

Town Board Meeting Agenda

TOWN OF WALLKILL
May 23, 2019

TOWN BOARD MEETING
TIME: 7:30 PM

Pledge of Allegiance

Moment of Silence – *William D. Myers* – who was a retired truck driver for the TOW Highway Department

Barryl R. Agurs –Chairman of the TOW Human Rights Commission

Mrs. Brinckerhoff was a resident who had recently turned 99 years old.

William Cody worked as a Security Officer at Circleville Park and was the brother of Mike Cody.

7:25 - Public Hearings – Lands of Berman Lighting Districts
- Lands of Berman Drainage

1. PUBLIC PARTICIPATION ON AGENDA ITEMS BELOW ONLY (3 MINUTES EACH INDIVIDUAL)
2. CORRESPONDENCE:
 - Proclamation Childhood Apraxia of Speech Awareness Day
 - The Arc of Orange County
 - Congratulations to *Maria Dobbler* who celebrated her 99th birthday.
 - Congratulations to *Rosa Otero-Walsh “Rosie”* who was named to the NYS Veterans’ Hall of Fame by Senator Jen Metzger.
3. RESOLUTIONS:
 1. Resolution Establishing a Lighting District in the Proposed Lands of Berman Subdivision at Sable Road.
 2. Resolution Establishing a Drainage District in the Proposed Lands of Berman Subdivision at Sable Road.
 3. Resolution Consenting to Modification of Deed Restriction at the Intersection of Dosen and M & M Roads.
3. COMMITTEE REPORTS
4. COUNCILMAN’S COMMENTS:
5. SUPERVISOR’S COMMENTS:
6. TOWN CLERK’S COMMENTS:
7. COMMISSIONERS/POLICE CHIEF REPORTS:
8. PUBLIC PARTICIPATION (5 MINUTES EACH INDIVIDUAL)
9. MOTION TO ADJOURN

APRAXIA AWARENESS DAY

WHEREAS, May 14, 2019 marks Apraxia Awareness Day during which awareness will be raised throughout Orange County about Childhood Apraxia of Speech, an extremely challenging speech disorder in children; and

WHEREAS, Childhood Apraxia of Speech (CAS) causes children to have significant difficulty learning to speak and is among the most severe speech deficits in children; and

WHEREAS, the act of learning to speak comes effortlessly to most children, those with apraxia endure an incredible and lengthy struggle; and

WHEREAS, without appropriate speech therapy intervention, children with apraxia are placed at high risk for secondary impacts in reading, writing, spelling and other school-related skills; and

WHEREAS, that such primary and secondary impacts diminish future independence and employment opportunities if not resolved or improved; and

WHEREAS, most children with apraxia of speech will learn to communicate with their very own voices only if they receive early intervention, appropriate, intensive and frequent speech therapy; and

WHEREAS, it is imperative there be greater public awareness about childhood apraxia of speech in Orange County among community members, physicians, education professionals, policy makers and elected officials; and

WHEREAS, funders such as insurance providers, schools, and policy makers are encouraged to recognize the critical need to provide adequate speech therapy and other services so that the impact of this disorder is minimized and so that thousands of affected children can grow into productive, contributing adult citizens; and

WHEREAS, our highest respect goes to these children, as well as their families, for their effort, determination and resilience in the face of such obstacles; and

NOW, THEREFORE, BE IT RESOLVED that I, Steven M. Neuhaus, Orange County Executive, do hereby proclaim May 14, 2019 as

“APRAXIA AWARENESS DAY”

Throughout Orange County and I encourage all citizens to work within their communities to increase awareness and understanding of Childhood Apraxia of Speech.

**HONORED ON THIS FOURTEENTH OF MAY,
TWO THOUSAND NINETEEN**

Steven M. Neuhaus, County Executive

**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>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
ESTABLISHING A LIGHTING DISTRICT IN THE PROPOSED LANDS OF BERMAN
SUBDIVISION AT SABLE ROAD**

WHEREAS, a petition has been made to the Town of Wallkill by Sable Estates, LLC for the establishment of a lighting district in the proposed subdivision located at Route 17K and Sable Road in the Town of Wallkill; and

WHEREAS, petitioner has provided a map, plan and report, which has been reviewed by the Town's engineer, and which map, plan and report is hereby deemed sufficient by this Board; and

WHEREAS, the boundaries of said district are more particularly described in Schedule "A", annexed hereto; and

WHEREAS, said petition has been deemed acceptable by this Board; and

WHEREAS, the Town Board of the Town of Wallkill is empowered by Town Law §190 to establish special lighting districts in the Town when it is determined that the creation of the district is in the public interest; and

WHEREAS, this Board has determined that the petition is acceptable and that it is in the public interest to create the within district; and

WHEREAS, permission of the State Comptroller to create such district is not required because the cost is not to be financed by bonds, notes or other evidence of indebtedness; and

Resolution No. :_of 2019

WHEREAS, this Board did hold a public hearing regarding the establishment of the proposed lighting district on May 23, 2019, at 7:25 p.m. at the Town Hall, 99 Tower Drive - Bldg. A, Middletown, New York 10941, and no objections to the establishment of the district were made by the public; and

WHEREAS, said establishment of drainage districts has been determined to be a Type II action under the State Environmental Quality Review Act (SEQRA) criteria;

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the Town Board of the Town of Wallkill hereby declares the establishment of a lighting district in the proposed subdivision known as Sable Estates as a Type II action under the State Environmental Quality Review Act (SEQRA) criteria; and

2. That the Town Board of the Town of Wallkill hereby establishes a lighting district in the proposed subdivision located at State Route 17K and Sable Road, as more particularly described in Schedule A annexed hereto; and

3. That, within ten (10) days of the adoption of this resolution, the Town Clerk is directed to file a certified copy in duplicate of this resolution with the Office of the State Department of Audit and Control at Albany, New York, together with all appropriate papers with appropriate signatures where needed; and

4. That, within ten (10) days, of the adoption of this resolution, the Town Clerk is directed to file a certified copy of this resolution with the Clerk of Orange County for recording, together with all appropriate papers with appropriate signatures where needed; and

5. That the nature of the specific improvements associated with the lighting district proposed by the petitioner are currently under consideration and subject to modification and final approval by the Planning Board and the Town Engineer as part of the subdivision approval process of the proposed subdivision located at State Route 17K and Sable Road in the Town of Wallkill; and

6. That, in accordance with Town Law § 194(3)(a), the Town Supervisor is hereby authorized to execute and file an application in duplicate together with all appropriate papers, within ten (10) days, with the Office of the State Department of Audit and Control at Albany, New York, to create the drainage district proposed by the petitioner; and

7. All boards, agencies, departments, and contracted professionals of the Town of Wallkill are hereby authorized and directed to effect or otherwise facilitate the implementation of said District.

Resolution No. :_of 2019

8. Based on the map, plan and report, the Environmental Assessment Form, reviewed by this Board and the Town of Wallkill Planning Board, as lead agency; the Negative Declaration under SEQRA adopted by the Town of Wallkill Planning Board as lead agency and herein adopted by this Board as its own determination, and the recommendations of the Town's engineering consultant this Board determines that this action will not have a significant impact on the environment.

9. All expenses attended upon the extension of this District shall be the responsibility of the owner of the premises within such extension.

10. The creation of the Town of Wallkill Sable Road Subdivision Lighting District, as set forth in said map, plan and report be approved; and such district shall be bounded and described as set forth in Schedule "A" annexed hereto.

**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>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
ESTABLISHING A DRAINAGE DISTRICT IN THE PROPOSED LANDS OF BERMAN
SUBDIVISION AT SABLE ROAD**

WHEREAS, a petition has been made to the Town of Wallkill by Sable Estates, LLC for the establishment of a drainage district in the proposed subdivision located at Route 17K and Sable Road in the Town of Wallkill; and

WHEREAS, petitioner has provided a map, plan and report, which has been reviewed by the Town's engineer, and which map, plan and report is hereby deemed sufficient by this Board; and

WHEREAS, the boundaries of said district are more particularly described in Schedule "A", annexed hereto; and

WHEREAS, said petition has been deemed acceptable by this Board; and

WHEREAS, the Town Board of the Town of Wallkill is empowered by Town Law §190 to establish special drainage districts in the Town when it is determined that the creation of the district is in the public interest; and

WHEREAS, this Board has determined that the petition is acceptable and that it is in the public interest to create the within district; and

WHEREAS, permission of the State Comptroller to create such district is not required because the cost is not to be financed by bonds, notes or other evidence of indebtedness; and

Resolution No. :_of 2019

WHEREAS, this Board did hold a public hearing regarding the establishment of the proposed drainage district on May 23, 2019, at 7:25 p.m. at the Town Hall, 99 Tower Drive - Bldg. A, Middletown, New York 10941, and no objections to the establishment of the district were made by the public; and

WHEREAS, said establishment of drainage districts has been determined to be a Type II action under the State Environmental Quality Review Act (SEQRA) criteria;

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the Town Board of the Town of Wallkill hereby declares the establishment of a drainage district in the proposed subdivision known as Sable Estates as a Type II action under the State Environmental Quality Review Act (SEQRA) criteria; and
2. That the Town Board of the Town of Wallkill hereby establishes a drainage district in the proposed subdivision located at State Route 17K and Sable Road, as more particularly described in Schedule A annexed hereto; and
3. That, within ten (10) days of the adoption of this resolution, the Town Clerk is directed to file a certified copy in duplicate of this resolution with the Office of the State Department of Audit and Control at Albany, New York, together with all appropriate papers with appropriate signatures where needed; and
4. That, within ten (10) days, of the adoption of this resolution, the Town Clerk is directed to file a certified copy of this resolution with the Clerk of Orange County for recording, together with all appropriate papers with appropriate signatures where needed; and
5. That the nature of the specific improvements associated with the drainage district proposed by the petitioner are currently under consideration and subject to modification and final approval by the Planning Board and the Town Engineer as part of the subdivision approval process of the proposed subdivision located at State Route 17K and Sable Road in the Town of Wallkill; and
6. That, in accordance with Town Law § 194(3)(a), the Town Supervisor is hereby authorized to execute and file an application in duplicate together with all appropriate papers, within ten (10) days, with the Office of the State Department of Audit and Control at Albany, New York, to create the drainage district proposed by the petitioner; and
7. All boards, agencies, departments, and contracted professionals of the Town of Wallkill are hereby authorized and directed to effect or otherwise facilitate the implementation of said District.

Resolution No. :_of 2019

8. Based on the map, plan and report, the Environmental Assessment Form, reviewed by this Board and the Town of Wallkill Planning Board, as lead agency; the Negative Declaration under SEQRA adopted by the Town of Wallkill Planning Board as lead agency and herein adopted by this Board as its own determination, and the recommendations of the Town's engineering consultant this Board determines that this action will not have a significant impact on the environment.

9. All expenses attended upon the extension of this District shall be the responsibility of the owner of the premises within such extension.

10. The creation of the Town of Wallkill Sable Road Subdivision Drainage District, as set forth in said map, plan and report be approved; and such district shall be bounded and described as set forth in Schedule "A" annexed hereto.

**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>Councilman</i> Mr. Coyne				
<i>Councilman</i> Mr. Valentin				
<i>Councilman</i> Mr. Meyer				
<i>Councilman</i> Mr. Johnson				
<i>Supervisor</i> Mr. Diana				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL, NEW YORK
 CONSENTING TO MODIFICATION OF DEED RESTRICTION WITH RESPECT TO
 A CERTAIN PARCEL OF PROPERTY AT THE INTERSECTION OF
 DOSEN AND M&M ROADS WITHIN THE TOWN**

WHEREAS, by Resolution dated April 15, 2015, the Town Board expressed support for Valley Agriceuticals, LLC’s application to become a New York State registered organization in order to develop and operate a medical marijuana agricultural facility within the Town of Wallkill on land located in the RA-Rural Agricultural Zone of the Town at the intersection of Dosen and Cortright Roads known as Tax Map # 13-1-7 (the “Project Site”); and

WHEREAS, one of the conditions required by the Town Board for the continued support of said application was that there was to be a full conservation of the adjacent parcel of land as depicted on the drawings prepared by Mercurio, Norton, Tarolli & Marshall Engineering and Land Surveying dated February 23, 2015 known as a portion of Section 13, Block 1, Lot 7 (“The Drawings”); and

WHEREAS, the areas located outside of the Project Site and Conservation Easement Areas depicted on The Drawings but remaining under the control of Valley Agriceuticals, LLC are commonly referred to as the “M&M Road Lot”. It was specifically understood and acknowledged by Valley Agriceuticals, LLC that although it is possible that the current zoning for the M&M Road Lot may allow for subdivision and development of up to four (4) separate lots, there shall never be any attempt by Valley Agriceuticals, LLC, its successors and/or assigns, to develop more than two (2) separate lots on said property; and

WHEREAS, the M&M Road Lot was subdivided and a newly created parcel identified as Tax Map No. 13-1-7.1 consisting of 24.20 acres was conveyed by Valley Agriceuticals to Christopher and Melinda Michaels (the “Michaels Property”); and

Resolution No. :_of 2019

WHEREAS, the deed conveying the Michaels Property contained the appropriate restriction allowing for no more than two separate lots on said property; and

WHEREAS, the owners of the Michaels Property wish to further subdivide the property to construct three (3) single family homes instead of two (2) pursuant to the deed restriction; and

WHEREAS, Valley Agriceuticals has consented in writing to the request to construct three (3) single family homes on the Michaels Property provided that the Town Board has no objection;; and

WHEREAS, after due consideration, the Town Board has no objection to said request;

NOW THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby declares that it has no objection to the construction of three (3) single family homes on the Michaels Property located on Dosen and M&M Roads known as Tax Map No. 13-1-7.1, and it is further

RESOLVED, that such consent shall be conditioned upon the owner of the Michaels Property complying with any and all orders and directives of the Town Planning Board with respect to the subdivision and construction of three (3) single family homes on said property.