

Minutes of the Village Board Meeting held at Town Hall on May 9, 2019 at 7PM

Present: Michael Queenan, Mayor
Thomas Flood, Jesus Gomez, Andrew Giacomazza; Trustees

Absent: Timothy Egan; Trustee

Also Present: Kelly Naughton, Counsel for the Village; Sandra Capriglione, Planning Board, Valerie Monasta; Planner

I. Public Hearings:

A. Introductory Local Law 3 of 2019 – Comprehensive Plan Amendment

A public hearing was held on Thursday May 9, 2019. The purpose of Introductory Local Law No. 3 of 2019 is to amend the comprehensive Plan of the Village to promote orderly hotel growth and development in areas away from the hamlet centers of the Village and to areas which generally host better infrastructure to support such use. The public notice was printed in the Times Herald Record on April 29, 2019. The proposed law is available for public review in the Village Clerk’s office. The following comments were received:

Mr. Charlie Badzillo, an attorney representing the Hampton Inn stated he has yet to see the 239 review from the County. He requested the board keep this public hearing open until he was able to review it. He also stated he has not seen the Planning Board’s review and there were a couple of blanks left out on part one of the EAF. Attorney Naughton stated that the blanks were left out on purpose following the DEC’s direction pursuant to their own form. Mayor Queenan stated that he, as well as the board’s position is that it is filled out correctly.

With no further comments received a motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to close the public hearing.

ADOPTED	AYES	4	Queenan, Flood, Gomez, Giacomazza
	NOES	0	
	ABSENT	1	Egan

Mayor Queenan stated the 239 review has not been received from the county, so they can’t take any action on this law at this time.

B. Introductory Local Law 4 of 2019 - Hotel Overlay District:

A public hearing was held on Thursday May 9, 2019. The purpose of Introductory Local Law No. 4 of 2019 is to amend Chapter 310 (“Zoning”) of the Code of the Village of Woodbury to (1) maintain the character and scale of the existing Village hamlet areas; (2) provide locations for hotel uses in commercial centers and retail complexes that draw customers from a regional market; and (3) to provide locations for hotel development near regional road networks. The public notice was printed in the Times Herald Record on April 29, 2019. The proposed law is available for public review in the Village Clerk’s office. The following comments were received:

Sandra Capriglione stated she had a question about coverage. She understands that a hotel has to have two acres, but what happens when there is a ten acre lot that is in the IB zone that also happens to be in the hotel-overlay district is the whole lot then subject to the 75% coverage. Valerie Monastra stated theoretically if there is a ten acre lot in the hotel overlay district then yes, it would be subject to no more than 75% coverage. If it’s the same scenario without the hotel on the property then they are allowed up to 65% coverage.

Kristen O’Donnell from Lang and Tully representing Woodbury hospitality group stated they have a problem with the 1.25 parking spaces, they feel that it is excessive, most surrounding towns have one space per unit. Other than that they believe it is a good law and her company is looking forward to working with the Village in the future. Valerie Monastra stated most communities have one space per unit plus employees parking spaces, so they were just trying to simplify, however if there is documentation to support the need for more than the 1.25 they would definitely consider it.

Steve Esposito, Esposito and Associates discussed the 1.25 parking and discussed his concerns. He then stated he would like to see new hotels, and hotels with amenities, hotels that have catering, and restaurants, and when you have less parking for the hotels you lose out on the amenities offered at said hotels. Mayor Queenan

asked if Mr. Esposito knew how many employees would it take to run a 120 room hotel, and Mr. Esposito stated he will get that information to the Mayor.

Mr. Charlie Badzillo, an attorney representing the Hampton Inn stated he has yet to see the 239 review from the County. He requested the board keep this public hearing open until he was able to review it. He spoke about the exemption within the Law, in regards to the Hotel on Estrada Road and the comprehensive plan amendment and the conflict that Introductory Local Law # 3 and #4 have with each other. He stated allowing more hotels to be built will increase traffic and there will be a higher demand for water and sewer and a bigger environmental impact. Mayor Queenan asked Mr. Badzillo's what his client owns in Woodbury? Mr. Badzillo stated the Hampton Inn Hotel.

Mr. John Villapiano, Woodbury Commons Vice President of Development stated he would like to voice support for the law and the design standard. He then questioned if a bathroom counted as a room. Attorney Naughton stated that a bathroom is within the room so if you were to have a bathroom, bedroom and sitting area that would count as one room. A suggestion was brought up to change the word room to unit. He then requested they be able to use music systems also stating it would not be a noise nuisance, due to them having music systems all the way through the commons now. Valerie Monastra stated there is a noise ordinance and as long as it doesn't pass the property line it should be allowed. Trustee Flood stated he was in favor of it, due to the large amounts of people that are usually down there, he feels that it is a safe way to alert the masses, and you never hear the music unless you are actually shopping within the center. Mr. Villapiano then brought up the limited use/accessory uses for example rental car and dry cleaning. The Board felt those uses should be at the discretion of the planning board.

With no further comments received a motion was offered by Trustee Flood, seconded by Trustee Giacomazza, to close the public hearing.

ADOPTED	AYES	4	Queenan, Flood, Gomez, Giacomazza
	NOES	0	
	ABSENT	1	Egan

Mayor Queenan stated the 239 review has not been received from the county, so they can't take any action on this law at this time.

Mayor Queenan stated as part of the Village's code, they reached out to the Planning Board and sent the code to them for their review, they took a look at the law and responded back in a letter with recommendations. He then asked Valerie Monastra to go over them, she stated she would read them, then respond to them as well. The following are her responses:

1. In reference to Law #3, she states the reference to "Woodbury Common" should be changed to "Woodbury Common Premium Outlet.
2. In reference to Law #4 the Planning board wants the Village Board to state whether or not the applicant would need to come in front of them or the Planning Board for accessory uses. The Village Board discussed it and decided it should be at the discretion of the Planning Board.
3. In reference to Law #4 the Planning Board noted that the transit village zoning district permits hotels that are not intended to change the planning board along with its planning consultant recommends the Village Board review the provisions in this proposed hotel overlay zoning district and the transit village zoning district for compatibility with design and other bulk standards. She then stated that the Transit Village and the Hotel Overlay District were not compared because they are two different zoning districts with different development goals associated with each of them. The Village Board agreed.
4. The Planning Board then recommended permissible food preparation devices such as amenities within the hotel to be specifically listed and limited to coffee machines, mini refrigerators and microwaves, with all kitchen devices prohibited. This is to avoid having long term occupancy. She then stated she believes the Planning board has the same goals as the Village Board. The Board agreed.
5. The Board carefully considered the height restriction to 5 stories or 60 feet. The Planning Board could not come to a consensus due to three board members feeling that it should match the transit village height requirement. Mayor Queenan stated they will leave it as is, due to the prior discussion that the Hotel Overlay District and the transit village are two different zoning districts.
6. The planning board recommends that the limit line be south of Turner Road to maintain the character of Woodbury and limit the visibility of these tall structures from the hamlet center of Central Valley. Mayor Queenan stated the board feels that it should stay at Turner Road as well, due to that kind of being the

start of “Quasi” commercial area going south. Valerie Monastra, stated the planning board would use its discretion when performing SEQRA when it comes to the height of any of the future buildings or hotels.

7. All Planning Board members felt the proposed hotel overlay coverage district was a little confusing and could lead to confusion when multiple uses are located on a property. Mayor Queenan, stated we discussed this earlier in the meeting and cleared that up, he also feels that the coverage is fine the way it is and it covers the different zones.
8. Guest sleeping rooms should be revised to say: Guest sleeping rooms should not be used as dwellings for non-transient tenants instead of the word apartments. The board agreed.
9. The Planning Board states that the following items have apparent conflicts with the draft hotel overlay. To avoid conflict the Planning Board requests a change. 310-12B states yards fronting on a state highway or county road. Except in the R-0.25A District, any building with a yard fronting on a state highway or county road shall have such yard unoccupied and open to the sky not less than 50 feet in depth. Then in section 310-40 it states no off-street parking spaces, open or enclosed, shall be provided according to the particular uses listed in any district. She then stated that the hotel overlay district does allow parking permitted in the set-back area, however she believes that there is no conflict .

Mayor Queenan, requested to know how many employees would need parking spaces, and stated there must be parking for employees. Valerie Monastra stated they will have to consult with the traffic consultant due to buses diminishing the need for guests to have parking spaces. Trustee Flood stated that there is no parking now for employees and that is a big problem due to safety being a big concern. Trustee Gomez stated he agrees with Trustee Flood, and went on to say his children work in the Woodbury Commons and are bused from the Harriman train station on busy days and Holidays. Trustee Giacomazza stated there needs to be an allocation for employee parking, cleaners, workers, handy men. Attorney Naughton stated that they will reach out to the traffic consultant for the concerns of safety and the noise ordinance.

With no further comments received a motion was offered by Trustee Flood, seconded by Trustee Giacomazza, to close the public hearing.

ADOPTED	AYES	4	Queenan, Flood, Gomez, Giacomazza
	NOES	0	
	ABSENT	1	Egan

Mayor Queenan stated the 239 review has not been received from the county, we can't take any action on this law at this time; however the Board and its consultants will review all the comments and suggestions received and the law may be amended.

II. Administrative Business:

A. Acceptance of Minutes:

Motion was offered by Trustee Flood, seconded by Trustee Giacomazza, to accept receipt of the minutes of the meeting held on April 25, 2019.

ADOPTED	AYES	4	Queenan, Flood, Gomez, Giacomazza
	NOES	0	
	ABSENT	1	Egan

B. Approval of Abstract:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve Abstract 23, containing vouchers 18-2114 - 18-2182 and totaling \$197,666.74.

ADOPTED	AYES	4	Queenan, Flood, Gomez, Giacomazza
	NOES	0	
	ABSENT	1	Egan

C. Adoption of FY2019/2020 Holiday Schedule:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to adopt Fiscal Year 2019/2020 Holiday schedule as follows: July 4 (Thursday) Independence Day, July 5 (Friday) Floating Holiday, September 2 (Monday) Labor Day, October 14 (Monday) Columbus Day, November 11 (Monday) Veterans Day Observed, November 28(Thursday) Thanksgiving, November 29 (Friday) Day after Thanksgiving, December 25 (Wednesday)

Christmas Day, January 1 (Wednesday) New Year's Day, January 20 (Monday) Martin Luther Day, February 18 (Monday) President's Day, and May 25 (Monday) Memorial Day.

ADOPTED AYES 4 Queenan, Flood, Gomez, Giacomazza
NOES 0
ABSENT 1 Egan

D. Return of Escrow:

Motion was offered by Trustee Flood, seconded by Trustee Giacomazza, to close escrow account D490, and return the remainder of the money in the account to the applicant. The application was before the Planning Board, it has been completed and all consultant fees have been paid.

ADOPTED AYES 4 Queenan, Flood, Gomez, Giacomazza
NOES 0
ABSENT 1 Egan

III. Old Business:

IV. New Business:

A. Extra Item: Authorize Mayor to Hire Appraiser

RESOLUTION

A Meeting of the Village Board of Trustees for the Village of Woodbury, New York was convened on May 9, 2019 at 7:00pm.

The following Resolution was duly Offered and seconded to wit:

RESOLUTION TO COMMENCE PROCEEDINGS UNDER THE EMINENT DOMAIN PROCEDURE LAW

WHEREAS, within the Village of Woodbury, New York ("Village") there comes from time to time the need to protect the health, safety and welfare of Village Residents by the condemnation of land for public purposes; and

WHEREAS, the Village has a documented need for the protection, preservation and acquisition of water supplies and resources as well as the need for Open Space for Village uses, including passive recreational uses as well as to protect the environment in the Village; and

WHEREAS, previously the Village Board of Trustees ("Village Board") directed that contact be made with the Estate of Ruth J. Niemand ("Estate") concerning the acquisition of all property owned by the late Ruth J. Niemand at and around 415 Route 32, Central Valley, New York that was or is now part of her Estate which property is situated within the Village and within Orange County, New York (the "Property"); and

WHEREAS, the Village Board previously directed that the Estate Representatives be contacted to discuss the acquisition of the Property by means of an independent appraisal jointly agreed by the Village and the Estate to enable a fair market value voluntary purchase by the Village of the Property and despite considerable prior efforts by the Village to obtain that independent and mutually agreeable fair market evaluation, the Estate Representatives have not agreed to do so; and

WHEREAS, the public purpose for the acquisition of the Property remains as important as ever and the Village Board needs to take action since the aforesaid voluntary efforts of the Village to acquire the Property have not been responded to by the Estate; and

WHEREAS, this Resolution by the Village Board does not preclude any efforts by the Village Board to voluntarily acquire the Property if the Estate Representatives so wish to proceed with the Village in that regard.

NOW THEREFORE, it is resolved by the Village Board as follows:

1. All "WHEREAS" paragraphs are hereby incorporated herein by reference as

Though set forth in full herein.

2. The Village Board hereby directs its Special Counsel, Dennis E. A. Lynch as Counsel to his White Plains, New York Law Office ("Special Counsel") to undertake all proceedings required by the New York State Eminent Domain Procedure Law ("EDPL") for the Village to acquire the Property, including but not limited to inspection of the Property pursuant to EDPL Section 302 with an Appraiser as selected by the Village Mayor and thereafter the conduct of a Public Hearing as set forth in EDPL Section 201 as well as the extending of an Offer pursuant to EDPL Section 303. The Village at all times shall comply with all provisions of the EDPL, including the recognition of its Policy per EDPL Section 301.

3. The Village Mayor is hereby authorized to execute all documents or other papers necessary to carry out the provisions of this Resolution and to direct Special Counsel on the timing for completion of all EDPL Requirements.

4. This Resolution shall take effect immediately.

Motion was made by Trustee Gomez, seconded by Trustee Flood to adopt the resolution to hereby authorize the mayor to execute all documents or other papers necessary to carry out the provisions of this Resolution and to direct Special Counsel on the timing for completion of all EDPL Requirements.

ADOPTED	AYES	4	Queenan, Flood, Gomez, Giacomazza
	NOES	0	
	ABSENT	1	Egan

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Queenan	YES
Trustee Egan	ABSENT
Trustee Flood	YES
Trustee Giacomazza	YES
Trustee Gomez	YES

V. Public Comment:

VI. Board Member/Department Comment:

Mayor Queenan reminded the public that the last meeting in May has changed from May 23rd to May 29th.

VII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Giacomazza, seconded by Trustee Gomez to adjourn the meeting at 8: 02 PM

ADOPTED	AYES	5	Queenan, Egan, Flood, Gomez, Giacomazza
	NOES	0	

Jessica McClennan, Deputy Village Clerk