

Minutes of the Village Board Virtual Meeting held on May 28, 2020 at 7:30PM

Present: Timothy Egan, Mayor
Tara Burek, Andrew Giacomazza, Jesus Gomez and Christopher Graziano, Trustees
Absent: None
Also Present: Kelly Naughton, Attorney for the Village; members of the public

I. Public Hearing:

a. ILL5 of 2020 – Definition of Net Lot Area:

A public hearing was held to entertain public comments on Introductory Local Law 5 of 2020 entitled “Definition of Lot Area” which will amend Chapter 310 (“Zoning”) of the Village Code to amend the definition of lot area. The public notice was printed in the Times Herald Record on May 15, 2020 and the following comments were received:

The County Planning Department response was received on May 12, 2020 and it “found no evidence that significant intermunicipal or countywide impacts would result from its approval” and they “have no further advisory comments”.

The Planning Board response was received on May 12, 2020 and Engineer Lindsay submitted the following comments on their behalf:

- 1) The Board expressed general agreement with the changes to the “Lot Area” definition to include nonresidential uses.
- 2) The Board feels a fundamental aspect of Planning Board review is to have some flexibility with the application of Code requirements related to lot area to enable the Board to make appropriate determinations on specific applications in the best interest of the Village. For example, some areas that are deducted to create the “net lot area” might provide some open space benefits. The Board would like discretion to adjust lot coverage when a thorough review of a specific application shows it would be warranted. This would be similar to other provisions in the code which give the Board discretion (e.g. the board has some discretion over parking requirements when uses have different peak parking periods.)
- 3) Although not the subject of this Local Law, the Board recommends the following change to the definition of “Coverage” to complement the intent of the “Lot Area” revision as follows: “That percentage of the plot or lot area covered by the building area and all impervious surfaces. Parking areas, regardless of how surfaced, shall be considered impervious.”
- 4) The Board suggests, in review of the Code modification to Lot Area, all references to prior subsections that have since been removed or renumbered be updated as needed.

It was noted that some of the from the Planning Board have been incorporated into the law. Regarding Item 2, Attorney Naughton suggested it be addressed in an update done in the future.

Written comments were from Drake Loeb and Esposito & Associates both representing the Shops at Woodbury.

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

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

Motion was then offered by Trustee Burek, seconded by Trustee Giacomazza, to accept written comments on Introductory Local Law 5 of 2020 until close of business on June 5, 2020.

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

II. Public Comment on Agenda Items:

Maria Hunter stated two escrows to be closed this evening are for the Village of Kiryas Joel water infrastructure they constructed in Woodbury and asked if either for Ridge Road or Seven Springs water system/generators for chlorination. Clerk Potvin stated the escrow for not for site work or performance, they are only for applications that were before the Planning Board and are either completed or have been withdrawn by the applicant. The funds are used to pay for all consultant fees related to a specific application. Mrs. Hunter noted if they are for those work sites she would ask the Board look into some dead trees and unfinished plantings at the site, which is adjacent to the rear of her property. Regarding ILL6 of 2020 she is concerned that it is unclear as to when the term periods will start. Are the current members subject to the two-term maximum now or after their next appointment? She feels that should be clear so those that are currently serving are aware. Attorney Naughton stated she will reword to law so that it is clarified. Mrs. Hunter stated she knows it is the Boards desire to have fresh perspectives and vision but is concerned that individuals with history may feel put off applying.

Neil Crouse, with regards to ILL6 of 2020, he stated there does not appear to be a mechanism or flexibility to keep the current individual in the event no viable candidates apply. Attorney Naughton stated there is a section that states a term can be extended to fill any vacancy. Mr. Crouse then asked about the appointment of the Chairperson for each Board and Attorney Naughton clarified each Chairpersons appointment is addressed in their individual sections of the law.

III. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to accept receipt of the minutes of the meeting held May 14, 2020.

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

b. Approval of Abstract:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to approve Abstract 24 containing vouchers 191956 – 192088 and totaling \$116,408.31.

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

c. Closing of Various Escrow Accounts:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to close the following escrow accounts for applications that were before the Planning Board and have been completed or withdrawn, as requested by the Building Department:

466	APC Towers	437	Village of Kiryas Joel
294	AT&T Crown Castle	438	Village of Kiryas Joel
196	AT&T Cuddy Feder	471	Kohl’s
492	AT&T First Ave Cuddy	499	Lake Avenue Estates
187	New Cingular AT&T	424	Melody Lane LLC
410	Cuddy & Feder	184	Mobilite
190	Bagel World	454	Neiderman
439	Brach	180	OC Dept of Emerg Serv
459	Crown Castle COW	474	Orange Theory

166	Crown Castle T Mobile	436	SS Quackenbush
185	Crown Castle Maher Ln	489	Solar Liberty
181	Gabrielle Mfg	461	Sovian Uncle Bobs
403	A Gross	143	T Mobile Maher Ln
174	Independent Capital	456	T Mobile Turner Rd
418	Woodbury Diner	162	T Mobile Turner
ADOPTED	AYES 5	Egan, Burek, Giacomazza, Gomez, Graziano	
	NOES 0		

EXTRA ITEM – Change of Start Date – Alex Presti:

Due to the pandemic, Alex was unable to give his two-week notice to his current employer. Therefore, his start date needs to be amended to reflect this new date. Motion was then offered by Trustee Giacomazza, seconded by Trustee Gomez, to change the state date of Alex Presti as Assistant Building Inspector from June 8, 2020 to June 15, 2020.

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

III. Old Business

a. Schedule Interviews – Comprehensive Plan Committee:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to schedule a special meeting to be held on June 9 and/or June 11 at 5:30PM to conduct interviews of the individuals that submitted letters of interest to serve on the Comprehensive Plan Committee.

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

b. Appointment to Planning Board:

Mayor Egan noted that several well qualified individuals applied and it made the decision hard for the Board. Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to appoint Thomas DeLuca to the Planning Board with a term to expire May 31, 2025.

ADOPTED AYES 4 Egan, Giacomazza, Gomez, Graziano
ABSTAIN 1 Burek

Mayor Egan thanked Richard Cataggio for serving on the Planning Board, a seat he has held since 2010. Prior to which he served on the ZBA.

c. Appointment to Zoning Board of Appeals:

Mayor Egan again noted that several well qualified individuals applied and it made the decision hard for the Board. Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to appoint Andrew Zoumas to the Zoning Board of Appeals with a term to expire May 31, 2025.

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

Mayor Egan thanked Gary Kestenbaum for serving on the Zoning Board, a seat he has held since 2017.

IV. New Business:

a. Introductory Local Law 6 of 2020 – Term Limits for Planning/Zoning Board Members:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to introduce Introductory Law 6 of 2020 which would amend Sections 57-2(B) and 310-49(A) of the Village Code to

provide for uniform terms and term limits for Village Planning Board and Village Zoning Board of Appeals.

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

Motion was then offered by Trustee Burek, seconded by Trustee Giacomazza, to schedule a public hearing to be held on August 13, 2020 to obtain public comment on Introductory Local Law 6 of 2020.

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

Motion was then offered by Trustee Graziano, seconded by Trustee Gomez, to refer Introductory Local Law 6 of 2020 to the County Planning Department and the Village Planning Board for comment.

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

b. Discussion of Water Protection Overlay District Proposed Law:

Motion was then offered by Trustee Graziano, seconded by Trustee Giacomazza, to declare the Village of Woodbury Board of Trustees as Lead Agency with respect to Introductory Local Law 1 of 2018.

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

The Board reviewed the Part 2 EAF prepared by Attorney Naughton.

Motion was then offered by Trustee Giacomazza, seconded by Trustee Burek, to request reports from the Board's consultants to evaluate the items noted in the EAF and the local law.

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

Motion was then offered by Trustee Gomez, seconded by Trustee Graziano, to refer the revised zoning local law to the Orange County Planning Department and the Village Planning Board.

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

Motion was then offered by Trustee Burek, seconded by Trustee Giacomazza, to schedule a public hearing to be held on June 11, 2020 at 7:30PM on the adoption of Introductory Local Law 1 of 2018.

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

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to schedule a worksession to be held after the June 25, 2020 meeting to meet with consultants to discuss Introductory Local Law 1 of 2018 entitled "Water Quality Protection Overlay District".

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

EXTRA ITEM – Notice of Intent to Establish Lead Agency – Monroe Nininger LLC:

On May 18, 2020 the Village received a notice pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQRA) of the Environmental Conservation Law that the Town of Monroe Planning Board has received an application from Monroe Nininger LLC for site plan and special permit approval of a four-story, 400,646 square foot, mixed-use commercial building with retail, office space and a 39-room hotel on a parcel containing 18.20 +/- acres (known on the Monroe Tax Map as Section 2, Block 1, Lot 10). This parcel is located in their Heavy Industry (HI) Zoning District and the

project requires a zoning amendment to increase the maximum height permitted to 50 feet. The project is known as “Monroe Commons”. The Monroe Planning Board has made the following findings: (1) the proposed action is subject to SEQRA; (2) the action may involve one or more other agencies; (3) the action is preliminary classified as a Type 1 action; (4) coordinated review of the action is appropriate. Mayor Egan noted he has asked the village consultants to review the EAF submitted to determine how our community may be affected by this application. Motion was then offered by Trustee Gomez, seconded by Trustee Giacomazza, to consent that the Monroe Planning Board serve as Lead Agency in this application and the Village of Woodbury Board of Trustees requests that they continue to be notified on filings and hearings in this matter.

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

V. Public Comment:

Sandra Capriglione asked for confirmation that the Village Board is consenting to the Monroe Planning Board being Lead Agency for the Monroe Common application. Mayor Egan stated yes since the project is completely in their jurisdiction but we are requesting they keep us informed about the project. Mrs. Capriglione stated the Village should be an involved agency and Attorney Naughton stated that could only be the case if the Village was going to be issuing any permits for the project. Since it will not, then it can only be an interested agency.

Thomas DeLuca thanked the Board for appointment him to the Planning Board and noted he looks forward to working with everyone.

Andrew Zoumas also thanked the Board for his appointment and he hopes to carry on the legacy of his predecessor.

Maria Hunter thanked Mr. Cataggio and Mr. Kestenbaum for serving the community and she congratulated Mr. DeLuca and Mr. Zoumas on their appointments. She then thanked Assemblyman Colin Schmitt and the staff/owners of Falkirk for providing meals to members of the community in need twice a week during the pandemic. With regards to the Monroe Common application, she urged the Board to take a close look at the plans, noting in the past they requested use of a parcel in Woodbury adjacent to the lot for use as a parking lot and they were told it was not permitted. She then noted she received her Village tax bill today and asked for an increase in the water fund. Clerk Potvin explained there is a bond payment and a water master plan study that was budgeted this year causing the increase.

Robin Crouse stated at a past meeting Mayor Egan mentioned the Town and Village were close to a settlement of the lawsuit. However, recently on social media Councilwoman Hernandez stated she had “no intention of running until she watched the Village Board meeting where money was switched from a line-item to settle the lawsuit to a line-item for litigation”. Mayor Egan stated nothing has changed as far as he is aware but he obviously cannot discuss the terms of a potential settlement publicly. There is information that the Town is supposed to be giving to the Village to review and he was told that it is still coming. Attorney Naughton added the trial was scheduled for the fall but it is unknown how the court schedule will be adjusted once they resume opening. Clerk Potvin added there is money budgeted in the General Fund under the line-time “Judgment/Claims” for the settlement that was discussed many months ago to cover the bond payment the Town made on the Highway Garage after the property was transferred. Mrs. Crouse stated at the last Town Board meeting some members

spoke about wanting to hold a joint meeting with the Village Board to iron out the disagreements that exist. She would like to see this meeting be held and for the Village to do whatever needs to be done to stop the lawsuit and to stop waiting the taxpayer's money on it. Mayor Egan agreed that a joint meeting should be held but the process that is currently being followed needs to be completed.

Ray Torres asked why there are no African/American men/women working in the Police Department. Mayor Egan informed Mr. Torres the Police Department falls under the Towns jurisdiction and Clerk Potvin explained the Civil Service procedures that municipalities are required to following when hiring in Orange County. Mr. Torres stated he has approached the Town with his concerns unsuccessfully and Mayor Egan stated he will speak with Supervisor Palermo and Chief Watson about the issue.

Neil Crouse asked if the worksession that is scheduled for after the June 25 will be done virtually as well and Mayor Egan stated it will be.

VI. Board Member/Department Comments:

Mayor Egan thanked several people and groups for their help with meal delivery to seniors and other residents in need over the past two months. Twice a week for seven weeks Wayne Corts, Chef Abel and the staff at Falkirk Estates prepared and packaged quality nutritious meals for over 150 people each day. Assemblyman Colin Schmitt and his staff, along with Carpenters Local Union 279, helped deliver the meals. Just under 2000 meals were prepared and delivered over seven weeks. He thanked Mr. Corts for his generosity providing and preparing these meals at no cost to those that received them.

Trustee Graziano stated our region has met the metrics to entered Phase 1 of the NY-Pause plan and he is confident we will beat this virus. He also thanked the first responders and essential workers for all that they do. He thanked Mr. Cataggio and Mr. Kestenbaum for the work they have done over the past years and welcomed Mr. DeLuca and Mrs. Zoumas to their respective boards. He then thanked the many residents that have reached out to him over the past week with support, noting it has meant a lot to him. He plans to stay on the course he has been following by serving the residents of Woodbury for as long as they wish him to do so. He will conduct himself in a professional manner and will demonstrate leadership which is what the community needs. He will continue to work tirelessly to earn the trust and confidence of the community and is proud of what the Board has accomplished in the first five months since he assumed office.

Trustee Burek thanked all that attended the meeting this evening or those that plan to view the meeting later. She noted we are in the early stages of reopening and she is confident that with diligence normalcy will return. She stressed that it is important to support our local businesses, many of which have been closed since the order to do so was given. Those that were able to stay open have been there for the community and it is now time to step up and be there for them. This will go a long way in their sustainability in our community. She then reminded the public that letters of interest for the Land Preservation Committee are being solicited until close of business on June 5. She urged any interested to submit a letter adding if there was ever a time to have an impactful role in preserving our community this is the way to do it. She also thanked Mr. Cataggio and Mr. Kestenbaum for the work they have done over the past years and welcomed Mr. DeLuca and Mrs. Zoumas to their respective boards.

Trustee Gomez thanked all that are attending the meeting and participating online. He also thanked Mr. Cataggio and Mr. Kestenbaum for the work they have done over the past years and

welcomed Mr. DeLuca and Mrs. Zoumas to their respective boards. He noted on most Friday's he and Trustee Giacomazza are in the office if any resident would like to meeting with them to discuss any issue. He stressed that no question is stupid and no one will be belittled. He feels the Board is very transparent and it is here to help the residents.

Trustee Giacomazza listed all accomplishments the Village Board completed or initiated over the last five months. He noted that a certain group of individuals continue to sow the seeds of dissent trying to divide the community for their own political gains but this group of Trustees will stay on course. He then noted that Trustee Graziano has not been in the community long but he has done more in a short time than most. He respects him and is proud to call him a friend. He then noted a new initiative he would like to begin with the other Trustees that will hopefully reestablish a sense of community and a sense of small-town spirit for Woodbury. He is calling the initiative "One Woodbury" and will try to bring programs that are for children and the whole family while looking at ordinances to protect the natural beauty. This will bring residents of all sexes, races and religions together because he feels we are all in this together. One of the many things he has dealt with during the last year was a woman with a very horrific past and a very emotional story. She moved to Woodbury to begin a new life and she found love with another woman. She was then harassed by one of her neighbors over her sexuality and he is very upset about this. Her story has inspired him to create a collection of individuals that will together help beautify the exterior of Woodbury while beautifying the soul of Woodbury. The initiative will be based around what Collen Pearce brings to Woodbury (love, dedication, passion). He is bringing together a group of business leaders, AOH members, community volunteers, seniors, etc., all representing a portion of his hope that will make the community a place you would want to stay forever. As they move forward, they are looking to put banners to honor veterans for Memorial Day and Veterans Day. This is his second act with the Village of Woodbury and will continue to do things to improve the lives of the residents. He then thanked Mr. Cataggio and Mr. Kestenbaum for the work they have done over the past years, both he reached out to personally. He then welcomed Mr. DeLuca and Mrs. Zoumas to their respective boards.

Clerk Potvin noted that during Trustee Giacomazza comments she received a text from the Chairperson of the Town's Beautification Committee regarding the banners that he mentioned. The Chairperson would like to note that the Committee has already begun work on this project and would invite Trustee Giacomazza to attend the next meeting to discuss further.

Attorney Naught asked if the Board wanted to exempt any existing applications before the Planning Board from the requirements in Introductory Local Law 5 of 2020 discussed this evening. Mayor Egan stated the comments received raised significant points and feels that an exemption should be considered. Trustee Burek asked that an attorney/client session be held to discuss this issue and how this law would affect the projects that are current before the Planning Board. Mayor Egan stated he will schedule a session for next week.

VII. Adjournment:

With no further business to discuss, a motion was offered by Trustee Gomez, seconded by Trustee Burek, to adjourn the meeting at 8:40PM.

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

Desiree Potvin, Village Clerk

After adjournment the Board entered into an attorney/client session with special counsel Dennis Lynch.