

**PUBLIC HEARING**  
**PROPOSED DRAINAGE DISTRICT #6**  
**MOUNT AIRY ESTATES SUBDIVISION**  
WEDNESDAY, MAY 3, 2006; 7:00 P.M.  
NEW WINDSOR TOWN HALL  
NEW WINDSOR, NEW YORK

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

**OTHER OFFICIALS PRESENT:** Comptroller Reis, Town Attorney Blythe, Police Lieutenant Hovey, Highway Superintendent Fayo

**SALUTE TO FLAG**

Supervisor Green called to order a Public Hearing regarding the proposed establishment of Drainage District No. 6 for Mt. Airy Estates Subdivision.

The Town Clerk presented proof of publication regarding same as required by law.

Supervisor opened the public hearing by introducing Rich Renna from Morris Associates representing New Windsor Development, Marvin Rosensweig, project manager for the Mt. Airy Estates project and Robert DiNardo, the attorney representing the applicant, New Windsor Development. Mr. Renna explained that the district is being formed to establish a fund for the maintenance costs of the drainage system that is being installed.

Supervisor Green then asked if anyone in the public had any questions or comments.

Eric Raphael questioned whether there were any charges to the Town in creating the district. Supervisor Green and Mr. DiNardo explained that any costs that might have been incurred would be reimbursed by the applicant through Planning Board fees.

Cathy D'Amato had a question about a revised drainage agreement which they were sent in December 2004 and which is still unsigned. She wondered how the adoption of the drainage district would affect the drainage agreement and the permanent structures that are now located upon these easements.

Supervisor Green explained that if the Town had to come in and do any repairs which would effect fences, sheds, pools, etc., the Town would make it whole again. Mr. D'Amato said that they were looking for that to be put into a contract agreement.

Mr. Renna said that the likelihood of having to clean out an underdrain, which is what the drainage easements are for, were slim to none, as opposed to having to clean a pipe that is in the street which collects debris from the roadway.

Don DeMatteo said that on his property there is a surface catch basin, however on his mother's property a block away there is no surface access to the drainage pipe, so if any repairs had to be made, the ground would have to be torn up. Mr. Renna explained that during the years the project has been going on, the design has changed and some properties have sealed cleanouts, while others have surface access.

One woman said that because the lots were so small, any needed repair work, would destroy existing fences and landscaping and the district shouldn't have to absorb the cost of replacing landscaping which would have to be removed to fix future drainage problems.

Supervisor Green informed her that the developer would bear the cost of any remedial work until the town has accepted the district.

Supervisor Green said that the town was required by the New York State DEC to establish drainage districts and the town would obtain any easements needed, working with the property owners as necessary. Mr. DiNardo said that he understands the property owners' concerns and just wanted a chance to address them. He said that after the meeting he would take anyone's name and telephone number for future discussion. He also suggested that the town engineer and his client's engineer conduct a joint inspection to get a more specific idea of problems.

One person said that a large area in his backyard has sunk in and he would like to know who is responsible for repairing this. Marvin Rosensweig said he would check into the problem the next day.

One resident questioned when the maintenance fee mentioned in the map, plan and report submitted by Morris Associates would begin. Mr. Renna explained that the \$44 figure was based on future maintenance costs, such as mowing and cleaning out catch basins, however there would be no fees involved until the Town accepted the district. Supervisor Green explained that usually town forces do all the general maintenance work so no cost was generally involved for the district. Comptroller Larry Reis said that after the Town accepts the district and there is a major repair or renovation to be made, the cost of the repair would be bonded to raise the money and that bond would be repaid by the residents of the district over a twenty to twenty five year period. He also said that in the past twenty five years, he doesn't know of any of the Town's drainage districts which have had costs assessed against them. Larry said that it is unlikely that any fees would ever be assessed against the homeowners as most work will be performed by town employees.

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Supervisor Green explained that the drainage district is not any different than the water and sewer districts that currently exist all over town. If in the future, there is a broken sewer or water main, it would become a district charge.

Don DeMatteo complained about the lack of communication between the builder and the homeowners. Supervisor Green said that if Mr. DiNardo, the builder's attorney, doesn't get in touch with you or if you are not satisfied, to please call the supervisor's office.

Supervisor Green said that tonight a public hearing for June 7th will be called for the final order establishing the drainage district. That does not mean that the Town is saying to the builder that all their work is accepted.

Michael Blythe, the attorney for the town, said that he has the easements which have been signed in his office right now, and he is working closely with Mr. DiNardo to get the rest of them signed and every property with a problem will be addressed.

Hearing no one else wishing to speak, Supervisor Green entertained a motion to close the Public Hearing.

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor close the Public Hearing in the matter of the establishment of Drainage District No. 6, in the Town of New Windsor, County of Orange, New York, pursuant to Article 12 of the Town Law at 8:10 p.m.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**Motion - Authorization To Call For A Public Hearing - Final Order Establishing Drainage District 6**

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor call for a Public Hearing to be held on June 7, 2006 at 7:00 p.m., at the Town of New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, regarding the final order establishing Drainage District 6.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

Respectfully submitted,

**DEBORAH GREEN**  
TOWN CLERK

/clc