

## Town Board Meeting Agenda

TOWN OF WALLKILL  
November 17, 2022

TOWN BOARD MEETING  
TIME: 7:25 PM

**Pledge of Allegiance-** by American Heritage Girls

**Moment of Silence –**

- Frank E. Nutt, Sr.- was the Originator, Organizer, 1<sup>st</sup> President and 1<sup>st</sup> Chief of The Silver Lake Fire Department in the Town of Wallkill
- Victims of the Shooting at The University of Virginia and University of Idaho

1. **7:25 - Public Hearings**

- Tax Map No. 2-1-28 & 32 - 50 Glazer Rd, Bloomingburgh, N.Y. to be utilized for Preservation Of Open Spaces & Areas

2. **Orange County Tourism Presentation-** Rachel Carr

3. **Historical Moment –** Tom Nosworthy, Town Historian

4. **PUBLIC PARTICIPATION (3 Minutes) –** Agenda Items Only

5. **CORRESPONDENCE -**

6. **RESOLUTIONS:**

1. Resolution – To Adopt The Town Budget For Fiscal Year 2023
2. Resolution – To Approve The Benefit Assessment Roll For The Year 2023
3. Resolution – To Approve The Town Water & Sewer Rates For Fiscal Year 2023
4. Resolution - Promoting TOW Police Officer to Full Time Sergeant
5. Resolution - Promoting TOW Police Officer to Full Time Detective
6. Resolution – To Appoint a Part-Time Code Enforcement Officer
7. Resolution - Town Board Ratifying MOA w/ CSEA for Clerical Unit II to Renew CBA
8. Resolution – To Adopt Local Law Establishing 6 Month Moratorium for Development of Warehouses & Distribution Facilities in the Town of Wallkill

7. **COUNCILMAN'S COMMENTS:**

8. **COMMITTEE REPORTS**

9. **SUPERVISOR'S COMMENTS:**

10. **TOWN CLERK'S COMMENTS:**

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

12. **PUBLIC PARTICIPATION (3 MINUTES EACH INDIVIDUAL)**

13. **MOTION TO ADJOURN**

## **TOWN OF WALLKILL NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that pursuant to General Municipal Law §247(2), a public hearing will be held by the Town Board of the Town of Wallkill on November 17, 2022 at 7:25 p.m. at 99 Tower Drive, Building A, Middletown, New York to consider the acquisition certain parcel of real property within the Town currently owned by Linbania Jacobson to be utilized for the preservation of open spaces and areas:

Tax Map No.      2-1-28 & 32                      50 Glazer Rd., Bloomingburg, New York

**PLEASE TAKE FURTHER NOTICE** that any resident of the Town of Wallkill is entitled to be heard at the scheduled public hearing.

The Town of Wallkill will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk's office at (845) 692-7800.

**BY ORDER OF THE TOWN BOARD OF THE TOWN OF WALLKILL, NEW YORK.**

**DATED:**      October 19, 2022

Louisa M. Ingrassia, Town Clerk

Resolution No. : \_\_\_ of 2022

**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. Serrano</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  
ADOPTING THE TOWN BUDGET FOR THE FISCAL YEAR 2023**

**WHEREAS**, pursuant to Town Law section 106, the Town Supervisor filed the tentative budget for 2023 with the Town Clerk on or before the 30<sup>th</sup> day of September 2022; 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 2022; and

**WHEREAS**, pursuant to Town Law section 108, the Town Board held a public hearing on the preliminary budget on October 27, 2022, 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, 2023, 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**

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. Serrano</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  
APPROVING THE BENEFIT ASSESSMENT ROLL FOR THE YEAR 2023**

**WHEREAS**, on October 27, 2022, the Town Board of the Town of Wallkill held a public hearing on the proposed 2023 Benefit Assessment Roll for the special districts within the Town, accepted public comment and closed the public hearing after inviting public comment, and

**WHEREAS**, the proposed Benefit Assessment Roll is reasonable and benefit the users of said special districts,

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

1. The Town Board hereby approves the Benefit Assessment Roll for the Year 2023 presently on file in the Office of the Town Clerk; and
2. The Town Clerk is hereby directed to forward said Benefit Assessment Roll to the Office of the Town Assessor without amendment or modification.

**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. Serrano</b>				
<b>TOTAL</b>				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
APPROVING THE TOWN WATER AND SEWER RATES  
FOR THE FISCAL YEAR 2023**

**WHEREAS**, on October 27, 2022, the Town Board of the Town of Wallkill held a public hearing to discuss proposed changes in the rates for water and sewer usage for properties within and outside the boundaries of the Town’s water and sewer districts; and

**WHEREAS**, the Town Board of the Town of Wallkill believes that the proposed rates are in the best interests of the residents of the Town of Wallkill and should be approved;

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that as of January 1, 2023, the following water and sewage usage rates for properties within and outside the boundaries of the Town’s water and sewer districts shall take effect:

- Water in District: \$2.95/1000 gal.
- Water out of District: \$5.90/1000 gal.
- Sewer in District: \$3.15/1000 gal.
- Sewer out of District: \$6.30/1000 gal., and it is further

**RESOLVED**, that the Commissioner of Public works is hereby directed to notify all appropriate Town Personnel and Officials that the aforesaid rates shall go into effect on January 1, 2023 for billing and notification purposes; and it is further

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

Resolution No. : \_\_\_ of 2022

**ROLL CALL VOTE**

**THE TOWN OF WALLKILL  
TOWN BOARD**

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. Serrano</b>				
<b>TOTAL</b>				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
PROMOTING DANIEL GRAHAM TO THE RANK OF FULL-TIME SERGEANT IN  
THE TOWN POLICE DEPARTMENT**

**WHEREAS**, there exists a vacancy in the Town of Wallkill Police Department at the rank of full-time Sergeant; and

**WHEREAS**, Town Police Officer Daniel Graham fulfills the requirements of knowledge, skills, and experience for said position; and

**WHEREAS**, it is the opinion of the Chief of Police and the Town Board that Daniel Graham is qualified to fill said position and meets all appropriate civil service requirements for the position;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Wallkill hereby promotes Daniel Graham to the rank of full-time Sergeant to serve in said capacity at the Town of Wallkill Police Department; and be it further

**RESOLVED**, that said appointment shall become effective immediately, subject to all appropriate documentation being submitted to and accepted by the Orange County Department of Human Resources-Civil Service Department.

Resolution No. : \_\_\_ of 2022

**ROLL CALL VOTE**

**THE TOWN OF WALLKILL  
TOWN BOARD**

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. Serrano</b>				
<b>TOTAL</b>				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
PROMOTING OFFICER JOHN ZONNEVELD TO THE POSITION OF FULL-TIME  
DETECTIVE**

**WHEREAS**, there exists a vacancy in the Town of Wallkill Police Department at the position of full-time detective; and

**WHEREAS**, Current Town Police Officer John Zonneveld fulfills the requirements of knowledge, skills, and experience for said position; and

**WHEREAS**, it is the opinion of the Chief of Police and the Town Board that Officer John Zonneveld is qualified to fill said position;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Wallkill hereby promotes Officer John Zonneveld to the position of full-time detective to serve in said capacity at the Town of Wallkill Police Department; and be it further

**RESOLVED**, that said appointment shall be effective immediately, subject to all appropriate documentation being submitted to and accepted by the Orange County Department of Human Resources-Civil Service Department.

**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. Serrano</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  
APPOINTING A PART-TIME CODE ENFORCEMENT OFFICER**

**WHEREAS**, there exists a vacancy in the Town of Wallkill Building Department for a part-time Code Enforcement Officer; and

**WHEREAS**, Javier Rojas fulfills the civil service requirements of knowledge, skill, and experience for the part-time Code Enforcement Officer position; and

**WHEREAS**, the Town of Wallkill Building Department has a need for a part-time Code Enforcement Officer for the efficient and cost-effective functioning of that Department; and

**WHEREAS**, it is the opinion of the Town Board of the Town of Wallkill that the aforesaid person is qualified to fill said position;

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Town Board of the Town of Wallkill hereby appoints Javier Rojas to the position of part-time Code Enforcement Officer to serve in said capacity at the Town of Wallkill Building Department, at an hourly wage of \$24.05, as specified in the applicable collective bargaining agreement, effective as of December 5, 2022, pending submission to and approval by the Orange County Department of Human Resources-Civil Service Department of all appropriate documentation.



**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. Serrano</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  
RATIFYING A MEMORANDUM OF AGREEMENT BETWEEN  
THE TOWN AND CSEA, INC. TOWN OF WALLKILL CLERICAL UNIT II TO  
RENEW THE COLLECTIVE BARGAINING AGREEMENT**

**WHEREAS**, the Town and the CSEA, Inc. Town of Wallkill Clerical Unit II (the "Union") are parties to a collective bargaining agreement; and

**WHEREAS**, the Town Board and the Union have agreed to modify and extend the terms of the collective bargaining agreement through and including December 31, 2027; and

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

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

**THAT** said Town Board hereby ratifies and approves the Memorandum of Agreement between the Town of Wallkill and the Union dated as of November 11, 2022, a copy of which is annexed to this resolution.

Resolution No. : \_\_\_ of 2022

**ROLL CALL VOTE**

**THE TOWN OF WALLKILL  
TOWN BOARD**

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. Serrano</b>				
<b>TOTAL</b>				

**RESOLUTION OF THE WALLKILL TOWN BOARD ADOPTING LOCAL LAW NO. \_\_\_ OF 2022 ESTABLISHING A SIX-MONTH MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF APPLICATIONS FOR THE DEVELOPMENT OF WAREHOUSES AND DISTRIBUTION FACILITIES IN THE TOWN OF WALLKILL**

**WHEREAS**, there is a current review being undertaken by the Town of Wallkill’s Comprehensive Master Plan Committee and the Town Board hereby finds that there is a need to impose a Moratorium on the review and approval of applications for the construction and development of warehouses and distribution facilities in the Town.; and

**WHEREAS**, there has been introduced before the Town Board of the Town of Wallkill, a local law entitled “A Local Law Establishing a Six-Month Moratorium Prohibiting the Review and Approval of Applications for the Development of Warehouse and Distribution Facilities in the Town of Wallkill”; and

**WHEREAS**, the Town Board of the Town of Wallkill is empowered by the State to adopt such a local law pursuant to Municipal Home Rule Law; and

**WHEREAS**, moratoria are listed as Type II Actions under §617.5 of the State Environmental Quality Review Act (SEQRA) and, as such, are not subject to review under SEQRA; and

**WHEREAS**, a public hearing was held on October 12, 2022 at 7:25 p.m. to assist in the Town’s consideration of the need to enact the aforesaid moratorium; and

**WHEREAS**, in accordance with General Municipal Law Sections 239-1 and 239-m, the proposed local law was referred to the Orange County Department of Planning for a determination of any county-wide impacts related to the establishment of a planned residential development overlay district; and

Resolution No. : \_\_\_ of 2022

**WHEREAS**, by Letter dated \_\_\_\_\_, 2022, the Orange County Department of Planning found the proposed action to be a local determination with no county-wide impacts and fully supported the local law; and

**WHEREAS**, the Town Board has determined that establishing the aforesaid moratorium is in the best interest of the general public safety and welfare; and

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Town Board of the Town of Wallkill hereby adopts said Local Law No. \_\_\_ of 2022, entitled “A Local Law Establishing a Six-Month Moratorium Prohibiting the Review and Approval of Applications for the Development of Warehouse and Distribution Facilities in the Town of Wallkill”, 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.

# *Local Law Filing*

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**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village  
(select one.)

**of Wallkill**

**Local Law No. \_\_\_\_ of the year 2022**

**A LOCAL LAW ENTITLED “A LOCAL LAW ESTABLISHING A SIX-MONTH  
MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF APPLICATIONS  
FOR THE DEVELOPMENT OF WAREHOUSES AND DISTRIBUTION FACILITIES  
IN THE TOWN OF WALLKILL”**

**Be it enacted by the Town Board of the Town of Wallkill as follows:**

See attached.

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**(If additional space is needed, attach pages the same size as this sheet, and number each.)**

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**TOWN OF WALLKILL**

**INTRODUCTORY LOCAL LAW NO. \_\_\_ OF 2022**

**A LOCAL LAW ENTITLED “A LOCAL LAW ESTABLISHING A SIX-MONTH MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF APPLICATIONS FOR THE DEVELOPMENT OF WAREHOUSES AND DISTRIBUTION FACILITIES IN THE TOWN OF WALLKILL”**

Be it enacted by the Town Board of the Town of Wallkill, County of Orange, State of New York as follows:

**Section 1. Title.**

This Local Law shall be referred to as “A LOCAL LAW ESTABLISHING A six-MONTH MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF APPLICATIONS FOR THE DEVELOPMENT OF WAREHOUSES AND DISTRIBUTION FACILITIES IN THE TOWN OF WALLKILL”.

**Section 2. Definitions.**

“Code” means the Town of Wallkill Code.

“Plan” means the Town of Wallkill Comprehensive Master Plan.

“Town” means the Town of Wallkill.

“Town Board” means the Town Board of the Town of Wallkill.

“Town Clerk” means the Town Clerk of the Town of Wallkill.

“Land Use Approvals” means site plan approvals, subdivision plats, special use permits, and variances.

“Warehouse” is defined in the Town of Wallkill Code Section 249-3.

“Distribution Facilities as defined in Town Code Section 249.26(14).

**Section 3. Legislative Findings, Purpose and Intent.**

The Town Board hereby finds that many economic and social impacts and trends have changed since the Town’s last review of its Comprehensive Plan. There is a current review being undertaken by the Town’s Comprehensive Master Plan Committee. Therefore, the Town Board hereby finds that there is a critical and compelling need, in the public interest as set forth herein, to impose a Moratorium on the review and approval of applications for the construction and development of warehouses and distribution facilities in the Town.

The Town Board recognizes the impact that warehouse or distribution facility development, or potential warehouse or distribution facility development in the Town may

have on the health, safety and general welfare of the Town, its inhabitants and visitors, and upon existing uses, public services, infrastructure, traffic and the environment in general. Presently, there are applications pending before the Town Planning Board that, if approved, would add in excess of four million additional square feet (4,000,000 sf) of warehouse space within the Town. This is an urgent situation, and these circumstances require that the Town Board review and update the Town's Plan in order to, inter alia, ensure that existing and future warehouses and distribution facilities are located in the appropriate zoning districts within the Town. Pending adoption of the aforesaid updated Plan, and any updated zoning regulations that result as a consequence thereof, it is necessary for the Town Board to take reasonable temporary measures to prohibit the review and approval of any land use applications relating to the construction and development of all warehouses and distribution facilities in all districts within the Town in order to protect the public interest and welfare.

The Town Board has created a Comprehensive Master Plan Committee to provide guidance and recommendations regarding updating the Plan, and to amend all required provisions in the Town Code and related land use regulations in a manner that is consistent with the most appropriate Plan, as may be amended, to encourage lawful, smart, and sustainable development in the Town.

Pursuant to the statutory powers vested in the Town to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Wallkill hereby declares a six-month moratorium on the submission and processing of any applications of land use approvals, including site plan approvals, subdivision plats, special use permits, and variances (hereinafter "Land Use Approvals") for all Warehouses and Distribution Facilities within the Town pending the Town Board's completion and adoption of an update to the Comprehensive Plan and applicable zoning regulations.

#### **Section 4.     **Scope of Controls****

##### **A. During the effective period of this Local Law:**

1. No permits shall be issued for the permitting, construction and/or installation of Warehouses or Distribution facilities in any districts within the Town without the approval of the Town Board of the Town of Wallkill, which approval will not be considered except in the event of proven hardship.
2. The Town Planning Board shall not accept any application, grant any approval to, or continue the review of a subdivision plat, site plan, special use permit or other permit that includes the permitting, construction and/or development of a Warehouse or Distribution Facility in any districts within the Town or would have as a result of the enlargement, relocation, or modification of an existing Warehouse or Distribution Facility.
3. The Town Zoning Board of Appeals shall not accept any application or grant any approval for a variance or other permit that would have as a result the permitting, construction and development of a Warehouse or Distribution Facility in any districts within the Town.
4. The Town of Wallkill Building Department shall not accept any building permit

application or grant any Certificate of Occupancy or Certificate of Compliance for any Warehouse or Distribution Facility.

**Section 5. Specific Exemptions.**

Notwithstanding the foregoing, the following are hereby exempt from the moratorium and may proceed with the usual permitting and licensing procedures as are currently provided by the Town Code.

- A. Any Warehouse or Distribution Facility project that has received a Negative Declaration (Notice of Determination of Non-Significance) from the lead agency charged with reviewing the proposed project pursuant to Title 6, Chapter VI, Part 617 of the New York State Environmental Quality Review Regulations (“SEQR”) or if said lead agency has accepted a fully completed Draft Environmental Impact Statement (“DEIS”) for review in the event that a Positive Declaration pursuant to the SEQR regulations has been issued.
- B. Any proposed warehouse or distribution facility having a maximum cumulative gross area of forty thousand (40,000) square feet and no more than three (3) truck docks per parcel. A single parcel shall not be subdivided to create independent lots for the purpose of proposing more than one forty thousand (40,000) square foot warehouse and/or distribution facility.
- C. Any proposed warehouse or distribution facility that has received final project approval from the Town Planning Board prior to the effective date of this Local Law, including any property owner and/or applicant has received a lawful extension which has not expired.
- D. Building permits and certificates of occupancy may be issued for the repair of damage to any previously approved Warehouse or Distribution Facility.

**Section 6. Term.**

The moratorium imposed by this Local Law shall be in effect for six months from the effective date of this Local Law.

**Section 7. Hardship.**

- A. Should any owner of property affected by this Local Law suffer an unnecessary and extraordinary hardship due to the enactment and application of this Local Law, then the owner of said property may apply to the Town Board of the Town of Wallkill in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary or extraordinary hardship shall not be:
  - a. the mere concern that regulations may be changed or adopted, or that the Plan may be amended; or
  - b. the mere delay in being permitted to make an application or waiting for a

decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.

- B. An application for an exception based upon unnecessary or extraordinary hardship shall be filed with the Town Clerk no earlier than the effective date of this Local Law, including a fee of one thousand and 00/100 Dollars (\$1,000.00) for each tax map parcel claimed to be subject to unnecessary or extraordinary hardship, by the landowner or the applicant upon the consent of the landowner. The application shall provide a recitation of the specific facts that are alleged to support the claim of unnecessary or extraordinary hardship and shall contain such other information and/or documentation as the Town Board, shall prescribe as necessary for the Town Board to be fully informed with respect to the application.
- C. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variance from this Local Law, the Town Board shall, within forty-five (45) days of receipt of a completed application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town of Wallkill. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within thirty (30) days of the close of said Public Hearing, render its decision either granting, denying, granting in part or denying in part, the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary or extraordinary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.
- D. Standard of Review. In reviewing an application for an exception based upon a claim of unnecessary or extraordinary hardship, the Town Board shall consider the following criteria:
  - a. The extent to which the proposed development activity would cause significant environmental harm, adversely impact surrounding natural resource areas, public health, comfort or safety concerns and/or have a negative impact upon the Town.
  - b. Whether the moratorium will expose a property owner or applicant to substantial monetary liability to a third person or would leave the property owner or applicant completely unable, after a thorough review of alternative solutions, to have a reasonable alternative use of the property.

**Section 8. Penalties.**

Any person, firm or entity that shall construct and/or develop a Warehouse or



Distribution Facility in any district within the Town or would have as a result the enlargement, relocation, or modification of an existing Warehouse or Distribution Facility in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and
- B. A fine not to exceed \$2,500.00 per day from the date that any action is taken in contravention of this local law or imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment, together with any other civil remedies available at law; and
- C. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

Any application accepted or approval granted in violation of this Local Law shall be null and void.

**Section 9.     Superseding and Repealer Provisions.**

This Local Law shall supersede the Town of Wallkill Zoning Code in its entirety, the applicable sections of Article 16 of the Town Law, including, but not necessarily limited to Sections 130, 261, 262, 263, 264, 265, 267, 267-a, 267-b, 268, 269, 274-a, 274-b, 276, 277 and 278, 279 and Executive Law Section 381 to the extent inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law or any other statute determined to be in conflict with the provisions hereof.

**Section 10.    Severability.**

If any part or 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 11.    Repeal.**

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

**Section 12.    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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as Introductory Local Law No. 4 of 2018 of the (County)(City)(Town)(Village) of Wallkill was duly passed by the Town Board of the Town of Wallkill on \_\_\_\_\_, 2018, in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.

*(Name of Legislative body)*

*(Elective Chief Executive Officer\*)*

~~**3. (Final adoption by referendum.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

*(Name of Legislative body)*

*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

*(Name of Legislative body)*

*(Elective Chief Executive Officer\*)*

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_

Louisa M. Ingrassia,  
Town of Walkill Town Clerk  
Clerk of the county legislative body, City, Town or Village  
Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_