

Minutes of the Virtual Village Board Meeting held on April 9, 2020 at 7:30PM

Present: Timothy Egan, Mayor  
Tara Burek, Andrew Giacomazza, Jesus Gomez and Christopher Graziano, Trustees  
Also Present: Kelly Naughton, Attorney for the Village; Jessica McClennan, Deputy Village Clerk

**I. Public Hearing(s):**

a. Continued Hearing – ILL3 of 2020 – Minor Subdivisions:

A public hearing was continued from the March 26, 2020 meeting to entertain public comments on Introductory Local Law 3 of 2020 entitled “Minor Subdivisions” which will amend Chapter 272 (“Subdivision of Land”) of the Village Code to regulate minor subdivisions.

Mayor Egan stated the only comments received were from Building Inspector Thomasberger with respect to procedural questions he had. These were forward to counsel for input and clarification. Attorney Naughton stated the concern Inspector Thomasberger had about the parkland fees are valid. She stated the Board should consider removing the last section of 272-42(C)(6) in the future because it limits when the parkland fees are needed. As of now the provisions are there now that the applicant would be responsible to pay all the fees. It would be a significant change to the law so if the Board wants this change done now it would not be able to vote on the law tonight. Mayor Egan stated he believes the Boards intention is to adopt the law this evening so Attorney Naughton stated another law can be considered in the future to revise this section. Regarding the question Inspector Thomasberger had regarding the OCDOH review, she noted the lookback period is only three years so it would be up to the Board as the review does not always coincide with application.

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

**ADOPTED** AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano  
NOES 0

Motion was then offered by Trustee Giacomazza, seconded by Trustee Gomez, to adopt Local Law 3 of 2020 entitled “Minor Subdivisions” which will amend Chapter 272 “Subdivision of Land” of the Village Code as printed at the end of these minutes.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Mayor Egan	YES
Trustee Burek	YES
Trustee Giacomazza	YES
Trustee Gomez	YES
Trustee Graziano	YES

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to accept receipt of the minutes of the meeting held March 26, 2020.

**ADOPTED** AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano  
NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to approve Abstract 21 containing vouchers 191757 – 191825 and totaling \$176,605.80.

**ADOPTED** AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano

NOES 0

c. Budget Modifications:

Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to approve a modification to the FY19/20 budget of the General Fund as follows:

- Fire Department – increasing A3410.208 (Radio Equipment) by \$2307, A3410.421 (Chief General Expense) by \$61, A3410.472 (Air Compressor Service) by \$399 and decreasing A3410.453 (Vehicle Repairs) by \$2767;
- Building Department – increasing A3620.453 (Vehicle Repairs) by \$500 and decreasing A3620.200 (Equipment) by \$500.

**ADOPTED**      AYES    5            Egan, Burek, Giacomazza, Gomez, Graziano  
                     NOES    0

**III. Old Business:**            *There was no old business to discuss.*

**IV. New Business:**

a. Authorize Mayor to Sign Renewal Agreement – Munistat Financial Services:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to authorize the Mayor to sign the “Municipal Advisor Service Agreement” with Munistat Financial Services for the 2020/2021 fiscal year.

**ADOPTED**      AYES    5            Egan, Burek, Giacomazza, Gomez, Graziano  
                     NOES    0

b. Authorize Mayor to Sign – Hold Harmless Agreement – Homeland Towers LLC:

Attorney Naughton stated there is some language that will be changed to the agreement which she will forward to the Board. Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to authorize the Mayor to sign a amended “Hold Harmless and Indemnification Agreement” with Homeland Towers LLC. When this application was approved by the Planning Board a condition was made that the applicant was required to indemnify the Village from any falling ice or debris from the Tower since there is a parking lot located nearby.

**ADOPTED**      AYES    5            Egan, Burek, Giacomazza, Gomez, Graziano  
                     NOES    0

c. Discussion – Creation Comprehensive Plan Committee:

The Board discussed the idea of creating a committee to review the Comprehensive Plan. The Village Planner, Valeria Monastra, submitted the following recommendations regarding the formation of the committee and the types of individuals that should be selected to serve:

- Contain no more than twelve members but noted an odd number should be considered if the committee may take votes.
- Contain representatives from many different facets of a community and suggested the following examples that are typical for Comprehensive Plan Committees:
  - Village Board – at least one board member should participate throughout the process
  - Land Use Board members – one member from Planning Board/ARB (required for a Comprehensive Plan), and ZBA
  - Economic Development Community Representatives – business owners, local developers, Chamber of Commerce, or real-estate professionals

- Community Development/Organization Representatives – members of local organizations that are focused on community development activities that affect Village residents such as housing, health, or social service organizations
- Village Residents - residents that live within the Village and vary in age, ethnicity, familial status, and neighborhood representation
- Parks and Recreation – a member of the Woodbury Parks Committee or staff from the Department of Parks and Recreation.

Mayor Egan asked the Board members to clarify exactly what they had in mind for this committee to accomplish. Trustee Graziano stated he feels the committee would be tasked with reviewing the overall plan which is about ten years old. The demographics and the way the Village is have changed since this plan was adopted and he feels this should be incorporated. The committee could give recommendations to the Board and then the Board would decide if they should be incorporated. He would like to see a diverse group of people serving on this committee. Trustee Gomez agreed and feels the plan should be reviewed and updated. Trustee Burek stated there have been things that are in the current plan that have been enacted but there are also some things that have not been. The Board has been told by its consultants that it should be reviewed regularly. She agrees the committee should consist of a diverse group from our community but should not include elected officials. She feels it is a healthy exercise for the people to participate and for the Board to bring the peoples vision to the reality. Trustee Giacomazza stated he also agrees with the comments being made. He thinks we should solicit letters of interest from the residents that may want to be part of the process. This committee would be able to make recommendations that could go hand-in-hand with the planned zoning amendments the Board has been working on. When he ran for election this was a promise he and Trustee Gomez made and he is glad to see it happening. He feels this will result in the Board being open, transparent and open to the government. Mayor Egan stated he agrees with almost everything said with one exception – the consultants recommended that at least one member of the Village Board be on the committee. Attorney Naughton stated she feels it is important to have a representative from the Planning and Zoning Board serve on the committee but it would not be necessary for a Village Board member to be on the committee but one of the individuals should be designated to serve as a liaison. The Board discussed and it was decided Trustee Graziano will serve as the Village Board liaison. Mayor Egan stated a comment was made in the past that he should serve since he was involved with the original plan and Trustee Giacomazza stated he feels Mayor Egan has plenty to do as Mayor. The Board then discussed the number of members on the committee and it was decided a total of seven will be appointed – a Planning Board members, a Zoning Board member and five members of the public. It was clarified that the seven members will then decide who would serve as Chair of the committee and who would serve as Secretary. It was also noted that there is no budget for this committee so they will not be able to use consultants for assistance. The Board stressed they would like to see a diverse group serving on this committee consisting of business members and members of the community. After a discussion, it was decided that a notice would be created seeking members but no specific qualifications will be listed so that no one feels they would not be eligible to apply. Interested individuals would be asked to submit a paragraph explaining their hobbies, interests and what they do for a living. Trustee Giacomazza added that more information can be inquired during the interview process.

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to create a committee to review the Village’s Comprehensive Plan.

**ADOPTED**      AYES    5            Egan, Burek, Giacomazza, Gomez, Graziano  
                       NOES    0

Motion was then offered by Trustee Giacomazza, seconded by Trustee Gomez, to authorize the Village Clerk to advertise for letters of interest from individuals in the Village to serve on the Comprehensive Plan Review Committee. Letters are due by close of business on May 8, 2020.

**ADOPTED**      AYES    5            Egan, Burek, Giacomazza, Gomez, Graziano  
                     NOES    0

**V. Board Member/Department Comments:**

Mayor Egan stated we are at the height of the Coronavirus pandemic – in Orange County there have been 4309 cases as of today and 115 have died from this virus. In Woodbury there have been 138 confirmed cases. To date he has issued three “Declarations of Emergency” executive orders relating to the crisis and all have been geared toward keeping our village employees and residents safe. The substance of the Declarations was to close village hall to the public and to direct the public on how they can communicate with village departments. He has also cancelled Planning Board and Zoning Board of Appeals meetings until further notice. These meetings will not resume until it becomes safe for our board members and the public to attend. He also anticipates the need to sign another declaration extending the current one for 30 days later this month. In order to combat the spread of COVID-19 he urged everyone to do their part by maintaining social distancing of at least six feet from anyone. Unless you have been deemed an essential employee by your employer, do not leave your home unless you are picking up groceries or medications. He then noted in corporation with Assemblyman Colin Schmitt’s office, Falkirk Estates and Carpenters Local 279 deliveries of meals to senior citizens and vulnerable households began earlier this week. Wayne Cortis was recognized for his generosity of donating these meals at no cost. On Tuesday 71 meals were delivered, today 100 meals and it looks like about 120 meals will be delivered next Tuesday. He urged that if there is anyone in the community that needs this service to call Assemblyman’s Schmitts office to sign up or contact the Mayor’s Office directly. He then thanked everyone in the EMS and Healthcare field who are on the front lines of this battle – your efforts and service are greatly appreciated.

Trustee Graziano thanked all the EMS and essential workers that are on the front line making sure we are safe, including all utility workers. He feels we are on a good path and glad to see that the Comprehensive Plan review is moving forward. He feels the meeting this evening went very well.

Trustee Gomez thanked all those that delivering the food and still have to work to be there for the rest of us.

Trustee Burek stated the posts on Facebook are surreal regarding those effected by this virus. She then read a post from friend of hers that was addressed to the EMS on the front lines and the fact that they are heroes to all of us. She thanked everyone on the front lines and once the fight is over it will be our turn to take care of them.

Trustee Giacomazza thanked all the department heads and employees that have been there day in and day out risking life to make sure the business of the Village continues. He also thanked the volunteer entities – Fire Department and Ambulance Corps. He noted the President of the Ambulance Corps has been tested positive for the virus so he asked that she be in everyone’s thoughts and prayers. He then announced that April is Autism Awareness month and he feels children with autism are also heroes for dealing with the struggles they have to face on a daily basis is real. He wished everyone a Happy Passover and a Happy Easter.

**VI. Public Comment:**

Joe Zlato asked if there were any plans to conduct the Planning and Zoning Board meetings virtually like the Village Board has been doing. Mayor Egan stated this is something he has been thinking hard about but there are a lot of complications involved. The Planning and Zoning Board meetings are very interactive which is hard to do virtually. There is no construction permitted to be held right now based on an order issued by the Governor. He added this may be a good time though for those boards to get caught up on the backlog of applications. Mr. Zlato asked if there was any special consideration being given to the applications that were currently in the process and Mayor Egan stated there has not been. He also added commerce will be completely different and there will be dramatic changes in the economy as a result of this pandemic.

**VII. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to adjourn the meeting at 8:15PM.

<b>ADOPTED</b>	AYES	5	Egan, Burek, Giacomazza, Gomez, Graziano
	NOES	0	

Desiree Potvin, Village Clerk

## LOCAL LAW 3 OF 2020

### A LOCAL LAW AMENDING CHAPTER 272 (“SUBDIVISION OF LAND”) OF THE CODE OF THE VILLAGE OF WOODBURY TO REGULATE MINOR SUBDIVISIONS

BE IT ENACTED by the Board of Trustees of the Village of Woodbury, Orange County, New York as follows:

#### SECTION 1. PURPOSE

The purpose of this local law is to amend Chapter 272 (“Subdivision of Land”) of the Code of the Village of Woodbury to update the procedure for the review of minor subdivisions.

#### SECTION 2. CHAPTER 272: SUBDIVISION OF LAND.

- A. Section 272-20 (“Definitions”) is hereby amended to include the following new definition:  
SUBDIVISION, MINOR – Any subdivision or series of subdivisions containing no more than four lots (excluding the parent parcel from which they are subdivided) over a ten-year period.
- B. Section 272-22 (“Waiver for minor subdivision”) is hereby amended to repeal the following language: “involving the division of any parcel of land into less than five lots, plots, sites or other divisions of land,”
- C. Section 272-30 (“Rough sketch plan; determination of minor or major subdivision”) is hereby amended to include the following new Subsection: If a minor subdivision has been approved with up to four lots, and an applicant files an application for a fifth lot or more lots to be subdivided from the parent parcel within 10 years of the original approval, the application for the fifth subdivided lot (and any additional lots) shall be subject to the requirements for major subdivisions.

#### SECTION 3: SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, Article 7 of the New York State Village Law, including, but not limited to, Village Law §§ 7-728, 7-706 and 7-708, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

#### SECTION 4: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

#### SECTION 5: EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.