

Work Session Agenda

TOWN OF WALLKILL
DATE: November 4, 2020

Work Session
TIME: 7:00 PM

- Topics: Zoning

- Announcements: NONE

- Resolutions:
 1. Resolution Of The Town Board Of The Town Of Wallkill authorizing The Transfer Of Funds
 2. Resolution Of The Town Board Of The Town Of Wallkill Authorizing The Town Supervisor To Execute An Agreement With The New York State Environmental Facilities Corporation Under The NYS Water Infrastructure Improvement Grant Program
 3. Resolution Of The Town Board Of The Town Of Wallkill Authorizing The Supervisor To Execute An Administrative Order On Consent Regarding The Wallkill Consolidated Water District
 4. Resolution Of The Town Board Of The Town Of Wallkill Directing The Town Clerk To Forward To The Orange County Tax Department Property To Be Assessed For Non-Payment Of After-Hours Water Line Repairs

- Executive Session:

- Motion to Adjourn:

Chapter 249. Zoning

Article VI. Regulations Pertaining to Commercial Districts

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§ 249-26. HC Highway Commercial District.

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[Amended 2-11-1982 by L.L. No. 1-1982; 8-25-1983 by L.L. No. 10-1983; 2-25-1988 by L.L. No. 4-1988; 12-27-1990 by L.L. No. 18-1990; 10-24-1996 by L.L. No. 8-1996; 7-26-2007 by L.L. No. 15-2007; 5-26-2016 by L.L. No. 11-2016]

A.
Purpose. The Highway Commercial District is intended to provide areas suitable for small- to medium-scale retail, office and service operations serving local needs.

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B.
Permitted uses.

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(1)
Financial institutions.

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(2)
Offices.

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(3)
Public uses.

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(4)
Religious institutions.

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(5)
Retail.

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(6)
Service and repair shops.

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(7)
Sales and repair of boats, ATVs, motorcycles, small engines commonly used in off-road vehicles or landscape equipment, snowmobiles and personal watercraft.
[Added 4-9-2015 by L.L. No. 1-2015⁽¹⁾]

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(1)
Editor's Note: This local law also provided that it would apply to all properties and property applications within the Town of Walkkill that were pending as of 10-10-2013 and thereafter.

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C.
Special permit uses.

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(1)
Clubs and lodges.

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(2)
Day care and nurseries.

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(3)
Eating and drinking establishments.

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(4) Funeral parlors and mortuaries.

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(5) Gasoline filling and service stations.

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(6) Hotels/motels.

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(7) Schools, vocational.

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(8) Schools.

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(9) Shopping centers.

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(10) Single-family residences.

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(11) Theaters, including drive-ins.

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(12) Veterinary hospitals.

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(13) Rental car agencies, provided that the following criteria are met:
[Added 5-26-2016 by L.L. No. 9-2016]

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(a) The proposed agency must have an inventory of 20 vehicles available for rent at all times.

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(b) All vehicles available for rent shall be parked in the back of the facility and must not be visible from the road on which the agency is located. No vehicles shall be stored in the front of the facility, although vehicles that have been rented may be brought to the front of the building for delivery to customers.

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(c) No vehicles shall be more than two model years old.

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(d) The proposed agency office must be located in a facility with a minimum square footage of 15,000 square feet and utilize no more than 25% of the usable space in said facility.

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(14) Self-storage facilities, provided that the following criteria are met:
[Added 5-26-2016 by L.L. No. 9-2016]

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(a) The self-storage facility must be constructed within an existing building in the Town.

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(b) The exterior of the existing building cannot be altered or expanded by virtue of the construction of the self-storage facility.

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(c)

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No individual self-storage units may be visible from the road on which the facility is located.

(d)
Existing buildings in which self-storage facilities are located must contain a minimum of 25,000 square feet and a maximum of 80,000 square feet.

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(e)
A minimum 25% of the usable space of any building containing storage facilities must be used for another permitted purpose.

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(f)
With respect to newly constructed buildings, 25% of the usable space within such buildings with a minimum size of 10,000 square feet may be used for self-storage.

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D.
Accessory uses and structures. Accessory uses that are customarily incidental to an allowed principal use may be allowed in this district and must comply with the regulations and standards of this chapter. All accessory structures shall be subject to the same area and bulk requirements as are required for principal structures within such districts.

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E.
Area and bulk requirements. The following table represents the baseline requirements, and in some cases, additional standards may apply (e.g., special permit uses or through overlay districts).

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Minimum required	Type of Lot ¹		
	A	B	C
Lot area (square feet)	10,000	15,000	20,000 ³ Acres ²
Lot width (feet)	100	100	130
Lot depth (feet)	100	100	120
Front yard (feet)	35	35	35
Rear yard (feet)	40	40	40
One side yard (feet)	20	20	20
Both side yards (feet)	30	30	30
Floor area (square feet)	600	600	600
Maximum permitted			
Building height (feet)	35	35	35

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NOTES:

¹ A: Lots served by a public municipally owned and operated sewerage and a public municipally owned and operated water system.
¹ B: Lots served by a public municipally owned and operated sewerage system, but not served by a public municipally owned and operated water system.
¹ C: Lots not served by a municipally owned and operated public water system or a public municipally owned and operated sewerage system.

² For residential construction, refer to § 249-20D.

F.
Mandatory buffer of preexisting residential structures.

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(1)
All nonresidential development shall provide buffering for adjacent, preexisting residential uses. In general, this buffering shall be developed to alleviate the impact of nonresidential development, including but not limited to:

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(a)
Light;

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(b)
Parking and loading areas;

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(c)
Noise and odor;

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(d)
Location of ancillary equipment such as dumpsters and HVAC; and

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(e)
Traffic flow and light glare from vehicles.

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(2)
Buffer area. The area of buffer shall be commensurate with the potential impact to neighboring properties.

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(3)
Review process. During site plan review, development applicants shall provide a buffering plan demonstrating how the project will alleviate any potential adverse impacts to adjacent, preexisting residential structures. The Planning Board shall review the buffer plan and reject for resubmittal, accept, or accept with modifications. In all cases, the Planning Board review shall include review by the Town's landscape architect.

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G.
Fences.

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(1)
The Planning Board shall determine the need, placement, type and height of all fencing.

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H.
Site plan approval.

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(1)
A site plan showing the location of buildings, signs and other improvements including off-street parking facilities, truck loading spaces, landscaping and access to all public rights-of-way shall be submitted to the Planning Board for approval prior to the issuance of a building permit. The procedures and requirements set forth in § 249-38 of this chapter shall be adhered to.

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**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
AUTHORIZING THE TRANSFER OF FUNDS**

IT IS HEREBY RESOLVED, that the Town Board hereby authorizes and directs the Town Comptroller to transfer funds with respect to the 2020 Town Budget as follows:

1)

From:	CD4997	Federal Aid, Drainage Projects	61,470.03	
To:	CD8540.4411	Drainage Engineering		950.00
	CD8540.4616	Drainage Construction		60,520.03

The amends the budget to utilize funds received from NY Rising for Drainage Projects.

2)

From:	SSA599	Sewer Fund Balance	60,000.00	
To:	SSA9950.9	Sewer Interfund Expense		60,000.00
From:	HOB5031	Oxidation Basin Interfund Revenue	60,000.00	
To:	HOB631	Oxidation Basin Due to Other Funds		60,000.00

This amendment utilizes Sewer Fund Balance to close out the Oxidation Basin project and clear the amount loaned to the project when it began in 2016.

**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
AUTHORIZING THE SUPERVISOR TO EXECUTE AN ADMINISTRATIVE ORDER
ON CONSENT REGARDING THE WALLKILL CONSOLIDATED WATER DISTRICT**

WHEREAS, the Town of Wallkill operates the Town of Wallkill Consolidated Water District (the "Water District"); and

WHEREAS, periodic testing of the water supplied by the Water District revealed that the levels of Total Trihalomethanes ("TTHM") exceeded the levels permitted under state and federal regulations during portions of 2018, 2019 and 2020; and

WHEREAS, the Town's Consulting Engineers have presented the United States Environmental Protection Agency ("EPA") with a description of the mitigation efforts previously taken and the ongoing measures being implemented by the Water District and Town to obtain compliance with all required regulations relating to TTHM levels; and

WHEREAS, the EPA has presented the Town with a proposed Administrative Order On Consent addressing this issue and setting forth a schedule of compliance for the Town with respect to this matter, which document contains no monetary fines or penalties payable at this time and shall not result in such penalties or fines to the Town provided that compliance with said Order is observed, has been reviewed by and deemed acceptable to the Town's Consulting Engineers and the Commissioner of Public Works; and

WHEREAS, the execution of the annexed Administrative Order On Consent is in the best interest of the Town, its citizens, and the public, health, safety and welfare of the same;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Board of the Town of Wallkill hereby authorizes the Town Supervisor, or his authorized designee, to execute the annexed Administrative Order On Consent, provided that said document is acceptable in form and content to the Town's Consulting Engineers and the Town Attorney.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

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

Names	Ayes	Noes	Abstain	Absent
<i>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
AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN AGREEMENT WITH
THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION UNDER
THE NYS WATER INFRASTRUCTURE IMPROVEMENT GRANT PROGRAM**

WHEREAS, the Town of Wallkill has been approved for certain grant funding in the amount of \$2,000,000.00 through the New York State Environmental Facilities Corporation (“EFC”) with respect to i) improvements at the Town wastewater treatment plant [WIIA Project No.:C3-5318-03-00] ; and ii) the Western Avenue Pump Station upgrade and Pleasant Avenue Pump Station elimination [WIIA Project No.:C3-5318-04-00]; and

WHEREAS, EFC has presented a Grant Agreement to the Town dated as of November 19, 2020 for execution in connection with the aforesaid projects; and

WHEREAS, the Town Board has determined that it is in the best interest of the citizens of the Town to enter into the aforesaid Grant Agreement,

NOW THEREFORE, IT IS HEREBY

RESOLVED, that The Town Board of the Town of Wallkill hereby authorizes the Town Supervisor, or his designee, to complete, execute and return the New York State Environmental Facilities Corporation Grant Agreement dated November 19, 2020 with respect to the projects described in this Resolution, subject to the approval of said Grant Agreement in form and content by the Town Attorney and/or Special Bond Counsel to the Town.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

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

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL DIRECTING
THE TOWN CLERK TO FORWARD TO THE ORANGE COUNTY TAX
DEPARTMENT PROPERTY TO BE ASSESSED FOR NON-
PAYMENT OF AFTER-HOURS WATER LINE REPAIRS**

WHEREAS, property owners within the Town of Wallkill have failed to pay an invoice presented to them for municipal water line repairs as set forth in **Exhibit A** annexed hereto; and

WHEREAS, said charges must now be assessed against the property which received such water line repair services and appear as a lien on the next real property tax bill,

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the delinquent water lateral line repair statement submitted to the Town Board by the Town Clerk from the Water and Sewer Department pursuant to Town Law Sec. 198-3 (d) shall be filed with the Orange County Legislature by the Supervisor so that the County Legislature shall levy such sums against the property which is liable for said delinquent after-hours water line repair statement and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2021, and it is further

RESOLVED, that a copy of this resolution with the delinquent water line repair statement shall be immediately transmitted to the Clerk of the Orange County Legislature for immediate action.

Total amount to be collected \$ 6,239.69.

**THE TOWN OF WALLKILL
TOWN BOARD**

ROLL CALL VOTE

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				

The following was presented:

By:

Sec'd by:

Date of adoption:

RESOLVED, that the delinquent water statements submitted to the Town Board by the Town clerk from the Water Department pursuant to Town Law Sec. 198-3 (d) shall be filed with the Orange County Legislature by the Supervisor so that the County Legislature shall levy such sums against the property which is liable for said delinquent water statements and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2021, and it is further

RESOLVED, that a copy of this resolution with the delinquent water statements shall be immediately transmitted to the Clerk of the Orange County Legislature for immediate action.

Total amount to be collected \$ 485,781.86

UPON ROLL CALL VOTE AS LISTED ABOVE, THE SUPERVISOR DECLARED THE RESOLUTION DULY ADOPTED.