony with that generally existing in the neighborhood.” and replacing that language with “All

projects requiring site plan approval by the Planning Board must comply with the provisions of

§ 249-100 Landscape Regulations.”

32 (updated May 2007)

In addition, move the following text “Existing trees, over 12 inches in diameter, measured three

feet above the base of the trunk, shall be retained to the maximum extent possible.” to a new line

(4) below.

Section 43.

The Town of Wallkill Code, Chapter 249-80 B. shall be amended by deleting “. . . for all Type II

subdivision applications in the R-1, RA and R-2 Zoning Districts.” and replacing that language

with “. . . for all Type II subdivision applications in the R-1, RA, RA-1 and R-2 Zoning

Districts.”

Section 44.

The Town of Wallkill Code, Chapter 249-80 C.(4)(b)[1] shall be amended by deleting “[1] RA

District:” and replacing that language with “[1] RA and RA-1 Districts:”

Section 45.

The Town of Wallkill Code, Chapter 249-80 C.(4)(b)[1][b] shall be amended by deleting “For the RA District, a minimum of 15% of the site’s total buildable land . . .” and replacing that language with “For the RA and RA-1 Districts, a minimum of 15% of the site’s total buildable land . . .”.

Section 46.

The Town of Wallkill Code, Chapter 249-80 C.(5)(b) shall be amended by deleting “For conservation subdivision projects within the RA District, the building area of new lots . . .” and replacing that language with “For conservation subdivision projects within the RA and RA-1 Districts, the building area of new lots . . .”.

Section 47.

The Town of Wallkill Code, Chapter 249-80 C.(5)(e)[1] shall be amended by deleting in the first sentence “Single-family dwellings located in the RA Zoning District.” and replacing that language with “Single-family dwellings located in the RA and RA-1 Zoning Districts.” In addition, this section shall be amended by adding to the end of the third sentence “or RA-1 District (§ 249-19.1) respectively.”

33 (updated May 2007)

In the accompanying table, add “Lot Frontage (feet) 150” underneath “Both side (feet) 60” and change the heading above the feet numbers to read “RA and RA-1”.

Section 48.

The Town of Wallkill Code, Chapter 249-80 C.(5)(e)[2] shall be amended by adding in the table “Lot Frontage (feet) 100 100 150” underneath “Both side (feet) 40 40 60”.

Section 49.

The Town of Wallkill Code, Chapter 249-80 C.(5)(e)[3] shall be amended by adding in the table “Lot Frontage (feet) 80 80 100” underneath “Both side (feet) 30 30 35”.

Section 50.

The Town of Wallkill Code, Chapter 249-80 D.(1)(d) shall be amended by deleting “Within the RA District, reduction of one-hundred-fifty-foot lot width to no less than 110 feet.” and replacing that language with “Within the RA and RA-1 Districts, reduction of one-hundred-fifty foot lot width and lot frontage to no less than 110 feet.”

Section 51.

The Town of Wallkill Code, Chapter 249-90 A. shall be amended by deleting “PID/MI” and replacing that language with “Office and Research, Town Center, Enterprise, and Light Enterprise”.

Section 52.  
The Town of Wallkill Code, Chapter 249-90 B.(1) shall be amended by deleting “PID/MI” and replacing that language with “Office and Research, Town Center, Enterprise, and Light Enterprise”.

Section 53.  
The Town of Wallkill Code, Chapter 249-90 B.(2) shall be amended by deleting “PID” and replacing that language with “Office and Research, Town Center, Enterprise, and Light Enterprise”.

34 (updated May 2007)

### **Section 59.**

The Town of Wallkill Code, Chapter 249, shall be amended by adding, immediately after § 249-90, Section 249-100 Landscape Regulations, as follows:

#### **§ 249-100 LANDSCAPE REGULATIONS**

##### **1. PURPOSE**

The purpose of this section is to establish general standards for landscape design, site buffering, and screening. In addition, these regulations are intended to:

- Facilitate the protection and maintenance of the existing natural environment.
- Preserve and enhance the aesthetic character of the community
- Provide adequate tree canopy and vegetative cover
- Increase the compatibility between abutting land uses through landscaped screening and buffers
- Alleviate the visual impact of development

##### **2. GENERAL APPLICABILITY, PROCEDURES, AND REQUIREMENTS**

2.a Applicability: This section applies to all applications for site plan review.

2.b. Procedure: The planning board shall review the landscape plan during site plan review procedures and may accept, reject for re-submittal, or accept with modifications. Where a specific case arises that the standard needs to be modified, the Planning Board can do so upon making findings that the modifications proposed meet the purposes of these landscape regulations. In all cases, this review shall include an evaluation by the town’s landscape architect.

2.c. Landscape Plan Required:

A landscape plan, prepared by a licensed Landscape Architect or qualified landscape designer shall be included as part of the site plan review submission materials in order to demonstrate how the applicant meets the requirements of this section.

The landscape plan shall be consistent with the site plan and architectural plans

for the project and in general, shall provide the Planning Board with a clear understanding of the character, massing and compatibility of the landscape program. The landscape plan shall include:

- Tree survey depicting the location, size, description and number of existing trees with a 6” or greater caliper.

36 (updated May 2007)

- Location, type, size, height, and number and botanical name for all proposed landscaping materials.
- Location of all proposed hardscape features such as parking lots and structures.
- Construction limit line
- A selective removal plan should be provided delineating trees to remain within the limit area including description of protection mechanisms such as fences and hay bales.
- Irrigation plan as required by the Planning Board.
- Additional site features such as sidewalks, crosswalks, benches, fences, fountains, and other amenities.
- Any other information deemed necessary by the Planning Board.

#### 2.d. Plant Material Selection

The selection of plant varieties shall be based on regional climatic conditions, constraints of location, effectiveness in screening adjacent properties (where appropriate), resistance to disease and insect attack, cleanliness and ease of maintenance. To the greatest extent possible plants shall be selected based on consideration of water conservation. Plants that require minimal irrigation are to be considered and included in the landscape design and maintenance regime where feasible.

#### 2.e. Plant and Tree Sizes

The following plant sizes are the minimum required at time of installation. However, the Planning Board may require larger material to address particular site issues.

Deciduous shrubs: 24” spread or height or 3 gallon container

Evergreen shrubs: 18” spread or height or 3 gallon container

Coniferous trees: 6’ height

Ornamental and understory trees: 1.25” caliper

Deciduous shade trees: 2.5” caliper

Ground cover: 2.5” pot (or similar size if not provided in pots)

#### 2.f. Irrigation

The Planning Board may require non residential development over 10,000 square feet to provide irrigation through either:

- Underground sprinkler system
- Outside hose attachment

37 (updated May 2007)

### **3. YARD LANDSCAPING**

The existing natural landscape character shall be preserved to the maximum extent practical. Complete clearing and stripping of the natural vegetation on a lot is prohibited.

#### 3. a Frontage along public streets

Proposed landscaping along public streets yards shall include a mix of evergreens, deciduous trees and shrubs, lawn areas and perennial/annual beds meeting the following minimum standards:

- There shall be a minimum of one (1) shade tree per forty (forty) linear feet of frontage along public streets.
- There shall be a minimum of one (1) shrub per five (5) linear feet of frontage along public streets.
- Required trees and shrubs may be located and organized in a fashion most appropriate to the site, as approved by the Planning Board during site plan review.

### 3.b Buffers for side and rear yards

Landscaping for side and rear yards are intended to provide varying levels of visual screening and buffering. In general, this buffering shall be developed to alleviate the impact of non-residential development including but not limited to light, parking and loading areas, noise and odor, location of ancillary equipment such as dumpsters and HVAC, traffic flow and light glare from vehicles.

Buffers shall employ existing vegetation, nursery stock, fences, walls, earth berms or grade changes in accordance with these minimum standards. Existing trees to remain within the side and rear yard and perimeter areas may count towards landscape requirements below:

#### 3.b.i Landscaped buffers required

- Along the property line where a non-residential use is adjacent to a residential zoning district or use.
- Along the property line where a multi-family use is adjacent to any residential zoning district or use.
- Landscaped buffers may be required by the Planning Board where certain non-residential uses are adjacent to other non-residential uses.

38 (updated May 2007)

Minimum width of  
buffer area

Trees per 100 linear feet    Shrubs per 100  
linear feet

Non-residential use adjacent to  
a residential district. \*

20' 5 (evergreen) 20

Multi-family use adjacent to a  
residential use.

15' 4 (may be mix of  
evergreen and deciduous)

15

Non-residential use adjacent to  
a non-residential use or preexisting  
non-conforming

residential use. \* (where  
required by Planning Board).

10' 4 (may be mix of

evergreen and deciduous)

10

*\*The buffer area, number of trees, and number of shrubs may be increased by the Planning Board to be*

*commensurate with the potential impact to neighboring properties.*

3.b.ii Additional requirements: for all projects, the Planning Board may increase the above buffer standards and / or require a combination of fencing, walls, or berms to minimize the adverse impacts of development upon adjacent uses.

3.c Internal landscaping requirements

For multifamily and non-residential uses, the following percentages of the site's disturbed area(s) shall be dedicated to internal landscaping.

- Multifamily in any zoning district: 15% of the site's disturbed area
- Non-residential uses: 5% of the site's disturbed area

The minimum internal landscaped area may not include trees and areas proposed to meet the requirements of other landscape sections such as parking lot, street frontage, and landscaped buffers.

3.c.i. Design standards

- A minimum of one (1) tree for every five hundred (500) square feet of the required minimum internal landscaping area is required.
- The minimum required internal landscaped area shall consist of at least fifty (50) percent coverage by live plant materials other than lawn such as trees, shrubs, and perennial/annual beds.

#### **4. PARKING LOT LANDSCAPING**

All parking areas that include more than ten (10) spaces shall conform to the following landscape standards. The Planning Board may allow existing trees to remain within the parking lot area to count towards the landscape requirements below.

4.a Parking Lot Perimeter Landscaping

- A minimum perimeter landscape buffer strip of ten (10) feet shall be provided for any parking area abutting a

39 (updated May 2007)

public right-of-way and, at the discretion of the planning board, along the main access road. This requirement does not apply to areas within required driveway or other access points.

- The parking lot perimeter landscape buffer shall consist of planting materials and structural features to create a minimum three (3) foot high visual relief screen in the form of a hedge, fence, planter box, berm, dividers, shrubbery, trees, or a combination thereof, as deemed appropriate by the Planning Board.
- The buffer strip may also include street trees as required above along the frontage.

4.b Parking Lot Interior Landscaping

- If more than twenty-five (25) spaces in a row are proposed then planted islands meeting the standards described herein shall be provided.
- Where a series of three (3) or more parking aisles in a row are proposed, a planted median with islands meeting the standards

described herein shall be provided. Where four (4) or more aisles are proposed every other aisle shall contain a median.

- Landscaped medians and islands in parking areas may require irrigation as determined by the Planning Board.

#### 4.c.i Design and landscaping of parking lot medians

All medians shall conform to the following standards:

- Medians shall have a minimum width of ten (10) feet between parking rows.
- At least one (1) shade tree for each forty (40) feet of median length or one (1) ornamental tree for each thirty (30) feet of median length.
- At least one (1) shrub per five (5) feet of median length
- The median shall contain adequate ground cover.
- Medians shall not be paved or contain sidewalks except as appropriate for safe pedestrian circulation.

40 (updated May 2007)

- Where sidewalks are deemed necessary by the Planning Board in a median, the minimum median width shall be twenty (20) feet, to allow for a six (6) foot sidewalk.

#### 4.c.ii design and landscaping of parking lot islands

All parking lot islands shall conform to the following standards:

- Islands shall have a minimum width of nine (9) feet. Islands shall extend the length of the adjacent parking stalls.
- Landscaped islands shall include a minimum of one (1) shade tree per fifteen (15) feet of length, and at least one shrub per five (5) feet of island length.

### **5. RETAINING WALL LANDSCAPING**

All retaining walls that exceed five (5) feet in height, including tiered walls, should be screened by vegetation such as trees, shrubs and vines, and are subject to the following landscape standards:

- For walls five (5) to just below ten (10) feet in height provide a mix of shrubs and evergreen trees at one (1) plant per ten (10) linear feet. Installation height shall be a minimum of three (3) feet.
- For walls ten (10) feet in height or greater provide one (1) evergreen tree per 10 (ten) linear feet and one (1) shrub per five (5) linear feet. Minimum installation size for trees shall be six (6) feet in height, with a height at maturity to be equal to or greater than the height of the wall.
- Space along the wall for the above landscaping requirements shall be provided. Under certain circumstances the planning board may waive that requirement and recommend alternate landscape screening.

### **6. ADDITIONAL STANDARDS**

In addition to the minimum standards above, landscaping and pedestrian area design shall:

- Highlight public access points into buildings, for example by the use of smaller scaled flowering trees and shrubs.
- Include benches, lighting, and occasional waste receptacles in entrance courtyards and along pedestrian walkways or malls.

Parking Lot Island  
 Parking Lot Median  
 Parking Lot Island

41 (updated May 2007)

- Provide for continuous pedestrian circulation between uses onsite, and connecting to adjacent public, county, or state roads and transit facilities.
- Screen from view any mechanical equipment, air conditioning units, dumpsters, and other equipment not located within the building, service areas, and loading docks.
- Provide visual relief and interest along large expanses of building walls and accent building entrances and architectural features.

**7. INSTALLATION**

Installation of plantings according to the approved landscape plan shall be ensured by the building inspector before a certificate of occupancy is issued.

**8. MAINTENANCE OF LANDSCAPING**

The owner, tenant, or agent, if any, shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing conditions, replacing it when necessary to ensure continuous conformance with these guidelines and keeping it free from refuse and debris. Maintenance shall include the replacement of all dead plant material within the guaranteed contract period (one year).

The Planning Board shall require that a bond or letter of credit, in the amount of 10% of the total installation cost, be held to ensure the maintenance of landscape as shown on the approved landscape plan submitted with the site plan. The planning board is authorized to require guaranteed performance contracts such as a letter of credit, bond or other reasonable contract means to ensure adequate and timely maintenance or replacement of the approved landscaping.

**Section 60.**

The Town of Wallkill Code, Chapter 59 entitled “Adult Entertainment” shall be amended by deleting each reference of “MI” district or “Manufacturing and Industrial” district and replacing that language with “TC” or “Town Center”.

**Section 61. Separability**

If any provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Town Board of the Town of Wallkill hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

42 (updated May 2007)

**Motion By:** Mr. Ward

**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
ADOPTING LOCAL LAW NO. 15 OF 2007 IMPLEMENTING  
COMPREHENSIVE ZONING CHANGES IN THE TOWN OF WALLKILL**

**WHEREAS**, on January 11, 2007, the Town Board of the Town of Wallkill passed a resolution noticing its intent to designate itself as the lead agency with respect to the adoption of a local law for 2007 amending chapter 249 of the town code, which law provides for comprehensive revisions to the town's zoning regulations, including the modification of zoning district boundaries, creation of new zoning districts and district designations, and which further provides for the permissible uses and regulations applicable within all zoning boundaries and districts within the town, in accord with the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Town Board of the Town of Wallkill passed a resolution on March 8, 2007, designating itself as lead agency for environmental review with respect to the adoption of the aforementioned local law and authorized circulation of the Environmental Assessment Form to all interested parties, which EAF indicated that the proposed local law would have one or more large impacts on the environment; and

**WHEREAS**, the Town Board was provided with and reviewed the Draft Generic Environmental Impact Statement and found that the DGEIS was complete with respect to scope and content and resolved that the same was adequate for public comment and review on March 22, 2007; and

**WHEREAS**, the Town Board, held concurrent public hearings on the DGEIS and the proposed local law to adopt comprehensive zoning changes at 7:15 p.m. on April 26, 2007; and

**WHEREAS**, the Town Board heard comments from members of the public with respect to the DGEIS and local law on April 26, 2007, and reviewed written comments submitted thereto by members of the public and the Town of Wallkill Planning Board; and

**WHEREAS**, on May 24, 2007, the Town Board reviewed the Final Generic Environmental Impact Statement and found that the FGEIS was complete with respect to scope and content and that the same was adequate for public comment and review and

authorized its circulation to involved agencies, interested parties and the public, and authorized the preparation of a Findings Statement; and

**WHEREAS**, the Town Board held a joint public hearing on June 28, 2007 on the FGEIS and on the proposed local law;

**NOW, THEREFORE, BE IT HEREBY:**

**RESOLVED**, that the Town Board of the Town of Wallkill hereby adopts said Local Law No. 15 of 2007, entitled A LOCAL LAW AMENDING CHAPTER 249 OF THE CODE OF THE TOWN OF WALLKILL, COUNTY OF ORANGE, CREATING NEW ZONING DISTRICTS AND AMENDING CERTAIN OTHER PROVISIONS OF THE ZONING CODE IN ORDER TO IMPLEMENT THE TOWN OF WALLKILL'S 2005 COMPREHENSIVE PLAN; and be it further

**RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Wallkill and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT  
THE LOWEST RESPONSIBLE BID FOR THE INSTALLATION OF A  
TRAFFIC SIGNAL AT TOWER DRIVE AND INDUSTRIAL DRIVE**

**WHEREAS**, the Town Board of the Town of Wallkill intends to contract for the installation of a traffic signal at the intersection of Tower Drive and Industrial Drive in the Town of Wallkill; and

**WHEREAS**, the Town is required under New York State Law to award such a contract to the lowest responsible bidder; and

**WHEREAS**, bids for the installation of the traffic signal were solicited, opened and reviewed; and

**WHEREAS**, the lowest responsible bidder has been identified;

**NOW, THEREFORE, LET IT BE HEREBY**

**RESOLVED**, that the Town Board hereby directs the Town of Wallkill Commissioner of Public Works to accept the bid submitted by Thalle Construction of Briar Cliff Manor, New York, in the sum of \$72,897.90 for the installation of a traffic signal at the intersection of Tower Drive and Industrial Drive.

**Motion By:** Mr. Ward

**Seconded By:** Mr. Valentin

Supervisor Ward Voting Aye

Councilman King Voting Aye

Councilman Valentin Voting Aye

Councilman Mulqueen Voting Aye

Councilman McCarey Voting Aye

**MOTION CARRIED**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO AN AGREEMENT  
WITH THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY  
SERVICES TO OBTAIN A GRANT TO MAKE IMPROVEMENTS TO  
THE TOWN OF WALLKILL COMMUNITY CENTER**

**WHEREAS**, the Town Board of the Town of Wallkill wishes to make repairs and improvements to the Town of Wallkill Community Center; and

**WHEREAS**, the Town Board of the Town of Wallkill has applied for and received a grant from the New York State Office of Children and Family Services in the sum of forty thousand dollars (\$40,000) for those improvements; and

**WHEREAS**, in order to obtain the grant, the New York State Office of Children and Family Services requires that the town enter into an agreement concerning the grant; and

**WHEREAS**, the Town Board of the Town of Wallkill believes it is in the best interest of the Town of Wallkill to enter into this agreement for the purpose of obtaining the grant,

**NOW, THEREFORE, IT IS HEREBY RESOLVED,**

**THAT** the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor to enter into an agreement with the New York State Office of Children and Family Services.

**Motion By:** Mr. Ward

**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
RATIFYING MEMORANDUM OF AGREEMENT BETWEEN  
THE TOWN AND THE TOWN OF WALLKILL POLICE BENEVOLENT  
ASSOCIATION WITH RESPECT TO WORK AND HOLIDAY SCHEDULES**

**WHEREAS**, the Town and the Town of Wallkill Police Benevolent Association (“PBA”) are parties to a collective bargaining agreement; and

**WHEREAS**, the Town Board and the PBA have agreed to modify certain terms of the collective bargaining agreement concerning work and holiday schedules, to be effective no later than September 1, 2007; and

**WHEREAS**, the Town Board believes that it is in the public interest to enter into this Memorandum of Agreement with the PBA;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Town Board of the Town of Wallkill,

**THAT** said Town Board hereby ratifies and approves the Memorandum of Agreement between the Town of Wallkill and the PBA concerning work and holiday schedules dated July 17, 2007, a copy of which is annexed to this resolution.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING THE TOWN SUPERVISOR TO SOLICIT BIDS FOR THE  
INSTALLATION OF A SOLAR POWER SYSTEM**

**WHEREAS**, the Town Board of the Town of Wallkill intends to contract for the installation of a solar power system at Town Hall located at 99 Tower Drive, Middletown, New York; and

**WHEREAS**, the Town is required under New York State Law to award such a contract to the lowest responsible bidder;

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to advertise for and solicit bids from qualified parties for the installation of a solar power system at Town Hall located at 99 Tower Drive, Middletown, New York.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

**WHEREAS**, a public hearing was held on the 28th day of June, 2007 at which time the public provided comments to assist in the Town's consideration of the adoption of a local law which would apply General Municipal Law Article 19-A to the Town of Wallkill concerning the creation and operation of Business Improvement Districts in the Town; and

**WHEREAS**, the Town Board of the Town of Wallkill has determined that the adoption of a local law which would apply General Municipal Law Article 19-A to the Town of Wallkill concerning the creation and operation of Business Improvement Districts in the Town is in the best interests of the residents of the Town of Wallkill.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Wallkill hereby adopts said Local Law No. 16 of 2007, entitled A LOCAL LAW TO APPLY GENERAL MUNICIPAL LAW ARTICLE 19-A TO THE TOWN OF WALLKILL REGARDING BUSINESS IMPROVEMENT DISTRICTS WITHIN THE TOWN; and be it further

**RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Wallkill, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

**Motion By:** Mr. Ward

**Seconded By:** Mr. McCarey

Supervisor Ward	Voting Aye
Councilman King	Voting No
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**MOTION CARRIED**

**LOCAL LAW #16**

**LOCAL LAW # 16 OF 2007**

**A LOCAL LAW TO APPLY GENERAL MUNICIPAL LAW ARTICLE 19-A  
TO THE TOWN OF WALLKILL REGARDING  
BUSINESS IMPROVEMENT DISTRICTS WITHIN THE TOWN**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WALLKILL,  
NEW YORK, AS FOLLOWS:

Section 1. Title.

This Local Law shall be referred to as the “Local Law to apply General Municipal Law Article 19-A to the Town of Wallkill regarding Business Improvement Districts.”

Section 2. Purpose of this Enactment.

Article 19-A of the General Municipal Law governs the establishment, operation and extension of Business Improvement Districts within municipalities in New York State. That article allows a municipality to make the provisions of Article 19-A applicable to the establishment or extension of Business Improvement Districts within a particular municipality. Accordingly, the purpose of this Local Law is to make the provisions of Article 19-A of the General Municipal Law applicable to the Town of Wallkill for the establishment, operation and extension of Business Improvement Districts in the Town of Wallkill.

Section 3. Applicability of Article 19-A of the General Municipal Law to the Town of Wallkill.

The provisions of New York State General Municipal Law Article 19-A (“GML”) are hereby made applicable to the establishment, operation or extension of Business Improvement Districts (“BID”) within the Town of Wallkill.

Section 4. Amendment or Extension of Districts.

Any amendments or extensions of any BID or any District Plan adopted in connection with a BID must be made in accordance with the provisions set forth in GML Article 19-A.

Section 5. State Environmental Quality Review Act (SEQRA).

The adoption of this Local Law is a “Type II” action under SEQRA, requiring no environmental impact review (6 N.Y.C.R.R. Section 617.5 [c] [24] and [27]).

Section 6. Severability of Provisions.

Should any section or provision of this Local Law be declared, ordered or adjudged null, void, avoidable or invalid by a court of competent jurisdiction, such finding of invalidity shall not affect the validity of the remaining portions of this Local Law.

Section 7. Effective Date.

This Local Law shall take effect thirty days after its adoption and upon filing with the Secretary of State, subject to permissive referendum.

**ADOPTED JULY 26, 2007**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
ORDERING THE EMERGENCY REPAIR, REMOVAL OR DEMOLITION  
OF CERTAIN TOWN PROPERTY LOCATED AT 703 ROUTE 17M**

**WHEREAS**, unsafe buildings pose a threat to life and property in the Town of Wallkill;  
and

**WHEREAS**, it is the obligation of the Town Board of the Town of Wallkill to provide for the safety, health, protection and general welfare of persons and property in the Town of Wallkill by requiring that such unsafe buildings and structures be repaired, if the same can be safely repaired, or demolished and removed; and

**WHEREAS**, the Town of Wallkill Building Inspector has made an inspection of the premises known as 703 Route 17M in the Town of Wallkill (also known as Section 36, Block 2, Lot 16) and has reported in writing to the Town Board his findings that the buildings, including a storage shed and unapproved trailer, are unsafe and dangerous and has made a recommendation that the same be immediately repaired, removed or demolished; and

**WHEREAS**, the property owner was served with a notice to remedy the conditions, and the owner has failed to do so; and

**WHEREAS**, the Building Inspector has requested that the Town immediately order the repair, demolition or removal of the buildings, as the condition presents a clear and imminent danger; and

**WHEREAS**, the Town Board of the Town of Wallkill is empowered by Chapter 86-11 of the Town Code to order the emergency repair or demolition of properties located within the Town that present a clear and imminent danger to life, safety or health;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Town Building Inspector is hereby authorized and directed to immediately cause the emergency repair, removal or demolition of the unsafe structures at the above property and to have the cost and expense charged against the property as provided for by Chapter 86-10 of the Town Code.

**Motion By:** Mr. Ward  
**Seconded By:** Mr. King

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

### **MOTION CARRIED**

A resolution to accept a payment of \$10,000.00 from JWP Energy, Inc. to be held in escrow for traffic improvements for their project on Rte 302 and 17 M. was tabled on a motion by Councilman Mulqueen and Seconded by Councilman King with all members voting in the affirmative.

### **COMMITTEE REPORTS**

**Councilman King** Chip sealing is in progress. concerned with the new sign at Elise and Lybolt, a temporary sign was installed at 3 pm today. Would like to see a Police presence during high traffic times.

**Councilman Valentin** Sarah Lane Park is being refurbished. August 1, 2007 at 5pm there will be a Police committee meeting. National Nite Out is upcoming. Read a letter of thanks for the participation of Officers Boss and Weissman at the Boys and Girls Summer program.

**Councilman Mulqueen** August 14, 2007 golf committee meeting at 4pm. Golf revenues as of 6/30 greens fees 341,000.00 carts 133,000.00.

**Councilman McCarey** July looking good at the Golf Course. Kids Golf Camp is still available.

#### COUNCILMAN COMMENTS

**Councilman King** Meeting with Mr. Jaques and Mr Lippert. Would like to discuss crosswalks in Circleville. Work on 17 is taking to long.

**Councilman Valentin** Rte 17 is a mess, not fair to County residents.13 yr old Girls team is the District 19 Champions.

**Councilman Mulqueen** None

**Councilman McCarey** None

#### SUPERVISORS COMMENTS

Thanks to the workers and the sponsors of our July Fourth Fireworks in the Rain. Attended a Public Hearing on Making Cottage Street in the City of Middletown One way. Concerns with the 3way stop on Elise and Lybolt. The equipment left at the old Town Hall is going to be sold. Congratulations to Mr. Smith and councilman Mulqueen on becoming Grandfathers. Attended the DARE graduation a good time thanks to Officer Besser for a job well done. In receipt of the latest Sales Tax \$874,859.16 up \$38,000.00. The Sex Offender Law has been filed and letters are being prepared to be mailed to offenders.

The NYS DOT is embarrassed by the Bridge project. Congratulations to the little League Champions in the Town of Wallkill.

**Chief Hertman** The Nite Out will be on August 7<sup>th</sup> from 6-9 pm. Junior Police Academy to be held. Looking for community involvement. Next Community Council Meeting to be held on September 6<sup>th</sup> at 7pm.

**Mr. Smith** None

**Mr. Lippert** The Bridge replacement has had four project managers it is a mess.... Bisch Road will receive FEMA monies for flood repairs.

**Mr. Jaques** Building Dept has sent out letters regarding expired permits, encourages recipients to reply. DEC has new Flood maps are they in the Town Hall?

#### PUBLIC PARTICIPATION

**M. Cody** September 11<sup>th</sup> ceremony at Memorial Park at 5pm. Slow down for Highway workers.

**J. Martinelli** looking for water extension to his property on rte 302.

**K. Farrell** How will the Child Protection Law be carried out.

**M. Donbar** Gang activity on Patio Road. Quality of Life Issues.

**J. O’Conor** Many problems with youth. Cameras are not working.

**R.. Tamborra** Resident since 1974, on going problems.

**T. Robinson** Patrols seemed to have decreased.

**B. Alvarez** President of the Community Council, she will be holding an emergency meeting next Tuesday.

**B. Ruzzi** Has video of ongoing problems on Patio Rd.

**N. Guenste** sex offenders, drainage problems on Beakes Street, Say No to NYRI is working hard.

**Motion By:** Mr. Ward to audit claims pay bill and adjourn at 9:50 pm

**Seconded By:** Mr. Valentin

Supervisor Ward	Voting Aye
Councilman King	Voting Aye
Councilman Valentin	Voting Aye
Councilman Mulqueen	Voting Aye
Councilman McCarey	Voting Aye

**Meeting Adjourned**

*Louisa M. Ingrassia*  
*Town Clerk*