

TOWN BOARD MEETING AGENDA

TOWN OF WALLKILL
DATE: December 12, 2013

TOWN BOARD MEETING
TIME: 7:30 PM

7:25 – Public Hearing regarding demolition of 410 Sands Rd.
Update on Town insurance

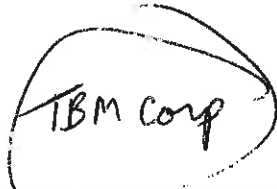
Presentation of Certificates of Appreciation for participants in the 2013 Holiday Parade

1. PUBLIC PARTICIPATION ON AGENDA ITEMS BELOW ONLY (3 MINUTES EACH INDIVIDUAL)
2. CORRESPONDENCE:
3. RESOLUTIONS:

A.) Resolutions

- 1.) RESOLUTION AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT A BID FOR THE FURNISHING OF FOLDING CHAIRS FOR THE TOWN OF WALLKILL COMMUNITY CENTER.
- 2.) RESOLUTION AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT BIDS FOR SUPPLIERS OF HIGHWAY MATERIALS FOR THE CALENDAR YEAR 2014.
- 3.) RESOLUTION ADOPTING LCOAL LAW OF 2013 AMENDING THE TOWN'S ZONING CODE AND ISSUING A NEGATIVE DECLARATION AND FINDINGS IN ACCORDANCE WITH SEQRA.
- 4.) RESOLUTION DESIGNATING ITSELF AS LEAD AGENCY IN ACCORDANCE WITH SEQRA REGULATIONS WITH RESPECT TO THE PETITION OF CAMBRIDGE MANOR APTS.II INC, AND GOSHEN GARDEN APTS, INC. TO AMEND THE TOWN ZONING MAP CLASSIFICTIONS OF CERTAIN PROPERTY LOCATED ON SCOTCHTOWN BOULEVARD WITHIN THE TOWN OF WALLKILL AND SCHEDULING A PUBLIC HEARING.
- 5.) RESOLUTION DESIGNATING THE TOWN OF WALLKILL AS LEAD AGENCY IN ACCORDANCE WITH SEQRA REGULATIONS WITH RESPECT TO THE PETITION OF ERIC FUENTES TO AMEND THE TOWN ZONING MAP CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT 12-16 RIVERSIDE DRIVE WITHIN THE TOWN OF WALLKILL, TO REFER THE MATTER TO THE ORANGE COUNTY PLANNING DEPARTMENT PURSUANT TO GENERAL MUNICIPAL LAW SECTION 239-M ABD SCHEDULING A PUBLIC HEARING.
- 6.) RESOLUTION APPOINTING A PERSON TO THE POSITION OF PART-TIME CLERK FOR THE TOWN OF WALLKILL POLICE DEPARTMENT.
- 7.) RESOLUTION RELEASING THE LETTER OF CREDIT FOR THE LANDS OF NEWMAN SUBDIVISION.
- 8.) RESOLUTION AUTHORIZING THE RELEASE OF THE CASH BOND POSTED FOR THE PARTY PLACE CONSTRUCTION SITE.
- 9.) RESOLUTION SETTING TIME AND PLACE FOR A SPECIAL MEETING FOR REORGANIZATION AND APPOINTMENTS FOR THE CALENDAR YEAR 2014.

4. COMMITTEE REPORTS:
5. COUNCILMANS' COMMENTS
6. SUPERVISOR'S COMMENTS:
7. TOWN CLERK'S COMMENTS:
8. COMMISSIONERS/POLICE CHIEF REPORTS:
9. PUBLIC PARTICIPATION (5 MINUTES EACH INDIVIDUAL.)
10. MOTION TO AUDIT BILLS AND MAKE CLAIMS
11. MOTION TO ADJOURN.



From: Jim Stout [mailto:jim.stout@cbsinteractive.com]
Sent: Monday, November 18, 2013 9:49 AM
To: James Osborne
Subject: RE: Parking at Middletown

Thank you Mr. Osborne. I was just going to drop you a note. Your tournament and facilities management at Middletown could not have been better this past weekend. I have worked at state high school championships in numerous states on the East Coast, including many in New York, and have experienced a wide variety of scenarios. Your execution of the boys soccer Final Four was flawless. I was particularly impressed with your red-jacket staff, from the parking attendants to the field security and everything in between. They made the long and tiring days more manageable, and always did it with a smile and the utmost courtesy and professionalism. As someone who has been in the media business for four decades, I know these things do not happen by accident. You must be extremely proud of your team. I look forward to attending another NYSPHSAA and/or Section IX event in Middletown in the future.

Sincerely,

Jim Stout

Media Manager, Eastern U.S.

CBS MaxPreps, Inc.

4080 Plaza Goldorado

Cameron Park, CA 95682

O: 203-270-9735 | M: 845-367-2864 | Skype: jimstoutmp

CBSSports.com | CBSSports.com College Network | CBS MaxPreps

Gentlemen, each year I think that we do a better job running the Boys Soccer Tournament, but this year, even I think we out did all expectations, everything and everyone was done to perfection. I would like to thank everyone and look forward to doing even a better job (if that is even possible) next year. (Dave, Rory and Jim, please forward a copy of this to all staff that make the weekend a success)

Boys Soccer Chairs
Pete and Tony

Sent from Pete Ferguson's iPad

DAVID COATES

*Director for Physical Education,
Health & Athletics
dcoates@cesdm.org*

Our people making the difference.



Middletown High School
14 Gardner Avenue Extension
Middletown, NY 10940-3130
Phone (845) 426-1532
Fax (845) 426-1608
www.middletowncityschools.org

TBM
copy.

November 18, 2013

RECEIVED

NOV 20 2013

SUPERVISOR'S
OFFICE

Thank you for making the 2013 N.Y.S.P.H.S.A.A. Boys' Soccer Championships a huge success. Your dedication, professionalism and pride assisted us in providing another memorable experience for all. Through your efforts, a lasting positive impression of our school and community has been created.

As we continue to build upon our championship traditions at Faller Field, you should know that our continued commitment to customer service is what sets us apart from other championship venues. Many of the positive comments heard this past weekend were directly attributed to your actions.

I'm extremely proud and grateful to work with you and thank you for going above and beyond.

Sincerely,

David V. Coates
Director for Physical Education, Health & Athletics

**BOYS' STATE CHAMPIONSHIP
N.Y.S.P.H.S.A.A.**



**MIDDLETOWN, NY
SECTION IX**



**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
 By _____
 Sec'd by _____
 Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Ward				
<i>Councilman</i> Mr. King				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Mulqueen				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT A BID
FOR THE FURNISHING OF FOLDING CHAIRS FOR THE TOWN OF WALLKILL
COMMUNITY CENTER**

WHEREAS, the Town Board of the Town of Wallkill previously authorized the Commissioner of Public Works ("DPW") to obtain bids from vendors to supply folding chairs to be used at the Town Community Center; and

WHEREAS, all submitted bids were opened and reviewed in accordance with applicable law; and

WHEREAS, as required under New York law, the lowest responsible bidder has been identified,

NOW, THEREFORE, LET IT BE HEREBY

RESOLVED, that the Town Board hereby authorizes and directs the Commissioner Of Public Works to accept the bid from Mity-Lite, Inc., located at 1301 West 400 North, Orem, Utah 84057 in the amount of \$8,740.01 to supply 200 folding chairs to the Town Community Center and for the appropriate Town Officials to execute all documents necessary to effectuate the acceptance of said bid and the contract related thereto, subject to the approval of the Town Attorney.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
 By _____
 Sec'd by _____
 Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO
ACCEPT BIDS FOR SUPPLIERS OF HIGHWAY MATERIALS FOR THE CALENDAR
YEAR 2014**

WHEREAS, the Town of Wallkill is in ongoing need of highway materials; and

WHEREAS, the Town intends to contract with suppliers for highway materials as follows:

1. Culvert Pipe
2. Fuel Oil for Diesel Equipment
3. Gasoline
4. Crushed Stone
5. Crushed Gravel
6. Chain Link Fence
7. Geotextile Fabric
8. K-Crete Trench Backfill
9. Precast Concrete Catch Basins
10. Manhole and Catch Basin Risers
11. Cast Iron Frames and Grates
12. Signage Materials
13. Mulch Hay, Straw & Silt Fence
14. Bagged Concrete & Mortar Mix
15. Propane; and

WHEREAS, the Town is required under New York State Law and the Town Code to purchase

Resolution No. :_of 2013

such highway materials from the lowest responsible bidders,

WHEREAS, all submitted bids were opened and reviewed in accordance with applicable law;
and

WHEREAS, as required under New York law, the lowest responsible bidders have been
identified,

NOW, THEREFORE, LET IT BE HEREBY

RESOLVED, that the Town Board hereby authorizes and directs the Town of Wallkill
Commissioner of Public Works to accept the bids for highway materials as set forth on the
accompanying letter from the Commissioner of Public Works dated December 4, 2013 and for
the appropriate Town Officials to execute all documents necessary to effectuate the acceptance of
said bids and the contracts related thereto, subject to the approval of the Town Attorney.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
By _____
Sec'd by _____
Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
ADOPTING LOCAL LAW NO. __ OF 2013 AMENDING
THE TOWN'S ZONING CODE AND ISSUING A NEGATIVE DECLARATION AND
FINDINGS IN ACCORDANCE WITH SEQRA**

WHEREAS, the Town Board of the Town of Wallkill wishes to adopt a Local Law for 2013 amending Chapter 249 of the Town Code to 1) reduce the special permit uses allowable within the RA (Rural Agricultural District); 2) update the site plan and special use permit public hearing notice requirements for surrounding property owners to include a wider radius; and 3) to require all applicants submitting a Stormwater Pollution Prevention Plan to post adequate financial security instruments with the Town.; and

WHEREAS, in accordance with the provisions of § 617.6 of the regulations implementing the New York State Environmental Quality Review Act ("SEQRA"), (the "SEQRA regulations"), the Town Board previously determined that the aforementioned proposed amendment to the Town Code is an action subject to SEQRA; classified the aforementioned local law as a Type I action pursuant to § 617.4 of the SEQRA regulations and designated itself as Lead Agency with respect to the consideration, review, and determination of significance of the aforementioned local law pursuant to SEQRA regulations § 617.6(b)(1)(I); and

WHEREAS, the Town Board has referred this proposed zoning change to the Orange County Department of Planning for review and comment pursuant to General Municipal §239-m and has received a letter dated December 3, 2013 from the Orange County Department of Planning stating that no inter-municipal or countywide impacts would result from the adoption of the proposed Local Law and stated that action was a local determination; and

WHEREAS, Pursuant to Section 249-49(A) of the Wallkill Town Code, the proposed zoning change was referred to the Town Planning Board for review, and after a Public Hearing on December 4, 2013, the Planning Board determined, by issuing a Report to the Town Board dated December 11, 2013 that the zoning change would not adversely impact the Town; and

Resolution No. :_of 2013

WHEREAS, the Town Board held a public hearing on November 14, 2013, to review the Environmental Assessment Form (“EAF”) and to review the proposed Local Law for the Year 2013. The written public comment period was continued by the Town through and including November 28, 2013 and no additional written comments were received by the Town; and

WHEREAS, the Town Board has reviewed the comments made at the Public Hearing with respect to the EAF and proposed local law; and

WHEREAS, the Town Board previously reviewed the EAF and determined that same was adequate with respect to scope and content for the purpose of commencing public review and continued its environmental review pursuant to SEQRA; and

WHEREAS, the Town Board has reviewed the EAF, the public comments received on the proposed Local Law and EAF, and the criteria for determining significance set forth section 617.7 (c)(1)(i)-(xii), (2)(i)-(iii), and (3)(i)-(vii) of the SEQRA regulations; and

WHEREAS, the Town Board has reviewed, weighed and balanced the relevant environmental impacts and has provided a rationale for its decision to adopt the proposed Local Law and to issue a negative declaration for the same;

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board hereby certifies that it has complied with the requirements of Part 617 of the SEQRA regulations;
2. The Town Board hereby finds that the proposed Local Law has no significant adverse environmental impacts and issues a negative declaration for the same, with said negative declaration to be reviewed and approved by the Town Attorney; and
3. The Town Board hereby adopts Local Law No. _____ of 2013, which modifies Chapter 249 of the Town Code as set forth in the proposed Local Law, a copy of which is attached hereto and made a part of this resolution; and
4. The Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Wallkill; to give due notice of the adoption of said Local Law to the Secretary of State of New York; to publish said Local Law to the public in a newspaper of general circulation; and to publish the Town Board’s negative declaration for the proposed action in the Environmental Notice Bulletin of the Department of Environmental Conservation.

**REPORT TO TOWN BOARD
ZONING AMENDMENT §249-49**

**Town of Wallkill Planning Board
Gary Lake, Chairman**

WHEREAS, the Town Board, in compliance with the mandate of §249-49 of the Town Code, duly referred to the Planning Board a request that the Zoning Laws of the Town be amended; and

WHEREAS, the proposed amendment called for the amendment, revision and alteration of permitted used, whether as of right or by special use permit, in the RA Rural Agricultural District, as set forth in 249-19 Of the Town's Zoning Code;

WHEREAS, the Planning Board held a Public Information hearing on 4 December 2013, as required by law; and

WHEREAS, a public notice was published for said information hearing, as required by law, and upon opening the hearing, no persons appeared to speak for or against the proposed legislation; and

WHEREAS, the Planning Board reviewed the request as required by of §249-49 of the Town Code; and

WHEREAS, the review and recommendation of the Planning Board is not an "action" that requires compliance with the provisions of the New York State Environmental Quality review Act (SEQRA);

Now, after considering the matter before it, the Planning Board reports and recommends to the Town Board as follows:

To the extent that the proposed amendment contemplates a change in the text of the zoning code of the Town of Wallkill, the Planning Board gave due consideration to the proposed amendment, which consideration included, but was not necessarily limited to the criteria identified in §249-49, and the Planning Board advises and reports to the Town Board as follows with respect to said criteria:

[1] *Whether such change is consistent with the aims and principles embodied in this chapter to the particular districts concerned? Yes.*

[2] *Which areas and establishments in the Town will be directly affected by such change and in what way they will be affected? The lands within the Town presently zoned as RA Rural Agricultural District, as set forth in 249-19.*

[3] *The indirect effect of such change on other regulations?* None were identified.

[4] *Whether such proposed amendment is consistent with the aims of the Town of Wallkill Master Plan?* Yes, the proposed legislation appears to be consistent, and the increase of the geographical area for the special notice is desirable.

To the extent that the proposed amendment contemplates a change in the zoning map of the Town of Wallkill, the Planning Board gave due consideration to the proposed amendment, which consideration included, but was not necessarily limited to the criteria identified in §249-49, and the Planning Board advises and reports to the Town Board as follows with respect to said criteria

[1] *Whether the uses permitted by the proposed change would be appropriate in the area concerned?* The amendment eliminates the uses.

[2] *Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change?* Not Applicable, as the proposed changes are not likely to increase the number of residential dwellings permitted. While the proposed amendment will eliminate certain educational type uses, there is suitable coverage for educational uses in other districts within the Town.

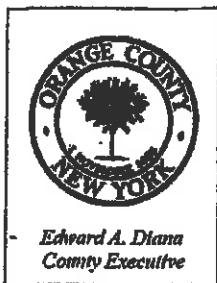
[3] *Whether the proposed change is in accord with any existing or proposed plans in the vicinity?* Not Applicable – there are no known pending projects / applications in the vicinity relevant.

[4] *The effect of the proposed amendment upon the growth of the Town as envisioned by the Town's Master Plan?* No adverse impact was identified.

[5] *Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Town and the probable effect thereof?* No.

DATE: December 11, 2013


GARY W. LAKE, CHAIRMAN



ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

www.orangecountygov.com/planning
planning@orangecountygov.com

124 MAIN STREET
GOSHEN, NY 10924-2124
TEL: (845) 615-3840
FAX: (845) 291-2533

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: *Town of Wallkill Board* **County ID #:** *WLT39-13M*
Applicant: *Town of Wallkill Board* **Tax Map #:** *Town wide*
Project Name: *Local Law* **Local File #:**
Proposed Action: *Zoning Amendment*
Ordinance Modification to RA(Rural Agricultural District)
Date of Full Statement: *October 30, 2013*

Comments:

The Department has received the above referenced local amending Chapter 249 of the Town Zoning Code and has found no evidence that significant intermunicipal or countywide impacts would result from its approval.

County Recommendation:

Local Determination

Date: Kate Schmidt
Prepared by: December 3, 2013



David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.

LOCAL LAW NO. ___ OF 2013

A LOCAL LAW OF THE TOWN OF WALLKILL, COUNTY OF ORANGE,
AMENDING CHAPTER 249 OF THE TOWN CODE-ZONING

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

Section 1. Purpose

In connection with the continued utilization and effectiveness of the Comprehensive Zoning Plan for the Town of Wallkill, and in the interest of the protection and promotion of the public health and safety, convenience, morals, amenities and general welfare, the amendments to the Town Zoning Code set forth in this Local Law have been established in consideration of the following specific criteria:

- A. The facilitation of the efficient and adequate provision of public facilities and services.
- B. The provision of privacy for families.
- C. The prevention and reduction of traffic congestion so as to promote efficient and safe circulation of vehicles and pedestrians.
- D. The safeguarding of homes by preserving the attractive environment of residential areas.
- F. The gradual elimination of nonconforming uses.
- G. The enhancement of the appearance of the Town of Wallkill as a whole.
- H. The conservation of property values.
- I. The limitation and prevention of congestion of population, customers and workers.
- J. The encouragement of flexibility in the design and development of land in such a way as to promote the most appropriate use of lands to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands.
- K. The assurance of adequate sites for agriculture, residence, industry, commerce and recreation.

L. The protection and preservation of the natural ecological structure, including protection of groundwater supplies, stream banks, water bodies, steep slopes and the natural vegetation cover.

M. The need to foster efficient and reasonable public notification and public participation when applications are presented to the Town for site plan and special use permit approval.

Section 2.

The Town of Wallkill Code, Section 249-19 entitled "RA Rural Agricultural District", shall be amended by adding the following underlined text and/or deleting the strike-through text in subsection "C" concerning special permit uses as follows:

"C. Special permit uses and uses subject to plan approval by the Planning Board in accordance with the provisions of Article XI herein.

(1) Public utility structures, buildings and rights-of-way necessary to serve areas within the Town, excluding business offices, repair facilities or equipment storage areas.

(2) The following uses on lots of five acres or more, provided that no building shall be erected nearer than 50 feet to any street or property line and the lot coverage shall not exceed 20%:

~~(a) Hospitals, sanitariums and nursing~~ (a) Nursing homes for general medical care.

~~(b) Philanthropic and eleemosynary institutions.~~

~~(c) Schools, colleges and other educational institutions.~~

~~(d) Group housing.~~ (b) Housing for persons with disabilities.

(3) Camps.

(a) ~~The minimum gross lot size shall be calculated based on 10,000 square feet per tent or cottage area to establish a commercial campground site shall be 100 acres. No more than 75 campsites shall be permitted the first 100 acres of campgrounds. The same ratio of one campsite per 1.33 acres shall apply to campgrounds consisting of property in excess of 100 acres.~~

(b) No building, tent, activity area or recreation facility shall be located nearer than 100 feet to any property line.

~~(4) Day care centers and nursery schools.~~

~~(a) Such uses may be allowed as accessory uses in conjunction with the following other special permit uses: philanthropic and eleemosynary institutions; and churches and religious institutions.~~

~~(b) The required outdoor play area shall be adequate in size and location as determined by the~~

Planning Board.

- (c) No play area shall be located in a required front yard.
 - (d) All play areas shall be fenced and suitably landscaped and buffered.
 - (e) 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.
 - (f) Adequate pickup/drop-off 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.
 - (g) There shall be a minimum of one toilet per 15 children.
 - (h) Access shall be adequate to handle traffic in a safe and efficient manner.
 - (i) Day care centers shall be licensed by the New York State Department of Social Services prior to operating such facilities.
 - (j) All child care centers shall indicate the designated number of children and shall comply with all 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.
- (5) Summer hotel or bungalow colony, in which incidental Restrooms, pool houses, pavilions, camp management buildings and recreational facilities may be furnished.
- within the campgrounds shall not have an aggregate square footage of 0.5% of the total acreage of the campgrounds. By way of illustration, if the campgrounds consist of 100 acres (4,356,000 sq. ft.), the combined square footage of all of the (a) The operation must be under single ownership or control.
- (b) The minimum lot size shall be five acres.
 - (c) No more than four summer dwellings, or units, are permitted per acre.
 - (d) No building shall be located nearer than 100 feet to any lot line or watercourse which is part of any water system.
 - (c) (e) Said use shall be connected to water and sewer systems approved by the Orange County Department of Health and by the Town of Wallkill. aforesaid facilities would not exceed 21,780 sq. ft.
 - (d) No existing permitted campgrounds which are operating as of the effective date of this amendment shall be effected hereby.
- (6) Public, (4) Public, or private, recreation facilities and open space, other than for a single-family residence, including playgrounds, swimming pools, lakes, golf courses and clubhouse, including the sale of food and drink, provided that:

- (a) Such use shall occupy a lot with an area of not less than two acres.
- (b) No building or structure shall be erected nearer than 50 feet to any lot line.
- (c) Plans for all outdoor public address systems are approved by the Planning Board.
- (d) Plans for lighting of outdoor recreational facilities are approved by the Planning Board.

~~(7) Mining.~~ (5) Mining, loading and hauling of sand, gravel, topsoil or other aggregate. Such operation shall not include equipment or structures for screening, crushing or washing, except as may be specifically authorized for a limited time.

~~(8) Cemeteries.~~ (6) Cemeteries.

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

~~(9) Churches.~~ (7) Churches and religious institutions.

- (a) The minimum lot size shall be ~~threeten~~ thirteen acres.
- (b) No building shall be nearer than 50 feet to any lot line.
- (c) The maximum lot coverage and all site improvements, including paving, sidewalks and handicapped ramps shall be 20%.

~~(10) Home.~~ (8) Home occupations.

- (a) 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.
- (b) No display of goods shall be visible from the street.
- (c) The premises shall not be used in any manner so as to cause injury or disturbance to the surrounding properties, their owners or occupants.
- (d) No person, outside the resident family, shall be employed in the home occupation.
- (e) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced or allowed on the premises.
- (f) The occupation shall not occupy more than 1/2 of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling if so used.

~~(11) Two-family.~~ (9) Two-family dwellings.

- (a) No more than one such dwelling may be placed on a lot.
- (b) Upon sketch plat submission, the Planning Board shall set the allowable percentage of two-family homes in each subdivision.

(c) The following lot and building standards shall apply to two-family houses:

[1] Lot and building standards. Minimum required:

Lot width	250 feet
Lot depth	300 feet
Lot frontage	50 feet
Front yard	40 feet
Rear yard	50 feet
One side yard	30 feet
Both side yards	80 feet
Floor area	1,200 square feet
Maximum lot coverage	20%
Maximum building height	35 feet

[2] The minimum required lot size shall be arrived at in accord with ~ 249-19D(2)."

Section 3.

The Town of Walkill Code, Section 249-38, entitled "Procedures For Special Use Permits shall be amended by adding the following underlined text and/or deleting the strike-through text in subsection "C" concerning public hearing notice requirements as follows:

"C. The Planning Board shall hold a public hearing on the application within 45 days of the initial submission at a regularly scheduled Planning Board meeting. Said public hearing must be advertised at least once in a newspaper of general circulation in the Town at least 10 days prior to the hearing. The notice shall also be sent, by the applicant, to the owners of all properties within ~~300~~500 feet of the site within 10 days prior to the hearing, except when the site is within those zones designated RA - Rural Agricultural District and RA-1 Low Density Agriculture District, where all properties within ~~1,000~~1,500 feet of the site shall be noticed, by certified mail, return requested, by first class mail with a certificate of mailing or by hand delivery with the signature of each property owner with a proof of compliance. The public hearing notice must specify the property location, including a street address and tax map designation. The notice must also state the specific nature of the application and the intended use of the subject property."

Section 4.

The Town of Walkkill Code, Section 249-40, entitled "Site and Development Plan Approval" shall be amended by adding the following underlined text and/or deleting the strike-through text in subsection "D(3)[4]" concerning public hearing notice requirements as follows:

- "[4] The Planning Board must hold a public hearing on the preliminary site plan within 45 days after the receipt of such site plan.
- [a] The hearing must be advertised at least once in a newspaper of general circulation in the Town at least 10 days before it is held and by posting notice thereof by certified mail to the owners of property within 300500 feet of the proposed property.
- [b] Said public hearing shall be the hearing called for in § 249-38C concerning the authorization.
- [c] The applicant shall also provide notice of the public hearing by certified mail to the school district in which the property is situated at least 10 days before it is held."

Section 5.

The Town of Walkkill Code, Section 249-49, entitled "Procedure" shall be amended by adding the following underlined text and/or deleting the strike-through text in subsection "A(1)" concerning public informational hearing notice requirements as follows:

- (1) ~~"(1)~~ Within 30 days after such referral by the Town Board, the Planning Board shall hold a public informational hearing on the matter.
 - (a) Applicants seeking a change in the zoning classification of any property within the Town shall publish a notice of the time and place of the public informational hearing in a newspaper of general circulation at least 10 days before such hearing and shall notify all adjoining landowners within the greater required notification distance of the existing or proposed zone of the property by certified mail, return receipt requested, at least 10 days prior to the public informational hearing."

Section 6.

The Town of Walkkill Code, Section 249-68, entitled "Maintenance and repair of stormwater facilities" shall be amended by adding the following new subsection "E" as follows:

“E. Financial Security.

(1) The Town may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from the appropriate financial or surety institution, in form and content acceptable to the Town Attorney, which guarantees satisfactory completion of the project and names the Town as the beneficiary.

(2) The developer, prior to construction, may be required to provide the Town with an irrevocable letter of credit from an approved financial institution or surety, in form and content acceptable to the Town Attorney, to ensure proper operation and maintenance of all stormwater management and erosion control facilities, both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.”

Section 7. 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.

Section 8. Applicability

This local law shall apply to all properties and property applications within the Town of Wallkill that were pending as of October 10, 2013 and thereafter.

Section 9. Statutory Authority

This local law is enacted in accordance with the powers granted to the Town Board pursuant to the provisions of Article 16 of the New York State Town Law and Article 10 of the Municipal Home Rule Law of the State of New York, pursuant to which the Town Board has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town of Wallkill and for the protection and enhancement of its physical environment.

Section 10. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 11. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
 By _____
 Sec'd by _____
 Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
DESIGNATING ITSELF AS LEAD AGENCY IN ACCORDANCE WITH SEQRA
REGUATIONS WITH RESPECT TO THE PETITION OF CAMBRIDGE MANOR
APTS. II, INC. AND GOSHEN GARDEN APTS, INC. TO AMEND THE TOWN
ZONING MAP CLASSIFICATION OF CERTAIN PROPERTY LOCATED ON
SCOTCHTOWN BOULEVARD WITHIN THE TOWN OF WALLKILL AND
SCHEDULING A PUBLIC HEARING**

WHEREAS, Cambridge Manor Apts. II, Inc. and Goshen Garden Apts, Inc., have filed a Petition with the Town Board for the amendment of the Town Zoning Map with respect to the parcels of real property located in the Town of Wallkill north of NYS Route 211 on Scotchtown Boulevard identified as Tax Map Parcels 41-1-78.213, 41-1-78.214, 41-1-78.211, 41-1-78.215 and 42-4-2.2, to change the current zoning classification of same from R-2 to PRD (Planned Residential Development Overlay District); and

WHEREAS, Section 249-82(G) of the Wallkill Town Code requires that the subject Petition be referred to the Town Planning Board for a public hearing, report and advisory opinion to be delivered to the Town Board with findings related to the appropriateness of the proposed zoning change; and

WHEREAS, the Town Planning Board issued a Report and Recommendation dated July 10, 2013 finding that the proposed zoning change is acceptable, subject to the matters set forth in the aforesaid Report and Recommendation; and

WHEREAS, General Municipal Law Section 239-m requires that the subject Petition be referred to the Orange County Department of Planning for a determination of the appropriateness of the proposed zoning change; and

Resolution No. _ of 2013

WHEREAS, the Orange County Department of Planning issued a Reply dated April 30, 2013 finding that the proposed action is a “Local Determination”; and

WHEREAS, the Town Board of the Town of Wallkill has deemed the Petition to be in acceptable form and wishes to proceed with the appropriate steps to process said application; and

WHEREAS, the Town Board seeks to review the potential adverse environmental impacts of said local law pursuant to SEQRA, and take other required steps with respect to said Petition,

NOW, THEREFORE, IT IS HEREBY RESOLVED, THAT:

1. In accordance with the provisions of § 617.6 of the regulations implementing the New York State Environmental Quality Review Act (“SEQRA”), (the “SEQRA regulations”), the Town Board hereby determines that the aforementioned proposed amendment to the Town Code is an action subject to SEQRA regulations; and
2. The Town Board preliminarily classifies the aforementioned action as Unlisted, pursuant to § 617.4 of the SEQRA regulations; and
3. The Town Board determines that it is, and will be, the Lead Agency with respect to the consideration, review, and determination of significance of the Petition proposing the zone change pursuant to SEQRA regulations § 617.6(b)(1)(I), because there are no other involved agencies at this juncture; and
4. The Town Clerk is directed to notify all interested agencies of the Town Board’s Lead Agency Declaration in accordance with SEQRA regulations; and
5. That a public hearing be held by the Town Board on January 23, 2014 at 7:25 p.m. with respect to the Petition of Cambridge Manor Apts. II, Inc. and Goshen Garden Apts, Inc. for which the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
 By _____
 Sec'd by _____
 Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
 DESIGNATING ITSELF AS LEAD AGENCY IN ACCORDANCE WITH SEQRA
 REGULATIONS WITH RESPECT TO THE PETITION OF ERIC FUENTES TO AMEND
 THE TOWN ZONING MAP CLASSIFICATION OF CERTAIN PROPERTY LOCATED
 AT 12-16 RIVERSIDE DRIVE WITHIN THE TOWN OF WALLKILL, TO REFER THE
 MATTER TO THE ORANGE COUNTY PLANNING DEPARTMENT PURSUANT TO
 GENERAL MUNICIPAL LAW SECTION 239-M AND SCHEDULING A PUBLIC
 HEARING**

WHEREAS, Eric Fuentes, on behalf of himself, and the record owners of the subject property described herein, has filed a Petition with the Town Board for the amendment of the Town Zoning Map with respect to certain parcels of real property located in the Town of Wallkill, namely 12-16 Riverside Drive, Middletown, New York, Tax Map Numbers 60-1-96 and 60-1-97, to change the current zoning classification from OR (Office Research) to ZeroLot/Commercial Cluster subdivision pursuant to New York State Town Law Section 278 in order to accommodate the expansion of the On My Way Learning Day Care Center which currently operates at 12 Riverside Drive; and

WHEREAS, the Town Planning Board has already reviewed this matter and is of the opinion that the proposed zoning change to ZeroLot/Commercial Cluster subdivision would not adversely impact the Town; and

WHEREAS, the Town Board of the Town of Wallkill has deemed the Petition to be in acceptable form and wishes to proceed with the appropriate steps to process said application; and

WHEREAS, the Town Board seeks to review the potential adverse environmental impacts of said local law pursuant to SEQRA, and take other required steps with respect to said Petition,

NOW, THEREFORE, IT IS HEREBY RESOLVED, THAT:

1. In accordance with the provisions of § 617.6 of the regulations implementing the New York State Environmental Quality Review Act (“SEQRA”), (the “SEQRA regulations”), the Town Board hereby determines that the aforementioned proposed amendment to the Town Code is an action subject to SEQRA regulations; and
2. The Town Board preliminarily classifies the aforementioned action as Unlisted, pursuant to § 617.4 of the SEQRA regulations; and
3. The Town Board determines that it is, and will be, the Lead Agency with respect to the consideration, review, and determination of significance of the Petition proposing the zone change pursuant to SEQRA regulations § 617.6(b)(1)(I), because there are no other involved agencies at this juncture; and
4. The Town Clerk is directed to notify all interested agencies of the Town Board’s Lead Agency Declaration in accordance with SEQRA regulations; and
5. The Town Clerk is directed to refer this matter to the Orange County Planning Department, pursuant to General Municipal Law Section 239-m, for review and comment; and
6. That a public hearing be held by the Town Board on January 23, 2014 at 7:25 p.m. with respect to the Petition of Eric Fuentes for which the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
By _____
Sec'd by _____
Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
APPOINTING A PERSON TO THE POSITION OF PART-TIME CLERK FOR THE
TOWN OF WALLKILL POLICE DEPARTMENT**

WHEREAS, there exists a vacancy for a part-time Clerk in the Town of Wallkill Police Department; and

WHEREAS, Hannah Lake fulfills the requirements of knowledge, skill, and experience for the position; and

WHEREAS, it is the opinion of the Town Board of the Town of Wallkill that Hannah Lake is qualified to fill said position,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wallkill hereby appoints Hannah Lake to the position of "part-time Clerk" in the Town of Wallkill Police Department, to be effective following receipt of a complete and satisfactory background check and, provided that all appropriate documentation is submitted and accepted by the Orange County Department of Human Resources-Civil Service Department.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
 By _____
 Sec'd by _____
 Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL RELEASING THE LETTER OF CREDIT FOR THE LANDS OF NEWMAN SUBDIVISION

WHEREAS, the owners of the Lands of Newman Subdivision has previously posted Walden Savings Bank Clean Irrevocable Standby Letter of Credit # 2007-5 in the amount of \$366,000.00 with the Town of Wallkill to serve as a performance bond for the construction of said subdivision, which Letter of Credit was increased in 2010 to \$514,800.00; and

WHEREAS, pursuant to a Certificate of Abandonment of Subdivision filed in the Office of the Orange County Clerk on August 12, 2013 under Index No. 2013-006794, the owners of the subdivision have declared their intent to cease development of same; and

WHEREAS, by virtue of the abandonment, the owners of the subdivision have requested that the Town release the above-referenced Letter of Credit; and

WHEREAS, McGoey, Hauser and Edsall, P.C., the Town's Consulting Engineer, performed a field inspection of the subject property, determined that no outstanding public improvements require completion by virtue of the abandonment and has advised that under the circumstances, it is appropriate to release the Letter of Credit; and

WHEREAS, the Town Board of the Town of Wallkill agrees with the recommendation of the Town's Consulting Engineer and is authorized to release the Letter of Credit pursuant to Town Code Section 249-42(B)(6),

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The Town Board of the Town of Wallkill hereby approves the release of the Walden Savings Bank Clean Irrevocable Letter of Credit # 2007-5 in the amount of \$514,800.00 with respect to the abandoned Lands of Newman subdivision; and
2. The Town Supervisor or his designee is authorized to execute any necessary documents associated with the foregoing.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
By _____
Sec'd by _____
Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
AUTHORIZING THE RELEASE OF THE CASH BOND POSTED FOR THE PARTY
PLACE CONSTRUCTION SITE**

WHEREAS, Joel Vinolas previously posted cash in the amount of \$5,000.00 with the Town of Wallkill to serve as a public improvement bond for certain improvements at the Party City site along NYS Route 211 in connection with the development of its property; and

WHEREAS, McGoey, Hauser & Edsall, P.C., the Town's Consulting Engineer, by way of correspondence dated September 13, 2013 has advised that because the required public improvements have been satisfactorily completed since posting of the aforesaid cash bond, it is appropriate to release same at this time; and

WHEREAS, the Town Board of the Town of Wallkill agrees with the recommendations of the Town's Consulting Engineer and is authorized to release the aforesaid cash bond pursuant to Town Code Section 249-42(B)(6),

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The Town Board of the Town of Wallkill hereby approves the release of the \$5,000.00 cash bond posted by Joel Vinolas;
2. The Town Supervisor or his designee is authorized to execute any necessary documents associated with the foregoing and to issue a check to Joel Vinolas in the amount of \$5,000.00, less any unpaid inspection fees or other unpaid fees due to the Town at this time.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

The following was presented
By _____
Sec'd by _____
Date of Adoption _____

Names	Ayes	Noes	Abstain	Absent
<i>Supervisor</i> Mr. Depew				
<i>Councilman</i> Mr. Carr				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Rotundo				
<i>Councilman</i> Mr. Tulp				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
SETTING TIME AND PLACE FOR A SPECIAL MEETING FOR REORGANIZATION
AND APPOINTMENTS FOR THE CALENDAR YEAR 2014**

WHEREAS, the Town Board of the Town of Wallkill wishes to schedule a special meeting for the purpose of reorganization of Town Board appointments for the calendar year 2014 and for any other lawful Town business; and

WHEREAS, it is essential that said reorganization meeting be held prior to the next regularly scheduled Town Board meeting; and

WHEREAS, the Town Board of the Town of Wallkill is empowered to schedule a special meeting for any lawful purpose,

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that a Special Meeting of the Town Board of the Town of Wallkill with respect to reorganization for the calendar year 2014, and to audit bills and claims, along with any other lawful and necessary Town business, shall be held at 7:00 p.m. on January 3, 2014 at Wallkill Town Hall, 99 Tower Drive, Bldg. A, Middletown, New York, with a work session relating to reorganization, auditing bills and claims and any other lawful business, to be held on January 2, 2014 at 7:00 p.m.; and it is further

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