

## Town Board Meeting Agenda

TOWN OF WALLKILL  
August 22, 2019

TOWN BOARD MEETING  
TIME: 7:30 PM

Pledge of Allegiance

Moment of Silence: Erika Vance – Mother of Al Vance, Asst. Building Inspector  
Dave Quakenbush – Past Chief Goshen FD, Grandfather of  
Brandy Yahm, Accounting Office  
Connie Squillace – Longtime Resident & Community Advocate

1. PUBLIC PARTICIPATION ON AGENDA ITEMS BELOW ONLY (3 MINUTES EACH INDIVIDUAL)
2. CORRESPONDENCE:
  - Orange County Clerk/Concert
3. RESOLUTIONS:
  1. Resolution Snow & Ice Removal Agreement.
  2. Resolution Authorizing Budget Amendments.
  3. Resolution to Enter into Agreement with Orange County for 2019 Development Block Grant Program.
  4. Resolution Authorizing Conversion of the Maple Fields Development Project Phase V Bond from Performance to Maintenance.
  5. Resolution Scheduling Public Hearing to Extend Building Permit Duration
  6. Resolution to Schedule Public Hearing to Amend PRD Overlay District (gross area requirement for each use);
  7. Amend Resolution of Support for Devitt/Med Parc Project.
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

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING THE TOWN SUPERIVSOR TO  
ENTER INTO AN AGREEMENT FOR CONTROL OF SNOW AND ICE ON CERTAIN  
COUNTY ROADS FOR THE 2019/2020 WINTER SEASON PURSUANT TO ARTICLE  
5-G OF THE GENERAL MUNICIPAL LAW**

**WHEREAS**, the Town of Wallkill has the necessary machinery and equipment to exercise control of snow and ice removal upon certain County roads in the Town of Wallkill; and

**WHEREAS**, it will be beneficial to the County for said work to be performed by the Town of Wallkill; and

**WHEREAS**, the Town of Wallkill is willing to exercise the aforesaid control of snow and ice removal on certain County roads in accordance with its past practices;

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

**RESOLVED**, that the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor or his designated representative to enter into an agreement with the County of Orange for control of snow and ice removal on certain County roads for the 2019/2020 Winter Season upon the terms and conditions of that agreement, subject to approval of the Town Attorney.

:

**THE TOWN OF WALLKILL  
TOWN BOARD**

**ROLL CALL VOTE**

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> <b>Mr. Coyne</b>				
<i>Councilman</i> <b>Mr. Valentin</b>				
<i>Councilman</i> <b>Mr. Meyer</b>				
<i>Councilman</i> <b>Mr. Johnson</b>				
<i>Supervisor</i> <b>Mr. Diana</b>				
<b>TOTAL</b>				

The following was presented:

By:

Sec'd by:

Date of Adoption:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING BUDGET AMENDMENTS**

1. It is hereby resolved that the following amendment be made to the 2019 budget for the Water Fund Purchase of Equipment:

**Transfer \$45,820**

**From: Water Fund Balance (SWA599)**  
**To: Water Fund Purchase of Equipment (SWA834.2)**

The amendment is needed to purchase an F350 to replace current Truck #150 and was planned to purchase from fund balance during the 2019 budget process.

2. It is hereby resolved that the following amendment be made to the 2019 budget for the General Fund:

**Transfer \$850**

**From: General Fund Contingency (1990.4)**  
**To: Tax Collector Purchase of Equipment (A1330.21)**

The amendment is needed to cover the cost of a computer replaced due to warranty expiration, per the BAS replacement policy.

3. It is hereby resolved that the following amendment be made to the 2019 budget for the General Fund:

**Transfer: \$1,600**

**From:           General Fund Balance (A599)**  
**To:               Safety Supplies (A3120.4112)**

This amendment is requesting to utilize a portion of grant funds received for the Child Safety Seat Program in 2018. We received \$2,795 in October 2018, and we need to now order more seats for the program.

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

**RESOLUTION AUTHORIZING THE TOWN OF WALLKILL SUPERVISOR  
TO ENTER INTO A MUNICIPAL SUBRECIPIENT AGREEMENT WITH  
ORANGE COUNTY FOR THE FISCAL YEAR 2019 COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM**

**WHEREAS**, under Title 1 of the Housing and Community Development Act of 1974, as amended, the New York State Housing Trust Fund Corporation is authorized to administer and distribute Community Development Block Grant (“CDBG”) funds to local governments within the State of New York to assist in qualified municipal projects; and

**WHEREAS**, the proposed Municipal Agreement, annexed hereto, allows the Town to use available CDBG funds to pay the non-Federal share or local match funds required in connection with certain Federal grant-in-aid programs undertaken as part of CDBG activities; and

**WHEREAS**, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the Federal government either directly or through the state, pursuant to the provisions of any Federal Law which is not inconsistent with the statutes or constitution of this state, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

**WHEREAS**, the Town of Wallkill applied for and received funding for the 2019 Fiscal Year for Drainage and Pavement Improvements to Ridgewood Avenue; and

**WHEREAS**, it is desirable and in the public interest that the Town of Wallkill participate in the aforesaid CDBG program,

Resolution No. \_of 2019

**NOW THEREFORE, IT IS HEREBY RESOLVED**, that the Town Supervisor, or his designee is hereby authorized and directed to execute a Municipal Agreement with Orange County for the purpose of obtaining CDBG funds for the 2019 Fiscal Year for Drainage and Pavement Improvements to Ridgewood Avenue, subject to approval of the Town Attorney with respect to the form and content of said Agreement.

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING CONVERSION OF THE MAPLE FIELDS DEVELOPMENT  
PROJECT PHASE V BOND FROM PERFORMANCE TO MAINTENANCE**

**WHEREAS**, Baker Residential Limited Partnership has posted a certain performance bond with the Town from Travelers Casualty & Surety Company of America for the construction of Maple Fields Phase V, and

**WHEREAS**, Baker Residential Limited Partnership has requested that the aforementioned performance bond be converted from performance to the maintenance category in accordance with Town Code requirements; and

**WHEREAS**, the Town's Consulting Engineer has indicated by correspondence dated August 12, 2019 that it has no objection to Baker Residential Limited Partnership's request, provided that the bond noted below to be posted by Baker Residential Limited Partnership is acceptable in form and content to the Town Attorney;

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. That the Town Board hereby approves the reduction of security and subsequent establishment of a one (1) year maintenance bond with respect to the performance bond # 106602333 posted in connection with Phase V of the Maple Fields Project from \$436,203.63 to \$159,726.61.
2. That said reduced security amount and subsequent maintenance bond may be posted in the form of a maintenance bond, a letter of credit or cash escrow and shall not be accepted by the Town Clerk until such time as the form and content of the modified non-cash instrument is found to be acceptable by the Town

Resolution No. :\_of 2019

Attorney; and

3. That the Town Supervisor or his designee is authorized to execute any necessary document 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>Councilman</i> <b>Mr. Coyne</b>				
<i>Councilman</i> <b>Mr. Valentin</b>				
<i>Councilman</i> <b>Mr. Meyer</b>				
<i>Councilman</i> <b>Mr. Johnson</b>				
<i>Supervisor</i> <b>Mr. Diana</b>				
<b>TOTAL</b>				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
SCHEDULING TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO  
AMENDING CHAPTER 82 OF THE TOWN CODE TO EXTEND THE DURATION OF  
BUILDING PERMITS ISSUED WITHIN THE TOWN OF WALLKILL**

**WHEREAS**, the Town Board of the Town of Wallkill wishes to consider the adoption of a local law amending Chapter 82, Section 82-8 of the Town Code to extend the initial duration of building permits to one year with a one-year extension at the discretion of the Building Inspector; and

**WHEREAS**, the Town Board wishes to schedule a public hearing for September 26, 2019 at 7:25 p.m. to consider the adoption of the foregoing proposed amendment to the Town Code; and

**WHEREAS**, said code change is listed as 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

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that a public hearing be held by the Town Board on September 26, 2019 at 7:25 p.m. with respect to amending Section 82-8 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.

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
SCHEDULING TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER  
AMENDING TOWN CODE SECTION 249-82 ENTITLED PLANNED RESIDENTIAL  
DEVELOPMENT OVERLAY DISTRICT**

**WHEREAS**, the Town Board of the Town of Wallkill is considering the adoption of a local law amending Town Code Section 249-82 to give the Town Planning Board certain flexibility with respect to determining the appropriate gross land areas required for certain uses within a Planned Residential Development Overlay District; and

**WHEREAS**, the Town Board seeks to review the potential adverse environmental impacts of said zoning change local law pursuant to SEQRA; and

**WHEREAS**, the Town Board of the Town of Wallkill hereby preliminarily determines that the aforementioned proposed amendment to the Town Code is a Type I action subject to SEQRA regulations and declares that it will be the Lead Agency with respect to the consideration, review, and determination of significance of the proposed the zone change pursuant to SEQRA regulations § 617.6(b)(1)(I); and

**WHEREAS**, the Town Board wishes to set a time and place for a public hearing to consider the adoption of the foregoing zoning change local law and to consider the potential environmental impacts of the same; and

**WHEREAS**, the Town Board seeks public comment and suggestions regarding the zoning change proposal; and

**WHEREAS**, the Town Board seeks to review the potential environmental impacts of said zoning change proposal pursuant to SEQRA; and

Resolution No. :\_of 2019

**WHEREAS**, the Town Board will consider such information and comments as may be provided at the hearing on the proposed zoning change proposal in making its determination of significance as Lead Agency,

**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 Zoning Code is an action subject to SEQRA regulations; and
2. The Town Board preliminarily classifies the aforementioned action as Type I, 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 proposed zoning map amendment 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. That a public hearing be held by the Town Board on September 26, 2019 at 7:25 p.m. with respect to amending Section 249-82 of the Town Code; and
6. 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
7. The Town Clerk is directed to refer this matter to the Town of Wallkill Planning Board for action consistent with Town Code Section 249-49; and
8. That the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law and to keep copies of the aforementioned local law on file for public review.

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

**AMENDED RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
PURSUANT TO TOWN CODE §249-26.2(C)(13) and (14) IN SUPPORT OF THE  
APPLICATION OF MED PARC LLC TO APPLY TO THE TOWN PLANING BOARD  
FOR A SPECIAL USE PERMIT TO CONSTRUCT A WAREHOUSE/DISTRIBUTION  
FACILITY WITHIN THE TOWN**

**WHEREAS**, By Resolution # 75 dated June 27, 2019 and in accordance with Town Code §249-26.2(C)(13) and (14), the Town Board of the Town Wallkill voted to support the application of Devitt/Med Parc LLC to seek approval from the Town Planning Board to construct and operate a warehouse/distribution facility or distribution facility within its approved cluster subdivision (the "Project") on a 43 acre parcel of land located in the Office and Research (OR) District of the Town on at 599 East Main Street known as Tax Map # 78-1-94.1 (the "Project Site"); and

**WHEREAS**, the applicant has requested that the size of the intended facility be increased from 270,000 to 300,000 square feet; and

**WHEREAS**, the Town Board does not object to the proposed Project amendment; and

**WHEREAS**, notwithstanding the Town Board's support, the Project, as amended, must still comply with the local planning, zoning and relevant environmental review processes for any required approvals in order to ensure the protection of the health, safety and welfare of the residents of the community; and

**WHEREAS**, the support of the Town Board is conditioned upon each of the criteria set forth below being agreed to and carried out by Devitt/Med Parc LLC,

**NOW THEREFORE, IT IS HEREBY**

**RESOLVED**, that the Town Board of the Town of Wallkill continues to support the application filed by Devitt/Med Parc LLC with the Town Planning Board to construct and operate a warehouse/distribution facility or distribution facility within its approved cluster subdivision on a 43 acre parcel of land located in the Office and Research (OR) District of the Town on Sullivan Lane known as Tax Map # 78-1-94.1, subject to the following conditions, with a copy of this Resolution to be submitted as an exhibit to the Planning Board Special Use Permit Application:

- The proposed facility shall be limited to a maximum square footage of 300,000 to be constructed consistent with the rendering prepared by Engineering & Surveying Properties, P.C. dated October 18, 2018;
- Devitt/Med Parc LLC shall pay all fees incurred by the Town for professional services rendered in connection with this Project, including, but not limited to, legal fees and engineering consultant fees. Such fees will be paid pursuant to a Developer's Escrow Agreement between the Town and Devitt/Med Parc LLC;
- All legal restrictions and zoning laws relevant to the property in effect at the time that the special use permit application was submitted to the Town Planning Board shall control any future development of the Project Site whether such laws and restrictions are reduced in any fashion.
- In the event that the special use permit application is denied by Town Planning Board for any reason, this resolution shall become null and void upon such denial; and is further

**RESOLVED**, that this Resolution amends the original support Resolution # 75 of the Town Board dated June 27, 2019 with respect to this Project; and

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Chairman of the Town of Wallkill Planning Board.