

Town Board Meeting Agenda

TOWN OF WALLKILL
November 19, 2020

TOWN BOARD MEETING
TIME: 7:25 PM

Pledge of Allegiance

Moment of Silence:

7:25- Public Hearings: Unattended Drop Box Law

TOPICS:

1. PUBLIC PARTICIPATION ON AGENDA ITEMS ONLY (3 MINUTES EACH INDIVIDUAL)

2. **CORRESPONDENCE:** NONE

3. **RESOLUTIONS:**

Resolution Of The Town Board Of The Town Of Walkkill Adopting The Town Budget For The Fiscal Year 2021

Resolution Of The Town Board Of The Town Of Walkkill Scheduling Time And Place For A Public Hearing With Respect To Amending Section 249-11 Of The Town Code Entitled "Signs"

Resolution Of The Walkkill Town Board Adopting Local Law NO. ____ Of 2020 Creating A New Chapter Of The Town Code Entitled "Unattended Donation Boxes"

Resolution Of The Town Board Of The Town Of Walkkill Scheduling A Time And Place For A Public Hearing To Extend Water District-1089 Route 211 East

Resolution Of The Town Board Of The Town Of Walkkill Scheduling A Time And Place For A Public Hearing To Extend Water District- 1089 Route 211 East

4. **COUNCILMAN'S COMMENTS:**

5. **TOWN CLERK'S COMMENTS**

6. **COMMISSIONERS/POLICE CHIEF REPORTS:**

7. **SUPERVISOR COMMENTS**

8. **PUBLIC PARTICIPATION (5 MINUTES EACH INDIVIDUAL)**

9. **MOTION TO ADJOURN**

Resolution No. : ___ of 2020

**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. DenDanto III				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
ADOPTING THE TOWN BUDGET FOR THE FISCAL YEAR 2021**

WHEREAS, pursuant to Town Law section 106, the Town Supervisor filed the tentative budget for 2021 with the Town Clerk on or before the 30th day of September 2020; and

WHEREAS, pursuant to Town Law section 106, the Town Clerk presented the tentative budget to the Town Board on or before the 5th day of October 2020; and

WHEREAS, pursuant to Town Law section 108, the Town Board held a public hearing on the preliminary budget on October 22, 2020, at 7:25 p.m. at Wallkill Town Hall, 99 Tower Drive – Bldg. A, Middletown, New York and heard public comment with respect to the same; and

WHEREAS, the Town Board of the Town of Wallkill believes that the preliminary budget as changed, altered and revised is in the best interests of the residents of the Town of Wallkill and should be adopted;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that, pursuant to Town Law section 109, the preliminary budget as changed, altered and revised is hereby adopted as the annual budget of the Town of Wallkill for the fiscal year beginning on January 1, 2021, inclusive of the individual fund levies and allocations as annexed hereto and that the same shall be entered in the minutes of the Town Board.

**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. DenDanto				
TOTAL				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL
SCHEDULING TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO
AMENDING SECTION 249-11 OF THE TOWN CODE ENTITLED "SIGNS"**

WHEREAS, the Town Board of the Town of Wallkill wishes to amend section 249-11 of the Town Code to include regulations governing electronic and illuminated signs; and

WHEREAS, the Town Board wishes to schedule a public hearing for December 17, 2020 at 7:25 pm to consider the adoption of the foregoing proposed amendments to the Town Code and to consider the potential adverse environmental impacts of the same; and

WHEREAS, the Town Board of the Town of Wallkill hereby initially determines that the aforementioned proposed amendments to the Town Code are Unlisted actions subject to SEQRA regulations and determines that it will be the Lead Agency with respect to the consideration, review, and determination of significance of the proposed zoning changes pursuant to SEQRA regulations,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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 amendments to the Town Code are actions subject to SEQRA regulations; and
2. The Town Board preliminarily classifies the aforementioned actions as Unlisted, pursuant to § 617.4 of the SEQRA regulations; and

Resolution No. :_of 2020

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 proposed zoning changes pursuant to SEQRA regulations, 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 239-1 and 239-m, for review and comment accompanied by the Notice of Public Hearing; and
6. The Town Clerk is directed to refer this matter to the Town Planning Board for proceedings consistent with Town Code Section 249-49; and
7. That a public hearing be held by the Town Board on December 17, 2020 at 7:25 p.m. with respect to amending Chapter 249 of the Town Code; 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, including Town Code Section 249-49(B).

At a Meeting of the Town Board of the Town of Wallkill in the County of Orange, State of New York, held at Town Hall, Tower Drive, Town of Wallkill, NY, on the 19th day of November, 2020.

-----X
In the Matter of the Extension of the Sewage Collection System within the Town of Wallkill Consolidated Water District in the Town of Wallkill, County of Orange, State of New York
-----X

ORDER CALLING FOR
PUBLIC HEARING

WHEREAS, a written Petition, in due form and containing the required signatures, has been filed by 211 Middletown Group LLC with the Town Board of the Town of Wallkill, County of Orange, State of New York, for the extension of the sewage collection system within the Wallkill Consolidated Water District in the Town of Wallkill which concerns the lot designated on the Tax Map as Section 44 Block 1 Lot 25.12 located at 1089 Route 211 East; and

WHEREAS, the improvements proposed consist of the extension of the existing Wallkill Consolidated Water District sewage treatment facilities to provide sewage treatment services to the aforesaid property, and

WHEREAS, it is the intention of the Petitioner to construct the improvements proposed to be installed within the district at its sole cost, which cost includes all costs in connection with the extension of the Water district, and

WHEREAS, together with the Petition the Petitioner submitted an Engineer's Report prepared by Lanc & Tully Engineering and Surveying, P.C. dated as of August 24, 2020 and a Short Environmental Assessment Form, and

WHEREAS, the Town Board is the sole Involved Agency in connection with the Petition for the extension of the facilities within the Wallkill Consolidated Water District.

NOW, THEREFORE, BE IT RESOLVED that on the 17th day of December, 2020 at 7:25 o'clock P.M. on said day the Town Board will meet and hold a public hearing to consider the extension of the facilities within the Wallkill Consolidated Water District, including the environmental significance thereof, and to hear all persons interested in the subject therefore, and for such other and further action on the part of the Town Board in connection with this matter as may be appropriate, and be it

FURTHER ORDERED that the Town Board does hereby assume Lead Agency status in connection with the SEQRA review of the Petition seeking to extend the Wallkill Consolidated Water District filed by the Petitioner, and be it

FURTHER ORDERED that the Town Clerk is hereby directed to publish a certified copy of this Order at least once in the official newspaper of the Town not less than 10 nor more than 20 days before the date of the hearing, and be it

FURTHER ORDERED that the Town Clerk is hereby directed to cause a certified copy of this Order to be posted on the sign board of the Town not less than 10 nor more than 20 days before the date of the hearing.

Dated: Town of Wallkill, New York
19th day of November, 2020

Motion By: Mr. _____

Seconded By: Mr. _____

Councilman Coyne Voting _____
Councilman Valentin Voting _____
Councilman Meyer Voting _____
Councilman Johnson Voting _____
Supervisor DenDanto Voting _____

At a Meeting of the Town Board of the Town of Wallkill in the County of Orange, State of New York, held at Town Hall, Tower Drive, Town of Wallkill, NY, on the 19th day of November, 2020.

-----X
In the Matter of the Extension of the Sewage Collection System within the Town of Wallkill Consolidated Sewer District in the Town of Wallkill, County of Orange, State of New York

ORDER CALLING FOR PUBLIC HEARING

-----X
WHEREAS, a written Petition, in due form and containing the required signatures, has been filed by 211 Middletown Group LLC with the Town Board of the Town of Wallkill, County of Orange, State of New York, for the extension of the sewage collection system within the Wallkill Consolidated Sewer District in the Town of Wallkill which concerns the lot designated on the Tax Map as Section 44 Block 1 Lot 25.12 located at 1089 Route 211 East; and

WHEREAS, the improvements proposed consist of the extension of the existing Wallkill Consolidated Sewer District sewage treatment facilities to provide sewage treatment services to the aforesaid property, and

WHEREAS, it is the intention of the Petitioner to construct the improvements proposed to be installed within the district at its sole cost, which cost includes all costs in connection with the extension of the sewer district, and

WHEREAS, together with the Petition the Petitioner submitted an Engineer's Report prepared by Lanc & Tully Engineering and Surveying, P.C. dated as of August 24, 2020 and a Short Environmental Assessment Form, and

WHEREAS, the Town Board is the sole Involved Agency in connection with the Petition for the extension of the facilities within the Wallkill Consolidated Sewer District.

NOW, THEREFORE, BE IT RESOLVED that on the 17th day of December, 2020 at 7:25 o'clock P.M. on said day the Town Board will meet and hold a public hearing to consider the extension of the facilities within the Wallkill Consolidated Sewer District, including the environmental significance thereof, and to hear all persons interested in the subject therefore, and for such other and further action on the part of the Town Board in connection with this matter as may be appropriate, and be it

FURTHER ORDERED that the Town Board does hereby assume Lead Agency status in connection with the SEQRA review of the Petition seeking to extend the Wallkill Consolidated Sewer District filed by the Petitioner, and be it

FURTHER ORDERED that the Town Clerk is hereby directed to publish a certified copy of this Order at least once in the official newspaper of the Town not less than 10 nor more than 20 days before the date of the hearing, and be it

FURTHER ORDERED that the Town Clerk is hereby directed to cause a certified copy of this Order to be posted on the sign board of the Town not less than 10 nor more than 20 days before the date of the hearing.

Dated: Town of Wallkill, New York
19th day of November, 2020

Motion By: Mr. _____

Seconded By: Mr. _____

Councilman Coyne Voting _____
Councilman Valentin Voting _____
Councilman Meyer Voting _____
Councilman Johnson Voting _____
Supervisor DenDanto Voting _____

Resolution No. : ___ of 2020

**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. DenDanto III				
TOTAL				

RESOLUTION OF THE WALLKILL TOWN BOARD ADOPTING LOCAL LAW NO. ___ OF 2020 CREATING A NEW CHAPTER OF THE TOWN CODE ENTITLED "UNATTENDED DONATION BOXES"

WHEREAS, the Town Board of the Town of Wallkill wishes to adopt a Local Law entitled "LOCAL LAW NO. ___ OF 2020 CREATING A NEW CHAPTER OF THE WALLKILL TOWN CODE ENTITLED "UNATTENDED DONATION BOXES" to regulate transportation for hire within the Town; and

WHEREAS, in connection with the proposed Local Law, the Town Board determined that said action is a Type II Action under Section 617.5 (c)(26) of the State Environmental Quality Review Act (SEQRA) and is not subject to further review under SEQRA; and

WHEREAS, a public hearing was held on November 19, 2020 at 7:25 p.m. to assist in the Town's consideration of the adoption of said Local Law and the public hearing was closed that same night; and

WHEREAS, the Town Board has considered the matters that were discussed at the public hearings and wishes to proceed with the adoption of said Local Law,

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Wallkill hereby adopts said Local Law No. ___ of 2020, entitled "LOCAL LAW NO. ___ OF 2020 CREATING A NEW CHAPTER OF THE WALLKILL TOWN CODE ENTITLED "UNATTENDED DONATION BOXES", a copy of which is attached hereto and made a part of this resolution; 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.

Town of Wallkill
Chapter 229
Unattended Donation Boxes

HISTORY:

The Town of Wallkill has specific locations where Unattended Donation Boxes (as defined herein) are in use. The Town Board deems it necessary to standardize the handling of these Unattended Donation Boxes and their locations in the interest of public health and safety.

§229-1 Intent.

The purpose of this Chapter is to regulate the placement of Unattended Donation Boxes (as defined herein) within the Town. The procedures and requirements of this chapter are enacted to:

- A. Promote the community's health, safety, and welfare by regulating Unattended Donation Boxes for clothing or other salvageable personal property within the Town;
- B. Ensure that Unattended Donation Boxes do not pose a hazard to pedestrian and vehicular traffic;
- C. Ensure that material is not allowed to accumulate outside of the Unattended Donation Boxes where it can be scattered by adverse weather conditions, animal contacts and human activities; and
- D. Establish criteria that avoid attracting vermin, unsightliness, and a public health hazard.

§229-2 Definitions.

OPERATOR

A person, entity, association or organization that places, maintains or operates Unattended Donation Box(es) to solicit donations of salvageable personal property.

PERMITTEE

The Property Owner of Lessee who is issued a permit authorizing placement of Unattended Donation Box(es).

PROPERTY OWNER

The person, entity, association or organization who owns the real property where the Unattended Donation Box(es) are or are proposed to be located.

RESIDENTIAL DISTRICT

Residential zoning districts as established pursuant Town code and Town zoning code, including but not limited to RA, RA-1, R2, APR, RA-H, R-M(B), PRD, and adopted specific plans with applicable residential zoning districts.

UNATTENDED DONATION BOX:

Any unattended container, receptacle, or similar device that is located on any property within the Town used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable materials governed or regulated by the Town zoning code or other applicable law.

§229-3 Unpermitted Unattended Donation Boxes Prohibited.

Unless otherwise exempt, it shall be unlawful and a public nuisance for any Property Owner or Operator to place, operate, maintain or allow Unattended Donation Box(es) on real property unless the Property Owner first obtains a permit issued pursuant to this Chapter and the Unattended Donation Box is placed, operated and maintained in accordance with all provisions of this chapter.

§229-4 Permit applications.

A. The permit application shall be made on a form provided by the Town Building Department and shall include the following information:

1. The name, address, email, website (if available) and telephone number of the Property Owner or applicant;
2. Written proof sufficient to establish that the Operator who will utilize the Unattended Donation Box is qualified to solicit donations of salvageable personal property pursuant to applicable local, state and/or federal law;
3. The text of the instructions, signage and disclosures that will be affixed to the Unattended Donation Box;
4. The physical address of the Property Owner's proposed location and a drawing sufficient to specify the proposed location of the Unattended Donation Box on the real property, as well as the size of the proposed Unattended Donation Box;
5. The proposed method of operating, monitoring, emptying, cleaning and maintaining the Unattended Donation Box, including, but not limited to, the proposed frequency of each of the aforesaid activities.

B. Each application shall be accompanied by a nonrefundable fee in an amount established annually by Town Board resolution. This fee shall be in addition to any fee or tax imposed by the Town pursuant to any other provision of the Town Code.

C. Applications shall be completed and filed with the Town Building Department, with payment.

D. Within 30 days of receiving a completed application, the Town shall issue a permit or deny the issuance of a permit.

E. The Town shall not issue a permit unless:

1. The applicant has submitted a complete and accurate application accompanied by the applicable fee;
2. The Operator who will maintain or operate the Unattended Donation Box is qualified to solicit donations of salvageable personal property pursuant to local, state or federal law;
3. The proposed location and placement of the Unattended Donation Box on the Property Owner's real property is in compliance with all applicable laws and will not impede pedestrian and/or bicycle traffic, sight distances onto adjacent streets, or vehicular traffic.

F. If the Building Inspector denies an application, he shall state the specific reasons for denial in writing.

G. Any permit issued shall be valid for one Unattended Donation Box. Multiple Unattended Donation Boxes controlled by the same Owner/Operator shall have separate permits for each box.

H. The term of the permit shall expire one year from the date of issuance.

I. No Permittee or Operator to whom a permit has been issued shall transfer, assign, or convey such permit to another person or Operator.

J. Prior to expiration of the permit, the Permittee may voluntarily surrender the permit by notifying the Building Department in writing of the intent to surrender the permit. The permit shall become void upon the Town's receipt of written notice of intent to surrender the permit. Upon such surrender, the Permittee shall remove the Unattended Donation Box from the permitted location within 14 calendar days from the date of surrender. Failure of the Operator/Permittee to remove the Unattended Donation Box, along with all accumulated personal property, clothing, debris and other items in the immediate area of the Unattended Donation Box will result in fines and penalties as prescribed annually by resolution of the Town board.

§229-5 Renewal of permits.

A. A Permittee may apply for permit renewal by submitting to the Building Department, before the expiration of the permit, a renewal application and a nonrefundable renewal fee in an amount set by resolution of the Town council.

B. The Building Inspector shall either approve or deny the renewal of a permit within 30 days of receipt of the complete renewal application and payment of the renewal fee.

C. The Building Inspector shall approve the renewal of a permit if he or she finds that no circumstances existed during the term of the permit, existed at the time of submission of an application for renewal, or existed at any time during the review of the application for renewal that are inconsistent with any finding required for approval of a new permit or that would justify the revocation of the permit.

D. A permit may be suspended or revoked for cause, if an Operator/Permittee is found to be violation of the below guidelines to operate and maintain the Unattended Donation Box.

§229-6 Unattended Donation Box requirements for operation and maintenance.

A. A Permittee shall operate and maintain or cause to be operated and maintained, all Unattended Donation Box(es) located in the Town as follows:

1. Unattended Donation Box(es) shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;
2. Unattended Donation Box(es) shall be locked or otherwise secured;
3. Unattended Donation Box(es) shall contain the following contact information in two-inch type visible from the front of each Unattended Donation Box: the name, address, email, and phone number of both the Permittee and Operator;
4. Unattended Donation Box(es) shall be serviced and emptied as needed, but at least once per month, or within five business days of a request by the Town.

B. The Permittee shall maintain or cause to be maintained the area surrounding the Unattended Donation Box free of any junk, garbage, trash, debris or other refuse material.

C. The Permittee and Operator shall be individually and severally responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the Unattended Donation Box within twenty-four hours of written or verbal notice from the Town.

D. The Permittee and Operator shall be individually and severally responsible for all costs for abating and removing any junk, garbage, trash, debris and other refuse material from the area surrounding the Unattended Donation Box as well as fines associated with littering in the event said boxes are not maintained.

E. It shall be unlawful for any Property Owner or Operator to place an Unattended Donation Box in any Residential District.

F. No Unattended Donation Box shall be placed within four hundred feet from another Unattended Donation Box.

G. No Unattended Donation Box shall be placed in designated parking spaces on private commercial property.

H. No more than one Unattended Donation Box shall be placed on each tax map parcel of real property.

§229-7 Revocation of permit, removal of Unattended Donation Box(es) and liability.

A. The Town shall have the right to revoke any permit issued hereunder under the following circumstances:

1. If any of the grounds upon which it may have refused to issue an initial permit exists;

2. The failure of the Permittee to comply with the provisions of this Chapter, other provisions of the Town Code, or other local, state or federal law; or
 3. The Town determines that the continued presence of the permitted Unattended Donation Box in its current location in any way compromises the health, safety and/or welfare of the public.
- B. In such event, the Town shall provide a written notice to the Permittee stating the specific grounds for such suspension or revocation. Upon such suspension or revocation, the Unattended Donation Box shall be removed from the Permittee's real property within 30 calendar days and, if not removed within this time period, the Town may remove, store and dispose of the Unattended Donation Box at the Permittee's sole cost and expense.
- C. Upon suspension or revocation, a Permittee shall be prohibited from applying for a permit to place an Unattended Donation Box at any location within the Town of Wallkill for a period of one year.
- D. Any violation of the provisions of this Chapter constitutes a public nuisance subject to abatement pursuant to this code or as otherwise permitted by law.

§229-8 Violation; Penalties.

Any person violating any provision of this Chapter is guilty of a violation.

§229-9 Appeal of Denial, Suspension or Revocation.

Any person aggrieved by the decision rendered by the Town in:

1. Granting or denying an application for a permit under this Chapter;
2. Granting or denying an application to renew a permit under this Chapter; or
3. Suspending or revoking a permit issued hereunder

may appeal such decision to the Town Supervisor. The appeal shall be made by filing a written notice thereof with the Town Clerk not later than ten calendar days after receiving notice of the decision from the Town. The Town Supervisor shall hold a hearing on the appeal within 30 calendar days and issue a decision within 10 business days following the conclusion of the hearing. Any party aggrieved by the decision of the Supervisor may appeal such decision to the Town Board within 5 days of receipt of the Supervisor's decision. The Town Board may choose to hold a further appeal hearing or decide the matter on the existing record. A decision of the Town Board will be issued within 45 days of the date when the appeal was filed with the Town Clerk.

§229-10 Administrative fees.

The Town Board may, by resolution, establish reasonable fees and deposits to defray the cost of processing applications, appeals and for the administration of this chapter.

§229-11 Exemption.

Unattended Donation Boxes located entirely within the interior of a building are exempt from the requirements of this Chapter, in the event that the Operator and Property Owner are one in the same and not to the extent that they violate other Town building or fire codes.