

Minutes of the Town Board Worksession held at Town Hall, 511 Route 32, Highland Mills, New York on November 2, 2009 at 7:30PM

Present: John Burke, Supervisor  
Geraldine Gianzero, Councilwoman  
Amidee Haviland, Carlton Levine and James Skoufis, Councilmen  
Absent: None  
Also Present: Richard Liberth, Attorney for the Town; Thomas McDonagh, Labor Attorney; Maria Hunter, Village Planning Board

**EXTRA ITEM – Approval of Abstract:**

Motion was offered by Councilman Haviland, seconded by Councilman Skoufis, to approve Abstract 22, Vouchers #20092279 – #20092393, less voucher 20092392 (check #1653) totaling \$143,735.50.

**ADOPTED**      AYES    5            Burke, Gianzero, Haviland, Levine, Skoufis  
                     NOES    0

**1. Discussion – WP3 Construction of Retention Walls on Open Space:**

Supervisor Burke stated that 7/10 of an acre of open space had a retaining wall erected onto it by the developer. The developer would like to “swap” land to make up for the encroachment. If the Town Board wishes to approve this request, there will be conditions imposed. He noted the developer, in his letter dated April 1, 2009, offered to make some improvements to help mitigate the exchange of land. The first is regarding the access road to the pond, which was originally to be made of stone. The developer proposes to oil and roll (compress) this road as well which would require less maintenance and extend the useful life. The second is to repoint the stone pillars at the intersection of Route 32 and Summit Avenue (Oak Clove Circle). Councilman Haviland stated, according the engineers report dated September 22, 2009 (prepared by RL Engineering – Richard Eichenlaub), the retention walls are stable and sufficient to do what they were constructed to do. He recalls that there were three areas in the development where encroachment occurred and that drainage/storm water runoff was a concern that needed to be addressed. Supervisor Burke stated he spoke with Building Inspector Thomasberger and believes a warning was issued to the developer that no further work could be done to solve the drainage issues without first being approved by the Building Department. Councilman Haviland then stated he is concerned about the storm water runoff causing erosion to the retaining walls and wants to be sure the issue is/was addressed. Mr. Eichenlaub stated he believes there is a significant amount of materials in place to keep the walls from washing away. Christopher Aitken, President of the Carteret Group, stated all of the issues in the engineers report have been addressed. He also noted that the dam is being redesigned and spill way altered which was part of the Planning Board approvals. All is being review and approved by the Village Engineer before construction begins. Councilman Levine stated when the site visit was conducted, the retaining wall behind the model home was higher than four feet and needed to be reconstructed. Mr. Eichenlaub stated the wall was reconfigured and is not higher than four feet at any point. Attorney Liberth stated if the Board wishes to proceed, the developers attorney should prepare the deeds of the land to be “swapped” as well as have title insurance showing that taxes are all paid in full. He suggested that the Board add to the construction/project plan when they would like the access road created and stone pillars repointed to ensure that they get completed. Supervisor Burke stated he does not believe that the certificate of occupancies can be issued for these homes in question until all the issues/concerns have been resolved. Councilman Levine asked if the work on Roselawn Road has been completed and Mr. Aitken stated all of it has been done except for a leak that they are trying to find. Supervisor Burke stated there is a guardrail along Roselawn Road, at the bottom of Hadley Farm Road, that is badly damaged and Superintendent Stabile informed him that it is the

developer's responsibility to fix it. Mr. Aitken stated he does not believe that to be true but will check to see. Supervisor Burke then stated he would like the opportunity to meet with the Beautification Commission to discuss the stone pillars prior to setting a schedule with the developer.

Motion was then offered by Councilwoman Gianzero, seconded by Councilman Levine, to approve the land swap (as detailed in a map dated July 16, 2008 and letter dated April 1, 2009) located at the Woodbury Junction (aka WP3) development based on the condition that the developers attorney prepares all the necessary documents (deeds, title insurance) and that the timeframe for the work promised by the developers (access road to pond and repointing of stone pillars at Oak Clove Circle) be determined by Riddick Associates. All work and land exchanges are based on the engineering report prepared by RL Engineering dated September 22, 2009 and its amendment dated October 5, 2009.

**ADOPTED**      AYES    5            Burke, Gianzero, Haviland, Levine, Skoufis  
                     NOES    0

**Adjournment:**

With no further business to discuss, a motion was offered by Councilman Levine, seconded by Councilman Skoufis, to adjourn the meeting at 8:05PM.

**ADOPTED**      AYES    5            Burke, Gianzero, Haviland, Levine, Skoufis  
                     NOES    0

**Closed Session**

The Board entered into a closed session with the Attorneys McDonagh and Liberth after adjournment.

Desiree Potvin, Town Clerk