

TOWN BOARD MEETING
 WEDNESDAY, SEPTEMBER 3, 2008; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Weyant, Councilwoman Biasotti, Councilman Lundstrom

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Deputy Police Chief Hovey, Highway Superintendent Fayot, Town Attorney Blythe

Supervisor Green called to order the Town Board meeting and presided over same.

#1 On Agenda: Minutes

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor approve the minutes of the Public Hearing regarding Local Law to amend Chapter 300, Zoning Code - Senior Citizen Housing and Totally Affordable Senior Citizen Housing, and the minutes of the Town Board meeting held on August 6, 2008, as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 5-0

A Special Use Permit application was submitted by Beattie R Associates for a senior citizen housing project and a presentation was made to the Town Board by Gardiner Barone of Blustein, Shapiro, Rich & Barone, attorneys for the applicant, and Keith Woodruff of Pietrzak and Pfau, the project engineers. If the Special Use Permit is approved by the Town Board, the project can then be referred to the Planning Board for review. The proposed senior housing project will be located on Beattie Road and will consist of 424 dwelling units, a 20,000 square foot commercial space, recreational facilities, and both a sewer and water plant. Mr. Woodruff explained the site layout as outlined in the site map. Mr. Barone said they are planning to only build out to a quarter of the density allowed in the Town Code. He also said they are currently working with the NYS DEC for various permits and plan on drilling several wells for testing and verifying the impact on neighborhood wells. Mr. Barone said a traffic study and a habitat study have also been completed. He continued to outline other ways they have tried to comply with that section of the Town Code relating to senior housing. After questioning Mr. Barone on various aspects of the proposed project, Supervisor Green asked for a motion to authorize.

#2 On Agenda: Motion - Authorize Special Use Permit - Beattie R Associates LLC

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor hereby grants a Special Use Permit to Beattie R Associates LLC for a senior citizen housing project on Beattie Road.

*Roll Call: Councilman Lundstrom: No
 Councilwoman Biasotti: No
 Councilwoman Weyant: No
 Councilwoman Mullarkey: No
 Supervisor Green: No*

Motion Lost: 5-0

UNFINISHED BUSINESS

#3 On Agenda: Motion - Adopt Negative Declaration - Senior Citizen Housing Overlay

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the Notice of Determination of Non-Significance pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law and in accordance with the Negative Declaration attached hereto.

Roll Call: All Ayes

Motion Carried: 5-0

#4 On Agenda: Motion - Adopt Amendments To Zoning Code Sections 300-3, 300-18 & 300-18.1 And The Zoning Map - Senior Citizen Housing And Totally Affordable Senior Citizen Housing

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt the following Resolution:

WHEREAS, the Town Board has considered the adoption of a Local Law amending the Zoning Law to modify the Senior Citizen Housing Overlay District and Associated Regulations; and

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WHEREAS, the Town Board has conducted a duly noticed public hearing on the proposed local law and heard all persons interested in the subject matter of the same; and

WHEREAS, the Town Board duly referred this matter to the Orange County Department of Planning ("OCDP") for its review pursuant to General Municipal Law § 239-l, m & n; and

WHEREAS, OCDP issued its report on July 8, 2008, recommending "adoption subject to adherence to comment #2"; and

WHEREAS, OCDP's comment #2 recommended the implementation of additional stormwater regulations that would require "low impact development design alternatives [to] decrease stormwater runoff through micro-scale, bio-retention facilities such as rain gardens, open drainage swales, curb-less parking areas, permeable pavement and drywells"; and

WHEREAS, the Town Board duly referred this matter to all adjacent municipalities pursuant to General Municipal Law § 239-nn; and

WHEREAS, the Town Board duly referred this matter to the Town of New Windsor Planning Board for its review and report pursuant to § 300-88(A) of the Town of New Windsor Zoning Law; and

WHEREAS, the Town of New Windsor Planning Board issued its report at its July 9, 2008 meeting, finding that the modification of the senior citizen housing overlay district is consistent with the aims and principles of the Town's Zoning Law and Master Plan, and that the proposed local law will encourage the siting of senior citizen housing developments in areas within the town suitable to such developments and where municipal services are more readily available, and that the proposed local law will also provide important clarifications to the senior citizen housing application process, which clarifications will decrease the number of referrals between the Town Board and Planning Board, and will thus streamline the process for both the Boards and applicants; and

WHEREAS, the Town Board has received and reviewed a memorandum dated August 7, 2008 from Richard D. McGoey, P.E., the Town Engineer, which provided analysis on the comments received by the Town Board regarding the alleged impacts associated with the adoption of the proposed local law; and

WHEREAS, the Town Board has heretofore adopted a negative declaration under the State Environmental Quality Review Act for this action; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby adopt the attached Local Law to amend sections 300-3, 300-18 and 300-18.1 of Chapter 300 of the Code of the Town of New Windsor, entitled "Zoning Law of the Town of New Windsor, New York", and the Town of New Windsor Zoning Map, which said local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

Roll Call: All Ayes

Motion Carried: 5-0

HIGHWAY DEPARTMENT

#5 On Agenda: Motion - Authorize Supervisor To Sign Agreement With Orange County For Snow And Ice Control - 2008-2009 Season

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to sign an agreement with Orange County Department of Public Works for snow and ice control on certain county roads for the 2008-2009 season.

Roll Call: All Ayes

Motion Carried: 5-0

#6 On Agenda: Motion - Authorization To Advertise For Sealed Bids - Sale Of Used Town Equipment

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for sealed bids for the sale of used town equipment. The bids to be received and publicly opened at 10:00 A.M. in the Town Clerk's office in Town Hall, 555 Union Avenue, New Windsor, New York on the 23rd day of September 2008. The Town Board reserves the right to reject any or all bids.

Roll Call: All Ayes

Motion Carried: 5-0

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WATER DEPARTMENT

**#7 On Agenda: Motion -Authorization To Advertise For Sealed Bids-
Water Meters**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for sealed bids for Water Meters. Bids shall be received and publicly opened on the 30th day of September 2008 at 10:00 A.M. (local time); at the office of the Town of New Windsor Town Clerk, 555 Union Avenue, New Windsor, New York. The Town Board of the Town of New Windsor reserves the right to reject any and/or all bids.

Roll Call: All Ayes

Motion Carried: 5-0

**#8 On Agenda: Motion - Adopt Resolution Directing Planning Board To
Encourage Water Conservation**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt the following Resolution:

WHEREAS, the Town of New Windsor's primary water source is the New York City Catskill Aqueduct; and

WHEREAS, the Town of New Windsor incurs substantial penalties whenever it exceeds the per capita taking permitted by the New York City Water Board; and

WHEREAS, water conservation has become a major concern of the Town of New Windsor;

NOW THEREFORE BE IT RESOLVED, that that Town Board of the Town of New Windsor encourages the Planning Board of the Town of New Windsor to carefully review site plans which come before the Planning Board and to take all necessary and lawful steps to promote water conservation including but not limited to regulations and requirements involving irrigation, lawn maintenance, sprinkler systems and the installation of individual wells, as appropriate.

Roll Call: All Ayes

Motion Carried: 5-0

SANITATION DEPARTMENT

**#9 On Agenda: Motion - Authorize Town Engineer To Prepare Map, Plan
And Report- Garbage District Extension - Steele Road**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Town Engineer to prepare a Map, Plan and Report for the extension of the New Windsor Garbage District to incorporate unserved properties located on Steele Road.

Roll Call: All Ayes

Motion Carried: 5-0

GENERAL

**#10 On Agenda: Motion - Authorize Execution of PILOT Agreement -
New Windsor Senior Housing Project**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, the Town of New Windsor (the "Town") desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for senior citizens with low incomes; and

WHEREAS, New Windsor Senior Apartments, Inc., an Article XI New York Private Housing Finance Law Corporation and a New York Housing Development Fund Company (the "HDFC"), has identified property known as Section 46, Block, 1, Lot 46 on the tax map of the Town of New Windsor, County of Orange, State of New York, for the purpose of construction on the Land of a housing project for senior citizens of low income aged 55 years and older, said project to consist of: (i) the acquisition of the Land; (ii) the construction thereon of ninety-one (91) units of housing for senior citizens of low income aged 55 years and older to be known as New Windsor Senior Housing Project (PB #07-01) (the "Improvements"); and

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(iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the "Equipment", and collectively with the Land and the Improvements, the "Project"); and

WHEREAS, the HDFC has been formed for the purpose of providing residential rental accommodations for senior citizens of low-income; and

WHEREAS, the HDFC will acquire fee title to the Land; and

WHEREAS, the HDFC's plan for the use of the Land constitutes a "housing project" as that term is defined in the Private Housing Finance Law of the State of New York ("PHFL"); and

WHEREAS, the HDFC is a "housing development fund company" as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Town Board of the Town of New Windsor to exempt the Project from real property taxes; and

WHEREAS, the HDFC is willing to enter into a Payment In Lieu of Taxes ("PILOT") Agreement whereby it will make annual payments in lieu of taxes to the Town as set forth in the PILOT Agreement presented to the Town Board of the Town of New Windsor for approval;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Windsor hereby exempts the Project from real property taxes to the extent authorized by Section 577(1) of the PHFL and approves the proposed PILOT Agreement by and between the Town and the HDFC, in substantially the form presented to the Supervisor and Town Board providing for annual payments as set forth in such agreement;

AND IT IS FURTHER RESOLVED, that the Supervisor of the Town of New Windsor is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the Town as finally recommended by the sole Assessor and Town Attorney.

Roll Call: All Ayes

Motion Carried: 5-0

**#11 On Agenda: Receive And File - Order On Consent - State Of New York
Department Of Environmental Conservation**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk an Order On Consent from the State of New York Department of Environmental Conservation in the matter of violations of Article 17 of the Environmental Conservation Law of the State of New York and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York by the Town of New Windsor.

**#12 On Agenda: Motion - Authorize Execution Of Order On Consent With
NYS DEC Regarding Wastewater Treatment Plant**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Order on Consent between Town of New Windsor and the Department of Environmental Conservation regarding the Town of New Windsor's Wastewater Treatment Plant (SPDES Permit #NY-0022446).

Roll Call: All Ayes

Motion Carried: 5-0

**#13 On Agenda: Motion - Call Public Hearing - Local Law - Alternate
Planning Board And Zoning Board Members**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor hereby authorizes the Town Clerk to advertise for a Public Hearing to be held on October 1, 2008 at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. for a proposed Local Law providing a process for appointing alternate members of its Planning Board and Zoning Board of Appeals.

Roll Call: All Ayes

Motion Carried: 5-0

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**#14 On Agenda: Motion - Call Public Hearing To Adopt Local Law -
Outdoor Furnaces**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor hereby authorizes the Town Clerk to advertise for a Public Hearing to be held on October 1, 2008 at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. for a proposed Local Law regulating outdoor furnaces.

Roll Call: All Ayes

Motion Carried: 5-0

**#15 On Agenda: Motion - Authorize Supervisor To Execute Amended
Developer's Agreement - Chestnut Woods At Cornwall**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Amended Developer's Agreement between Town of New Windsor and The Manor at Cornwall, LLC for the Chestnut Woods at Cornwall Subdivision.

Roll Call: All Ayes

Motion Carried: 5-0

**#16 On Agenda: Motion - Release Performance Bond & Establish Maintenance
Bond - Sandcastle Site Plan (River Road)**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the release of the performance bond for Sandcastle Site Plan (River Road) PB#05-24 in the amount of \$93,900.00 upon receipt of a one year maintenance bond in the sum of \$9,390.00 as recommended by McGoey, Hauser and Edsall Consulting Engineers, P.C. via correspondence dated August 11, 2008.

Roll Call: All Ayes

Motion Carried: 5-0

**#17 On Agenda: Motion - Reduce Performance Bond For Valley Fields
Estates (a/k/a Sawyer Subdivision)**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the reduction of the performance bond for the Valley Fields Estates Subdivision (a/k/a Sawyer Subdivision), Planning Board #03-31 from \$242,747.00 to \$110,952.00 as recommended by McGoey, Hauser and Edsall Consulting Engineers, P.C. by their letter dated August 28, 2008.

Roll Call: All Ayes

Motion Carried: 5-0

**#18 On Agenda: Motion - Authorize Supervisor To Execute Grant Contract
With Orange County - Playground Equipment- Mt. Airy Park**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize Supervisor to execute Grant Contract for 2008 Orange County Municipal Parks Grant and other related documents between Town of New Windsor and Orange County to obtain playground equipment for Mt. Airy Park.

Roll Call: All Ayes

Motion Carried: 5-0

**#19 On Agenda: Receive and File 2008 Municipal Consulting Agreement -
Clough Harbour & Associates LLP**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk 2008 Municipal Consulting Agreement between the Town of New Windsor and Clough Harbour & Associates LLP.

**#20 On Agenda: Receive and File Notice Of Claim - Joan M. Dieli vs.
Town Of New Windsor**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Notice of Claim from Joan M. Dieli for personal injuries sustained.

**#21 On Agenda: Receive And File - Bids - Sewer Line Replacement -
Erie Avenue & Route 94**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the bids received and publicly opened August 27, 2008 for Sewer Line Replacement on Erie Avenue and Route 94.

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#22 On Agenda: Motion - Award Bid - Sewer Line Replacement - Erie Avenue & Route 94

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor award the construction contract for sewer line replacement at Erie Avenue and Route 94 to the lowest bidder, **JONES SPECIALTY SERVICE COMPANY**, per the bids received and publicly opened August 27, 2008, in the amount of \$287,341.00.

Roll Call: All Ayes

Motion Carried: 5-0

#23 On Agenda: Receive And File Bids For Surplus Town Of New Windsor Vehicles

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the bids for surplus town vehicles received and publicly opened on the 27th day of August 2008.

#24 On Agenda: Motion - Award Bids - Surplus Town Of New Windsor Vehicles

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor award **LIBERTY MOTORS**, 1705 Kennedy Blvd., Jersey City, New Jersey 07305 bids for the following surplus Town of New Windsor vehicles totaling \$2,414.96:

1995 Ford Taurus	VIN #1FALP52U2SG318434
1996 Ford Crown Victoria	VIN #2FALP71WXTX131307
1997 Ford Expedition	VIN #1FMFU18LXVLB44580
2000 Ford Crown Victoria	VIN #2FAFP71W5YX178930

Payment shall be made by cash, certified check or bank check, made payable to the "Town of New Windsor."

Roll Call: All Ayes

Motion Carried: 5-0

#25 On Agenda: Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

Fire Prevention	Month of July 2008
Justice Court - Richard W. Thorpe	Month of August 2008
Justice Court - Donald J. Suttlehan	Month of August 2008
Receiver of Taxes - Water-Sewer-Garbage	Month of August 2008
Recreation Department	Month of August 2008
Town Clerk	Month of August 2008

#26 On Agenda: Public Forum

Supervisor Green asked if anyone in the audience had any comments they wished to make.

Maryann Prokosch from the City of Newburgh spoke about what she feels is the adverse effect of current development and proposed future development to Brown's Pond. She said the City of Newburgh was kind enough to enter into an agreement with the Town to provide drinking water whenever the aqueduct shuts down and she feels that no matter what type of controls are put in place to protect the pond, pollution will still occur. She said that the City of Newburgh should negate the water contract they have with the Town.

Diane Newlander read a letter from the New Windsor Democratic Committee requesting that all documents pertaining to the 2009 annual budget be placed on the Town's website. The letter also requested that a summary table of the 2008 and 2009 line items in the budget be placed on the website side by side with indications as to whether there was an increase or decrease. The letter also requested that an explanation of the budgeting process be made available.

Another resident of the City of Newburgh spoke and said he felt that the Town of New Windsor came to the City of Newburgh asking for water to tap into and the City of Newburgh complied and an agreement for an alternative supply of water was reached. He said he is disappointed that the Town of New Windsor approved the senior overlay and is going to allow dense housing near Brown's Pond. He feels that the City of Newburgh should rethink the water agreement.

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Leo Braun asked for clarification of item #4 on the agenda as it related to the Special Use Permit application which was denied. Supervisor Green said that after adopting the amendments to the zoning code, the areas in which a senior housing project could be proposed were limited to the east end of town and several parcels near Mt. Airy Road. The application made by Beattie R Associates does not fall within the new overlay zone.

Hank Van Leeuwen thanked the Board for voting no on the Special Use Permit by Beattie R Associates.

Barney Bedetti wanted to go on record as being disappointed in the passing of the amendment to the zoning code, item #4 on the agenda. He said that the Master Plan Committee felt that the area should be more protected.

Hearing no one else wishing to speak, the Supervisor entertained a motion to close the public forum.

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 5-0

#27 On Agenda: Adjourn

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 8:05 p. m.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc