

Minutes of the Village Board Meeting held at Town Hall on August 27, 2015 at 7PM

Present: Michael Queenan, Mayor  
Neil Crouse, Timothy Egan and David Sutz, Trustees  
Absent: Thomas Flood, Trustee

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to accept the minutes of the regular meeting held August 13, 2015.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Sutz  
NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to approve Abstract #6 containing vouchers 150353 - 150415 and totaling \$128,871.38.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Sutz  
NOES 0

c. Use of Building Request:

Motion was offered by Trustee Egan, seconded by Trustee Sutz, to approve the request to use the meeting room on September 23, 2015 from 5PM – 11PM by the Highland Mills Fire Company Ladies Auxiliary.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Sutz  
NOES 0

Motion was then offered by Trustee Crouse, seconded by Trustee Sutz, to approve the request to use the meeting room on September 21, 2015 from 2PM – 4PM by the Woodbury Friendly Visitors.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Sutz  
NOES 0

d. Change Meeting Date – September 10 to September 8:

Motion was offered by Trustee Egan, seconded by Trustee Sutz, to change the September 10 regular meeting to September 8 due to Primary Election. The meeting will begin at 7PM.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Sutz  
NOES 0

**II. Old Business:**

a. Return of Bonds – West Point Farms Phase I and Phase II:

Correspondence was received from Engineer Lindsay regarding the maintenance bond that is being held for Apisson Trail. An inspection was conducted by Superintendent Weyant and himself and he feels that the bond can be returned but \$2000 should be held back to be used for the Highway Department to do some minor repairs that were found to curbing and road depressions. Therefore, a motion was offered by Trustee Crouse, seconded by Trustee Egan, to return the maintenance bond for Apisson Trail (P532), less \$2000, and to return the site escrow held for West Point Farms Phase II (S326), after all outstanding consultant fee have been paid.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Sutz  
NOES 0

**III. New Business:**

a. Waiver of Public Assembly Fee – Lion’s Club:

Motion was offered by Trustee Sutz, seconded by Trustee Egan, to waive the public assembly fee for the Lion’s Club for their annual Community Yard Sale event planned for September 12, 2015.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Sutz  
NOES 0

b. Discussion – Zoning Change Request:

A request for a zone change was received from Charles May, legal representative for Anthony Gross, for his clients property known on the tax maps as Section 203, Block 1, Lot 10.21. The zone change request is to permit accessory apartments in the Corridor Residential (CR) district, which was part of the 2011 zoning code that was adopted and then annulled due to litigation. This zone change request would affect the entire CR district, not just the property in question. Mayor Queenan stated that the Village is in the middle of litigation regarding the zoning laws. He consulted with a Village attorney on this matter and it was suggested that the issue be revisit once the litigation is finalized. Trustee Egan stated that if they were to go ahead with this request it would be for the entire CR district, they could not just do a “spot change”. He also stated that he agrees with the Mayor, and if the Village representation is telling us to hold off, then we should do so. Trustee Crouse and Trustee Sutz also agreed with the Mayor and Trustee Egan. Mayor Queenan then stated that he would request that we send a letter in writing to the Mr. May the attorney of this request that he bring this in front of the board once litigation is finalized.

c. Discussion – Donation of Property:

Clove Aggregate Corp., has offered to the Village a donation of land known on the tax maps as Section 231, Block 3, Lot 5.12. The Mayor noted that representatives from the Water/Sewer Department have inspected the property and after discussion with him it is recommended that the Village accept the offer. The property consists of five acres and is currently zoning in the Industrial Business (IB) district. A portion of the Woodbury Creek is on the property, as well as possible archeological sites and endangered/threatened species. Attorney Golden has reviewed the contract of sale provided and he noted the form is for residential sale and as such many of the provisions with in it may not be applicable. He suggested some modification be made or a better form be used instead. He also noted the following: 1) the sale is subject to any real estate taxes due so the Assessor should be contacted to determine if there are any liens on the property; 2) the property is being sold “as is” so it was suggested that the Village and Village Engineer carefully inspect the property to investigate for any potential environmental or other issues; 3) title insurance needs to be obtained; and 4) the closing is scheduled to occur within 24 days after the contract signing, which may be difficult to achieve depending on when the title search and insurance can be obtained. SEQRA is also required. Mayor Queenan stated that this is not a done deal yet, there are still many things that need to be looked into. Trustee Sutz stated that he spoke to the land owner of the property and they are very anxious to give this property to the Village.

Motion was then offered by Trustee Crouse, seconded by Trustee Egan, to take the following action required under SEQRA for the project known as “Clove Aggregate Corp. Property Donation”: 1) Village of Woodbury Board of Trustees is declared as Lead Agency; 2) this action is typed as being unlisted and 3) a determination of significance as a negative declaration is made.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Sutz  
NOES 0

Motion was then offered by Trustee Sutz, seconded by Trustee Egan, to authorize the Mayor to execute the documents that are necessary to secure the receipt of the offered land donation (Section

231, Block 3, Lot 5.12), subject to such documents being accepted to the Attorney for the Village, with the condition of an environmental review be done by the Village Engineer.

**ADOPTED**      AYES    4            Queenan, Crouse, Egan, Sutz  
                     NOES    0

Mayor Queenan noted that Attorney Golden will be asked to handle this issue for the Village and coordinate with Engineer Lindsay.

d. Discussion – Propose Fill Local Law:

A proposed local law was presented that would “protect the general health, safety and welfare of the people of the Village of Woodbury and its natural resources by controlling fill material being placed on residential and commercial properties in the Village of Woodbury”. Trustee Egan stated, Section 149-5 would require a permit, and that Section 149-6 would require the Village Board’s approval. Trustee Egan also stated that he would like to know why an applicant would have to get board approval and why the building Inspector should not have the final say. Mayor Queenan stated that if the soil is being brought in from out of town, we want to have the ability to take extra precaution, and have the building Inspectors opinion as well as a site inspector or engineer. Trustee Sutz would like to suggest an amendment to the wording of the law, and have it say somewhere “free of contaminants.” Trustee Sutz agreed with Trustee Crouse, and would like to see more language written into the law before its finalized.

Motion was then offered by Trustee Egan, seconded by Trustee Sutz, to schedule a public hearing to be held on September 24, 2015 at 7:00 PM for the purpose of receiving public comments on Introductory Local Law 1 of 2015 entitled “Fill” to create a new Chapter 149 of the Village Code to control fill material being placed on residential and commercial properties in the Village of Woodbury.

**ADOPTED**      AYES    4            Queenan, Crouse, Egan, Sutz  
                     NOES    0

**IV. Board Member/Department Comments**

Trustee Egan wanted to remind everyone that school is starting soon, so to be cautious and watch out for the children. Mayor Queenan took this time to remind the public about the Fireman’s Parade being held on September 26, 2015, starting at 2pm. He also stated that the Lions Club is hosting the Country Ramble from 8am to 10:30 am at the Athletic Fields behind Central Valley Elementary School, on August 29, 2015. He ended the night wishing everyone a great weekend, and a safe and happy Labor Day.

**V. Public Comment**

Robin Crouse questioned the topography and use of the property that is to be donated, she also wanted to say that it was a good idea that we acquire this land. Mayor Queenan stated that it is in the IB zoning district, and if they choose to buy it, there are many different things they could do with it.

Matt Higgins stated that he will not be around when the Village holds the public hearing on the Fill law, but he would like to voice his opinion now. He stated that Brook Haven CT. just put a new law in place regarding “fill” and that the Village may want to look into what they did. He also stated that this should be above the planning board and not the Village Board of Trustees, and he would like to reiterate that his major concern is that people not contaminate the water and creeks in Woodbury.

Jonathan Swiller stated that he read something in the Woodbury gazette about the Village taking over the highway and wanted to know the percentage of roads that the town owns, and whether the highway superintendent will be held accountable for his department because the article suggests he

will not. Mayor Queenan stated that the Village owns most of the roads in town, and there is no concrete backing behind the article.

**VI. Adjournment**

With no further business to discuss, a motion was offered by Trustee Sutz, seconded by Trustee Egan, to adjourn the meeting at 7:39 PM.

<b>ADOPTED</b>	AYES	4	Queenan, Crouse, Egan, Sutz
	NOES	0	

Jessica McClennan, Deputy Village Clerk