

Minutes of the Virtual Village Board Meeting held on January 14, 2021 at 7:30PM

Present: Timothy Egan, Mayor  
Tara Burek, Andrew Giacomazza, Jesus Gomez and Christopher Graziano, Trustee  
Absent: None  
Also Present: Kelly Naughton, Attorney of the Village; Robert Weyant, Village Streets Superintendent;  
Michael Phillips, Water/Wastewater Administrator

**Administering of Oath of Office:**

The Oath of Office was administered by Clerk Potvin to Trustee Giacomazza and Trustee Gomez.

**I. Public Comment on Agenda Items Only:** *No comments received.*

**II. Mid-Year Reorganization:**

a. Deputy Mayor:

Mayor Egan stated he appoints Andrew Giacomazza as Deputy Mayor.

b. Board Liaisons/Appointed Positions:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to establish the following liaisons of the Village Board:

Liaison to Town Board	Mayor Egan, Trustee Giacomazza
Liaison to Planning Board	Trustee Graziano, Trustee Gomez
Liaison to Zoning Board	Trustee Giacomazza, Trustee Burek
Liaison to Fire Department	Mayor Egan, Trustee Gomez
Liaison to Water/Sewer Department	Mayor Egan, Trustee Graziano
Liaison to Building Department	Mayor Egan, Trustee Burek
Liaison to Highway Department	Mayor Egan, Trustee Giacomazza
Employee Liaisons	Mayor Egan, Trustee Giacomazza
Insurance Liaisons	Trustee Burek, Trustee Gomez

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

Motion was then offered by Trustee Burek, seconded by Trustee Giacomazza, to appoint the following individuals to the following positions:

Appeals Officer for FOIL's	Timothy Egan
Village Clerk/Treasurer/Registrar	Desiree Potvin
Procurement Officer	Timothy Egan

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

Motion was then offered by Trustee Gomez, seconded by Trustee Burek, to designate Richard Golden, with the law firm Burke Miele Golden Naughton, as attorney for the Village.

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

h. Meeting Dates and Meeting/Public Comment Procedures:

Motion was offered by Trustee Burek, seconded by Trustee Gomez, to adopt the following meeting procedures:

“That the Village Board hold regular meetings on the second and fourth Thursday of each and every month at 7:30PM, at Village Hall, 455 Route 32, Highland Mills, New York. If cancelled, notification will be given to the media and posted on the official signboard of the Village Clerk. Special meetings are to be called by the Mayor and all Trustees will be notified by telephone, electronic mail, in person or by postal service by the Village Clerk at least twenty-four hours in advance of the meeting unless in the opinion of the Mayor emergency conditions dictate the necessity of shorter notice. Agendas will be prepared by the Village Mayor and Clerk no later than twenty-four hours prior to all meetings. Items can be added and deleted when needed. Minutes of the meetings will be prepared by the Village Clerk in accordance with the Open Meetings Law. When action is required, a motion, followed by a second, will be asked for by the Mayor. A discussion can then be held and then each member will vote verbally on the issue (one vote per member). When required, the Board will be polled by the Village Clerk. If there is a dispute as to the form or priority of motions or other meeting procedural issues not set forth herein Roberts Rules of Order shall prevail, consistent with New York municipal law, with the Attorney for the Village acting as Parliamentarian. When all business is finalized, the meeting will be adjourned. Any deviation from these procedures must be determined by the Village Board.”

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

Motion was then offered by Trustee Burek, seconded by Trustee Giacomazza, to adopt the following procedures to be followed during the public comment segment of the meetings:

- a. The public may speak only during public comment or at any time the Village Board permits, for a period of five minutes. Time cannot be yielded to other members of the public.
- b. Comments are to be made to the Village Board only, not other members of the public or individual Board members.
- c. Speakers will observe commonly accepted rules of courtesy, decorum, dignity and good taste when addressing the Board and making comments.
- d. Written communication will be accepted/presented to the Village Clerk.

Any deviation from these procedures must be determined by the Village Board.

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

i. Procurement Policy:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to adopt a procurement policy as follows:

**WHEREAS**, General Municipal Law (GML) 104-b requires every municipality to adopt internal policies and procedures governing all procurements of goods and services not subject to the bidding requirements of GML 103 or any other law; and,

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Village of Woodbury does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103. “Purchaser” is defined as a Village official, board member, department head or individual assigned by the department head to have purchasing authority. Pursuant to GML 104-b, they are listed as follows:

Building Department	Gary Thomasberger, Maria Rubio, Marian Tivaldo,
Fire Department	Scott McClennan, Pasquale Prozzillo, Christopher Burke
Water/Sewer Department	Michael Phillips, Jason Braghirol, Jean Mundy
Mayor/Trustees	Timothy Egan, Desiree Potvin, Jessica McClennan

Clerk/Treasurer  
Highway Department

Desiree Potvin, Jessica McClennan  
Robert Weyant, Sheila Beadle

Guideline 2. All purchases of (a) supplies or equipment which will exceed \$20,000 or (b) public works contracts over \$35,000 shall be formally bid pursuant to GML 103. In 2013 this amendment to GML 103 will sunset and the limits will return to \$10,000 for all purchases of supplies or equipment and \$20,000 for all public works contracts. When/If this occurs, then the limits listed in Guideline 3 exceeding the current limits will be null and void.

Guideline 3. Purchases of supplies or equipment shall require the following:

Less than \$20,000 but greater than \$10,000	Three written quotes with documentation
Less than \$10,000 but greater than \$5,000	Two written quotes with documentation
Less than \$5,000	Left to discretion of Purchaser

Pursuant to GML 103(1) purchases of “commodities, service or technology” may not be “artificially divided” for the purposes of satisfying the “discretionary buying thresholds”. “The reasonably expected aggregated amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of the purchase” must be considered.

Purchases of public works/service contracts shall require the following:

Less than \$35,000 but greater than \$20,000	Three written quotes with documentation
Less than \$20,000 but greater than \$5,000	Two written quotes with documentation
Less than \$5,000	Left to the discretion of the Purchaser

Any written request for proposals (RFP) shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors for which quotes have been received by using the form provided by the Village Clerk. All information gathered in complying with the procedures of this policy shall be preserved and attached to the voucher that is submitted for processing of payment to the successful vendor.

In the event that a diagnostic examination results in charges that will fall under a procurement threshold requiring a form of documentation other than initially anticipated, management will determine if the work can proceed without fulfilling the standard requirements of the applicable threshold.

Guideline 4. The lowest responsible proposal/quote shall be awarded unless the Purchaser prepares a written justification providing reasons why it is in the best interested of the Village and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgments shall also be documented.

Guideline 5. A good-faith effort shall be made to obtain the required number of proposals/quotes. If the Purchaser is unable to obtain the required number of proposals/quotes, the Purchaser shall document the attempt(s) made. In no event shall the inability to obtain the proposals/quotes be a bar to the procurement.

Guideline 6. Except when directed by the Village Mayor, no solicitation of proposals/quotes shall be required under the following circumstances:

- i. Acquisition of professional services;
- ii. Emergencies;

- iii. All purchases made under the emergency exception must meet the following criteria: 1) need arises from an accident or unforeseen occurrence or condition; 2) need affects public buildings/property or life, health and safety; 3) immediate action is needed and cannot await competitive bidding or competitive offering.
- iv. Sole-Source situations;
- v. Goods purchased from agencies for the blind or severely disabled;
- vi. Goods purchased from correctional facilities;
- vii. Goods purchased from another governmental agency;
- viii. Goods purchased at auction;

Guideline 7 This policy shall be reviewed annually by the Village Board of Trustees at its organizational meeting or as soon thereafter as is reasonably practicable.

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

Official Undertaking:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to approve the below form (in italics) of the official undertaking of municipal officers of the Village, pursuant to Section 11 of Public Officers Law, and the manner of execution and the sufficiency of the Village's insurance company surety. This undertaking will be administered to all elected officials upon the start of their elected term that handle funds on behalf of the Village of Woodbury:

VILLAGE OF WOODBURY, ORANGE COUNTY, NEW YORK  
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

**WHEREAS**, \_\_\_\_\_, of the Village of Woodbury, County of Orange, New York, has been elected to the office of \_\_\_\_\_ in the Village of Woodbury; and

**NOW THEREFORE**, he/she as respective officer above, do hereby undertake with the Village of Woodbury that he/she will faithfully perform and discharge the duties of the office, and will promptly account for and pay over all moneys or property received as a Village Officer, in accordance with the law; and

*The Village does and shall maintain insurance coverage (presently with Travelers Casualty & Surety Company of America) in the sum of \$300,000 per loss (plus an additional \$500,000 for the Tax Collector, \$500,000 for the Village Clerk-Treasurer/Deputy Clerk-Treasurer) to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.*

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

**III. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to accept receipt of the minutes of the meeting held December 22, 2020.

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

b. Approval of Abstract:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve Abstract 15 containing vouchers 201117 – 201290 and totaling \$246,178.98.

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

c. FY2020/2021 Budget Modifications:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to approve the following modifications to the FY2020/2021 budget:

- General Fund totaling \$53,489 by increasing A1010.414 (VB – Late Fees on Invoices) by \$94, A1330.443 (Tax Collection – Bill Printing) by \$7, A1410.201 (VC – Equipment) by \$932, A1440.404 (Consultant – Appraisal) by \$8250, A1460.411 (Records Management Supplies) by \$2944, A1610.407 (Gen – Heat/Air Use/Repair) by \$10,000, A1610.409 (Gen – Alarm System) by \$30,000, A3410.463 (FD – SCBA Testing) by \$1167, A3410.472 (FD – Air Compressor Service) by \$95 and decreasing A1010.403 (VB – Videographer) by \$94, A1330.411 (Tax Collection – Office Supplies) by \$7, A1410.463 (VC – Computer Maintenance) by \$932, A1440.411 (Consultant – Planner) by \$8250, A1620.100 (Custodian Personal Service) by \$20,000, A1910.400 (Unallocated Insurance) by \$20,000, A3410.448 (FD – Operations) by \$1262, A9010.800 (State Retirement) by \$2944
- Consolidated Water totaling \$5040 by increasing FC8310.468(Generator Fuel) by \$5000, FC9089.800 (Optical) by \$40 and decreasing FC8310.471 (Water Master Plan) by \$5040
- Water #6 (Amdur Park) totaling \$5000 by increasing FA8310.438 (Operations/Maintenance) by \$5000 and decreasing FA8310.415 (Engineering) by \$5000
- Consolidated Sewer totaling \$20 by increasing GC9089.800 (Optical) by \$20 and decreasing GC9010.800 (State Retirement) by \$20
- Sewer #1 (Valley Forge) totaling \$336 by increasing GV8110.410 (Bonding Expense) by \$336 and decreasing GV8110.438 (Operations/Maintenance) by \$336

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

**IV. Old Business:**

a. Discussion/Vote – Introductory Local Law 12 – ARB Guidelines:

Mayor Egan noted that since the last meeting additional comments on the introductory law have been received. The County’s GML review was received on December 29 and they stated the Department of Planning “had found no evidence that significant intermunicipal or countywide impacts would result from its approval” and they have “no further advisory comments”. Building Inspector Thomasberger submitted several comments in a memo dated December 30, 2020:

- 1) He feels the law should also reference commercial properties. Attorney Naughton has made that change in Section 8-4.
- 2) He does not know why the Board limited this to subdivisions that existed on or after 1990 and he would like to know what would be required for single lots in subdivisions prior to 1990. He noted “more than likely they would still need ARB review in accordance with Ridge Preservation as approximately 60% of Woodbury is over the 600’ elevation and within a required view corridor”. Attorney Naughton noted her office choose 1990 as a suggestion and the purpose

was to exempt old developed neighborhoods which were developed under very different circumstances. The Board would need to decide if it wants to include all lots or leave this section as written. The Board agreed to follow the suggestion of Attorney Naughton.

- 3) He asked if solar panels installed on an existing home be included in ARB review as an exterior alteration. Attorney Naughton stated this would be for the Building Inspectors interpretation and if he is unsure then it is an ambiguity. She suggests the Board either specifically include or exclude solar panels. The Board agreed the way the law is written is sufficient.
- 4) He feels the law as written would cause a dramatic increase in Planning Board applications and place a huge burden on the Planning Board members, consultants and Building Department staff. He suggests the Planning Board dedicate an additional meeting (as necessary) specifically for ARB/Ridge Preservation applications that will not require any additional Planning Board approvals. Attorney Naughton stated that would be up to the Chairman to decide.
- 5) He feels the law should have a section with specific guidelines included prohibited materials. This would make it easier for the applicant and the Planning Board to conduct a review to eliminate the submission applications that do not conform to accepted standards. Attorney Naughton stated that would be a decision the Village Board will need to make noting this is usually a longer process involving an architect study and recommending guidelines. She also noted it is something the Board can add to the law at a later date. Trustee Graziano stated he feels the ARB will be able to make those decisions and the Board agreed to leave the law as written.
- 6) He feels Section 314-7(A)(2) should require twelve copies be required to include copies for referral to the County if required and Attorney Naughton stated she agrees and made the change.
- 7) He feels the application should have a set fee and suggest the fee be established for subdivisions, additions (individual lots) and commercial applications. He feels the fee would serve two purposes – (1) remove the requirement of an escrow account to be managed by the Building Department staff and (2) the applicant would be aware of the costs at the time of application (not all by some of these application types have exceed \$10,000 in consultant fees for a new, single-family dwelling). Attorney Naughton stated the Village Board would need to decide if this is something it wants to do but thought it would be unlikely the Board would want residents to take up the burden of the extra costs of consultants. She noted the expensive applications are because applicants are trying to do things contrary to the Code. Trustee Graziano stated he feels fees can be discussed separately at a later date and does not need to be included in this law. The Board agreed.

Based on the comments received, Mayor Egan asked the Board how they wish to proceed. Attorney Naughton noted that SEQRA has been completed, a public hearing was held and referrals were conducted as required. Motion was then offered by Trustee Giacomazza, seconded by Trustee Graziano, to adopt Local Law 1 of 2021 which amends Chapter 8 (“Architectural Review Board”) and Chapter A314 (“Architectural Review Board Rules”) of the Code of the Village of Woodbury to clarify the guidelines and standards of the Architectural Review Board 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

b. Discussion/Vote – Introductory Local Law 13 – Ridge Preservation:

Mayor Egan noted that since the last meeting additional comments on the introductory law have been received. The County’s GML review was received on December 29 and they stated the Department of Planning “had found no evidence that significant intermunicipal or countywide impacts would result from its approval” and they have “no further advisory comments”. Building Inspector Thomasberger submitted several comments in a memo dated December 30, 2020:

- 1) He feels the law will place an additional burden on the Planning Board and suggested a separate meeting date specifically for the applications that would not otherwise require additional Planning Board approvals (same as comment three for Introductory Local Law 12 of 2020 above). Attorney Naughtons comments were the same as for the other law.
- 2) He feels “visible from a view corridor” should be defined further in Section 310-2 by adding “all proposed structure” and Attorney Naughton stated she does not feel this is necessary as it may exclude visible structures that do not precisely fit the definition. The Board agreed with Attorney Naughton.
- 3) He feels guidelines should be setup similar to ARB and Attorney Naughton states she feels the guidelines in 310-13(C) are sufficient. The Board agreed with Attorney Naughton.
- 4) He feels there should also be a fee schedule similar to ARB and they should be in categories such as additions, new homes, residential subdividing lots, commercial, filling, clearing, etc. Attorney Naughton stated a different schedule of fees tied to different types of applications is fine but it would be up to the Village Board to decide. Her comments on this issue are the same as her comments to issue 7 the Building Inspector raised for the other law. The Board stated the same answer as they did for the other law.

Based on the comments received, Mayor Egan asked the Board how they wish to proceed. Attorney Naughton stated all SEQRA has been conducted, a public hearing was held and all required referrals were conducted. Motion was then offered by Trustee Graziano, seconded by Trustee Gomez, to adopt Local Law 2 of 2021 which amends Chapter 310 (“Zoning”) of the Code of the Village of Woodbury to clarify the guidelines and standards of ridge preservation review 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

**V. New Business:**

a. Discussion/Vote – Potential Bonding Needs in 2021:

Mayor Egan noted there are several projects coming up that the Board needs to bond in order to pay for. The first priority is for work at the Amdur Park/Water 6 system (water system filter replacement, treatment plant upgrades and water supply enhancements). The work is estimated to cost the residents solely in that water improvement area \$500,000. In preparation for this work an Engineer’s Report was prepared in November 2020 addressing all the requirements under SEQRA. There are a number of operational difficulties in the Amdur Water Supply system due to facilities in disrepair. The well supply capacity is in need of enhancement and the filtration system is no longer effectively treating the water supply for removal of manganese. The improvements that will be done include fracking one of the existing wells, relocation of iron manganese filters that are unused at the Highland Lake Estates treatment plant for reuse at Amdur and developing a new well supply for

redundancy/reliability. Upon securing funding, the fracking and filtration system will be done immediately. The new well supply will be developed after permitting approvals with the NYSDEC and DOH are secured. The first action that needs to be done by the Board is adopting a SEQRA resolution assuming Lead Agency status, typing the action and adopting a negative declaration.

Motion was then offered by Trustee Graziano, seconded by Trustee Burek, to adopt the following resolution assuming lead agency status, typing the action and adopting a negative declaration under SEQRA for the Amdur Park Water System filter replacement, treatment plant upgrades and water supply enhancement project:

**WHEREAS**, the Village of Woodbury is undertaking and funding the filter replacement, treatment plant upgrades and water supply enhancement for the Amdur Park Water Area (the “Amdur Park Project”); and

**WHEREAS**, the Amdur Park Project is subject to the New York State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, the Village of Woodbury Board of Trustees is the sole Involved Agency because the project is exempt from zoning and not subject to Planning Board approval based on a balancing of public interests, considering the municipal land use involved and the public benefits that will result from the upgrade and enhancement of the water supply as part of the Amdur Park Project; and

**WHEREAS**, the Village of Woodbury Board of Trustees has caused a short Environmental Assessment Form (“EAF”) for the proposed expansion to be prepared, as well as an Engineering Report prepared by H2M architects + engineers; and

**WHEREAS**, the Village Board has reviewed the EAF and Engineering Report for the Amdur Park Project and identified and taken a hard look at the relevant areas of environmental concern; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Woodbury hereby:

- 1) Assumes lead agency status with respect to the review of the proposed Amdur Park Project expansion under SEQRA and part 617 of its implementing regulations;
- 2) Classifies the action as an Unlisted action;
- 3) Makes a determination of significance of a negative declaration, i.e., that the proposed action will not result in any significant adverse environmental impacts, and adopts the annexed Negative Declaration.

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

Motion was then offered by Trustee Graziano, seconded by Trustee Giacomazza, to adopt the following bond resolution authorizing the construction improvements to the Amdur Park Water System, stating the estimated maximum cost thereof is \$500,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$500,000 to finance said appropriation:

**THE BOARD OF TRUSTEES OF THE VILLAGE OF WOODBURY, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES** (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) **AS FOLLOWS:**

Section 1. The Village of Woodbury, in the County of Orange, New York (herein called the “Village”), is hereby authorized to construct improvements to the Amdur Park water system, including improvements to the filtration system and the distribution and supply systems and facilities, and other related or ancillary work, as described in the report prepared by H2M architects + engineers dated November 2020. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$500,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$500,000 bonds of the Village to finance said

appropriation, and the levy and collection of taxes upon all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- a) The period of probable usefulness of the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.
- b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancement, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Times Herald Record*," a newspaper having a general circulation within said

Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

**VILLAGE OF WOODBURY, NEW YORK**

PLEASE TAKE NOTICE that on January 14, 2021, the Board of Trustees of the Village of Woodbury, in the County of Orange, New York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Woodbury, New York, adopted January 14, 2021, authorizing the construction improvements to the Amdur Park water system, stating the estimated maximum cost thereof is \$500,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$500,000 to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Woodbury to construct improvements to the Amdur Park water system, including improvements to the filtration system and the distribution and supply systems and facilities, and other related or ancillary work, as described in the report prepared by H2M architects + engineers dated November 2020; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$500,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$500,000 bonds of the Village to finance said appropriation, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of \$500,000 bonds of the Village pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is forty (40) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof;

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum; and

BY ORDER OF THE VILLAGE BOARD  
OF THE VILLAGE OF WOODBURY  
DESIREE POTVIN, VILLAGE CLERK  
DATED JANUARY 14, 2021

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

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

b. Introductory Local Law 1 of 2021 – Heavy Duty Towing:

Mayor Egan stated the Board finds that it is reasonable and appropriate to update and amend Chapter 283 of the Village Code entitled “Towing” to provide regulations for heavy duty towing. This proposed law is determined to be an exercise of the police powers of the Village to protect the public health safety and general welfare of its residents. Attorney Naughton stated this law will create a separate list for heavy duty towing needs so the police will be able to get a response quicker.

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to introduce Introductory Local Law 1 of 2021 entitled “Towing” to establish regulations for heavy duty towing.

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

Motion was then offered by Trustee Burek, seconded by Trustee Giacomazza, to refer Introductory Local Law 1 of 2021 to the Woodbury Police Department for their review and comment.

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

Motion was then offered by Trustee Gomez, seconded by Trustee Giacomazza, to schedule a public hearing to be held at 7:30PM on January 28, 2021 to entertain public comments on Introductory Local Law 1 of 2021.

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

c. Donation – Woodbury Common for New Trout Brook Well:

Mayor Egan noted, pursuant to Section 1.3 of the Developers Agreement with the Woodbury Common in June 2013 they posted a \$250,000 escrow with the Village that was to be used for public improvements – specifically to financially contribute towards to cost of signal retiming or adaptive single coordination of the traffic lights on Route 32 to help improve traffic flow. If the money does not get used for this purpose, then funds are “donated to the Village for its use to assist the DOT in such endeavors, or otherwise improve traffic flow in that are or to generally use for the general health, safety and public welfare of the Village in a manner related in some respect to (their) renovation project”. Mayor Egan stated several months ago he reached out to representatives at Woodbury Common to discuss using the funds to help offset the cost for the Trout Brook Well Water Supply Improvements. They have agreed to support this project to help the Village maintain public water quality standards and meet future water demand.

Motion was then offered by Trustee Graziano, seconded by Trustee Burek, to accept the donation from the Woodbury Common of \$251,928.82 (\$250,000 principle plus interest earned) for the Trout Brook Well Water Supply Improvements project by closing performance escrow P523.

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

Motion was then offered by Trustee Giacomazza, seconded by Trustee Burek, to approve the following modification to the FY2020/2021 budget of the Consolidated Water fund recognizing the donation and allocating an expense line-item by increasing FC2705 (Gifts and Donations) by \$251,928.82 and increasing FC8310.472 (Trout Brook Well) by \$251,928.82.

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

**VI. Public Comment:**    *No public comment was received.*

**VII. Board Member/Department Comment:**

Mayor Egan congratulated Trustee Giacomazza and Trustee Gomez on their re-election and stated he looks forward to working with him for the additional years of their term. Regarding COVID, he noted that 911 call volume in the Hudson Valley has been dramatically increasing, adding these strain/strains seem to be significantly more virulent than the previous strain. Regarding vaccines, they came out strong and fast for those that were in Phase 1a but seem to be less available for the next phase. He has been asking a lot of individuals about this but no one seems to have an answer as to why the supply is not meeting the demand. It is his opinion it is a distribution issue from the Federal government to the State. As a community, we are looking to get vaccines in the hands of as many people that want it as quickly as possible.

Trustee Graziano thanked all for attending the meeting this evening. He noted an epiphany came to him - as he was digesting the recent events in Washington DC - that this has been coming for a long while and is more widespread than anyone can imagine. We all have gone through a year-long global pandemic which should have brought people closer together but sadly it has not. He has watched and listened to the news, read social media posts, and he has been literally disgusted by what he has seen, the hate people spew. He is truly saddened and depressed by watching what unfolded and began to reflect "when did people become so entitled - just because you want to demand something does not mean you are automatically entitled to get it". He feels we have raised a generation that has never been told "no". He feels we worship the wealthy and famous so much that we fail to see their shortcomings. He also feels we have lost the ability to compromise or even see another person's point of view. He noted this is happening all over the country and is a small example of what he has witnessed over the past week - social media posts calling people out for getting a vaccine or telling others how they do not deserve it. We need to be willing to meet people halfway or we are doomed to fail. Our county was founded on the cultures and viewpoints of many races, religions, colors and creeds and we are forsaking all that diversity in exchange for total annihilation of anyone who thinks differently from us. He feels this needs to end and it's going to take a grassroots effort, person by person, community by community, but it needs to start now. We need to relearn how to be tolerant of other points of view, adding the value of humanity is not defined whether you are far left or far right, but it is defined by how we can meet in the middle.

Trustee Gomez thanked all that voted for Trustee Giacomazza and him to their second terms. It means a lot to them that the community believed in them and their similar goals for a better, beautiful and united Woodbury. They will continue to move Woodbury forward and try to achieve all the promises they made.

Trustee Burek wished everyone a happy new year and hoped everyone had a safe, enjoyable holiday with their families. This year her hope is that Board is even more productive than they were last year. In 2020 the Board created three new committees that will continue to work throughout 2021 with several goals. The Board will also continue with Code changes to address areas that they feel has room for improvement. They will be working with the Land Preservation Committee to identify areas for potential preservation and discussing different environmental protections. She is looking forward to new ideas, exciting changes and more "out of the box" thinking to help enhance and sustain life here in Woodbury.

Trustee Giacomazza stated 2021 held so much promise and hope then last week storming of the Capital coupled with this past summer violence throughout many major cities continues to highlight the growing unrest and divide that exists in our country. Next week the country will be honoring and

celebrating the life of a great American, Martin Luther King Jr, whose commitment to non-violence is well documented. Social change remains one of his most important legacies and yet this portrait of the man is woefully incomplete without a discussion of his political thought and process, which was considered by many to be revolutionary at the time. He urged civil rights activists, law enforcement and all Americans to practice non-violent, peaceful protests. Unfortunately, that is not what has been occurring in our country and all sides are to blame. His biggest concern is that the next generation of political leaders and where they will lead this country – will they work hard to heal it or continue to make the mistakes that have plagued over the last decade. To that end, he has a meeting scheduled next week with the MWCSO leaders to begin the process of forming a junior village government. He feels the youth of today are very aware of what is right but they may not know how local government works. He hopes this will make a difference in the lives of these youngsters and point them in the right direction. He then welcomed to Woodbury the new business establishment Viva Mexican Deli on Smith Clove Road.

**VIII. Adjournment:**

With no further business to discuss or comment received, a motion was offered by Trustee Gomez, seconded by Trustee Burek, to adjourn the meeting at 8:10PM.

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

Desiree Potvin, Village Clerk

## LOCAL LAW 1 OF 2021

A LOCAL LAW AMENDING CHAPTER 8 (“ARCHITECTURAL REVIEW BOARD”) AND CHAPTER A314 (“ARCHITECTURAL REVIEW BOARD RULES”) OF THE CODE OF THE VILLAGE OF WOODBURY TO CLARIFY THE GUIDELINES AND STANDARDS OF THE ARCHITECTURAL REVIEW BOARD

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

### **SECTION 1.     **PURPOSE****

The Board of Trustees of the Village of Woodbury finds that it is reasonable and appropriate to update and amend Chapter 8 (“Architectural Review Board”) and Chapter A314 (“Architectural Review Board Rules”) of the Village of Woodbury Code with respect to the guidelines, standards and procedures that the Architectural Review Board applies and follows. This local law is determined to be an exercise of the police powers of the Village to protect the public health safety and general welfare of its residents.

### **SECTION 2.     **CHAPTER 8 (“ARCHITECTURAL REVIEW BOARD”).****

Sections 8-1, 8-3, 8-4, 8-5, 8-8 and 8-9 of the Village Code are hereby repealed and replaced with the following:

#### **§8-1     Findings; purpose.**

The Village Board hereby finds that excessive uniformity or dissimilarity of design, disproportionate size or height, excessive gross floor area (especially to the point of allowing such space to be used for other than the represented purpose), inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and neighboring areas for residential and business purposes or other use and, by so doing, impairs the benefits of the occupancy and development of existing and future properties in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, comfort and general welfare of the inhabitants thereof, and destroys a proper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the purpose of this chapter to prevent these and other harmful effects of such exterior appearances of buildings erected and thus to promote and protect the health, safety, comfort and general welfare of the community, to promote the public convenience and prosperity, to conserve the value of buildings and to encourage the most appropriate use of land within the Village.

#### **§8-3     Review of Plans**

The Planning Board, in reviewing subdivisions, planned unit developments, multiple-family dwellings and site plans, shall require the developer or owner of the project to submit its plans for development of the land, including the type and detail of buildings to be constructed, the location of the buildings on the proposed site and the type and details of architecture. Acting in its role as Architectural Review Board, the Planning Board shall review the plans of the development, attend an on-site inspection, and analyze the design, architecture, and size of all buildings.

#### **§8-4     Review by Planning Board.**

The Planning Board, in its role as Architectural Review Board, shall review plans and specifications for the following buildings, and alterations to buildings not previously approved (*e.g.* options, alternates) that change its outside physical dimension in any respect, as defined in Chapter 310, Zoning, of the Code of the Village of Woodbury:

- A. Buildings and alterations in all applications.
- B. Buildings and alterations which require a building permit, pursuant to Chapter 310, Zoning, on any lot that (i) was part of a subdivision approved by the Planning Board on or after January 1, 1990, or (ii) is otherwise subject to the Ridge Preservation regulations of Section 310-13.

**§8-5 Approval, conditional approval, disapproval and exemption.**

The Planning Board, acting in the role of Architectural Review Board, may approve, conditionally approve subject to special modifications, or disapprove, any application, provided that such determination is based on the appropriateness or inappropriateness of the proposed building or alteration in the following respects:

- A. Excessive similarity, dissimilarity or inappropriateness in relation to itself or to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application, facing upon the same street or within the same or surrounding neighborhood, including neighboring developments, in respect to one or more of the following features:
  - 1) Exterior façade of all building sides, including, but not limited to building materials, mass, roof line, architectural style and authenticity, colors, size, proportion, roof design and height.
  - 2) Size and arrangement of doors, windows, porticoes or other openings or breaks in the façade, including reverse arrangement,
  - 3) Footprint and gross floor area including all or portions of the structure.
- B. An alteration to a building otherwise subject to architectural review by the Planning Board shall be exempt from such review if it is a repair or replacement in kind of a portion of the building, provided there is no change in the outside physical dimensions of the building.

**§8-8 Considerations in approving or disapproving plans and specifications.**

In approving or disapproving plans and specifications for a building or alteration, the Planning Board, acting in its role as Architectural Review Board shall consider the purposes above stated to promote architectural beauty and harmony of building design, to prevent the monotony of residential housing, and to prevent buildings from being improperly designed and located in relation to land contours, lot lines, street lines and use.

**§8-9 Waiver of requirements.**

The Planning Board, in its role as Architectural Review Board, may waive or vary any requirements of this chapter where the layout of the neighborhood, lot pattern, topography, observation of natural features used and the siting of individual structures is such to avoid monotony of appearance despite similarity of buildings.

**SECTION 3. CHAPTER A314 (“ARCHITECTURAL REVIEW BOARD RULES”).**

Chapter A314 hereby repealed and replaced with the following:

**§A314-1. General provisions.**

- A. The Architectural Review Board of the Village of Woodbury shall be governed by the provisions of all applicable state statutes, local laws, ordinances and these rules.
- B. The term "Board" as used in these rules shall mean the duly appointed Architectural Review Board of the Village of Woodbury.
- C. The term "neighborhood" as used in these rules shall be the subdivision of land that included that property that is the subject of the application, the surrounding area, and neighboring developments.
- D. The Board shall become familiar with all the duly enacted ordinances and laws of the Village under which it may be expected to act as well as with the applicable state statutes.

**§A314-2. Reserved.**

**§A314-3. Chairperson and Acting Chairperson.**

The officers of the Board shall consist of a Chairperson and an Acting Chairperson as follows:

- A. Chairperson. The Chairperson shall be designated by the Village Board. The Chairperson shall perform all duties required by law, ordinance and these rules, shall preside at all meetings of the Board, and shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board. The Chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.
- B. Acting Chairperson. An Acting Chairperson shall be appointed to serve in the absence of the Chairperson, and shall have all the powers of the Chairperson during absence, disability or disqualification.

**§A314-4. Vacancies.**

- A. Should any vacancy on the Board occur for any reason, the Secretary shall give immediate notice thereof to the Village Clerk.
- B. Should such a vacancy occur, the Board shall immediately submit its recommendations for new appointments to the Mayor.
- C. Should the office of Chairperson become vacant, the Secretary shall notify the Village Clerk and the Acting Chairperson shall handle the duties of the Chairperson until such time as the Mayor, subject to the approval of the Village Board, shall appoint a new Chairperson.

**§A314-5. Meetings.**

- A. Regular meetings. The regular meetings of the Board shall be held on the first and third Wednesdays of each month at 7:30 p.m. in the Woodbury Village Hall, Highland Mills, New York, or as otherwise set by motion of the Board.
- B. *(Intentionally omitted.)*
- C. Special meetings.
  - 1) Special meetings of the Board may be called by the Chairperson in accordance with New York State law.
  - 2) The Chairperson shall call a special meeting within 10 days of receipt of a written request from any three members of the Board, which request shall specify the matters to be considered at such special meeting.
- D. Cancellations of meetings. Whenever there are no applications or other business at a regular meeting, the Chairperson may dispense with such meeting by notice to all members, the Building Department and Village Clerk.

- E. Proceedings. The order of business at regular meetings shall be as follows, or as determined by the Chairperson:
  - 1) Roll call.
  - 2) Reading and approval of minutes of preceding meeting.
  - 3) Reading of Board's decisions from prior meeting.
  - 4) Public hearing.
  - 5) Other business.
  - 6) Adjournment.

**§A314-6. Voting.**

- A. A quorum shall consist of a majority of the members of the Board.
- B. No hearing or meeting of the Board shall be held nor any action taken in the absence of a quorum; however, those members present shall be entitled to request the Chairperson to call a special meeting for a subsequent date. All subsequent hearings shall be readvertised in accordance with the requirements of the applicable law.
- C. Decisions on any matter before the Board shall require the affirmative vote of a majority of the Board unless otherwise specified herein.
- D. A tie vote or favorable vote by a lesser number than the required majority shall be considered a denial of the motion under consideration.
- E. No member of the Board shall vote on any matter requiring a public hearing unless he has attended the public hearing thereon; however, where such member has familiarized himself with such matter by reading the record, he shall be qualified to vote.

**§A314-7. Procedures.**

- A. Filing of applications.
  - 1) All applicants shall file an application with the Building Department. Such application shall be made on the form provided for that purpose. The Building Department shall be responsible for providing any applicant with the proper forms and for instructing the parties concerned on the proper manner for completing and filing said forms. All information required thereon shall be complete before an application is considered filed.
  - 2) There shall be furnished to the Building Department twelve copies of the application, plans and specifications containing the required information and data at least 10 days prior to the scheduled hearing. No hearing shall be scheduled unless the above papers are furnished to the Building Department, unless otherwise authorized by the Board. If a completed record is not so furnished within the time prescribed herein, then the Chairman may refuse to list the application on an agenda until the application is completed.
  - 3) Upon receipt thereof, the Building Department shall distribute the application, plans and specifications to the Board members and consultants of the Board.
- B. Site inspection. Subsequently and before a proposed hearing, the Board members shall, if necessary, arrange to visit the site in order to physically acclimate themselves with the situation.
- C. Supporting papers. The application shall be supported by the following:
  - 1) A plot plan for each lot, with the location of house and driveway shown.
  - 2) The front, rear and both side elevations of the proposed building showing existing grade lines at the foundation walls and proposed finished grades. Exterior materials and colors must be indicated on the elevations. All grades shall be indicated by reference to the average street grade in front of the lot, unless elevations are shown on the subdivision map, in which case the grade shall be referenced to such elevations.

- 3) One copy of the preliminary or final subdivision map with five-foot contours, including the plot for which the application is made and the street giving access thereto. Each paper shall be drawn in ink or be a photocopy, shall show the name and address of the developer or owner, section and lot number, shall be dated and shall include space for indication of approval or disapproval by the Board.
  - 4) An artist's rendering or photograph of the structure to be constructed on a given lot, required at the discretion of the Board.
  - 5) A check made payable to the Village of Woodbury in an amount as set forth in Chapter 143, Fees.
  - 6) Any other information deemed necessary for the Board to make an appropriate determination on the application.
- D. Waivers. The Board may waive or allow deferred submission of some of the information required in Subsection C above, as it deems appropriate.
- E. Notice to applicant. The applicant shall be notified by the Chairperson, by letter, within five days of the hearing of his failure to complete his application properly.

**§A314-8. Hearings.**

- A. Time. The Board shall schedule a hearing on all applications.
- B. Notice.
  - 1) Notice of all hearings shall be given at least five days prior to the date thereof by publication in the official Village newspaper. Such notices of the hearings shall be mailed to all parties and all adjacent property owners within 300 feet of the subject property.
  - 2) Such notice shall state the location of the building or lot and the date, time and place of the hearing.
- C. Proceedings. The order of business at a hearing shall be as follows:
  - 1) Roll call.
  - 2) The Chairperson shall read the public notice, as well as all correspondence and reports received thereon.
  - 3) The applicant shall present his case.
  - 4) Those in favor or opposed shall present their arguments.
  - 5) If necessary, adjournment of the hearing.
  - 6) Closing of the public hearing and an indication by the Chairperson as to when the decision will be announced.
- D. General rules.
  - 1) Any party may appear in person or by agent or by attorney or, where property is under contract, by the contract vendee.

**§A314-9. Decisions.**

- A. Time limit. The Board shall render its decision within 62 days of the close of the public hearing.
- B. Form. The final decision by the Board shall be made either by written order or contained within the Board's minutes pertaining to a specific application. Such decision shall state the findings of fact which were the basis for the Board's determination. The decision shall also state any conditions necessary to fulfill the purpose of Chapter 8, establishing an Architectural Review Board.
- C. In approving or disapproving plans and specifications for a building or alteration, the Architectural Review Board shall consider the purposes above stated to promote architectural beauty and harmony of building design; to prevent the monotony of residential, and to prevent

buildings from being improperly designed and located in relation to land contours, lot lines and street lines.

- D. Filing. Minutes and decisions of the Board shall be filed as soon as practical after each meeting in the office of the Village Clerk and shall be a public record.
- E. Notice. Copies of the decision shall be forwarded to the applicant by the Building Department.
- F. Certification. A copy of the Board's decision, including all terms and conditions, shall be transmitted to the Code Enforcement Officer, and he shall fully incorporate such terms and conditions of the same in the building permit to be issued to the applicant for such building or alteration.

**§A314-10. Certificates of occupancy.**

In case of approval by the Architectural Review Board, the Code Enforcement Officer shall not issue a certificate of occupancy upon completion of the building or alteration unless he finds that such building or alteration is completed in conformance with the plans and specifications approved by the Architectural Review Board.

**§A314-11. Appeals.**

Time limit. Where an applicant disagrees with a decision rendered by the Board, he or she must file an application with the Board of Appeals for a review of the decision within 30 days after the decision has been filed pursuant to § A314-9D of these regulations, or forfeit any rights to challenge said decision.

**§ A314-12. Adoption and amendment of rules and regulations.**

- A. Adoption. Upon adoption of these rules by the Board, the Secretary shall file a copy of these rules with the Village Clerk, and they shall be a public record.
- B. Amendment. These rules may be amended by an affirmative vote by a majority vote of a quorum of the Board, provided that such amendment be presented in written form at a regular or special meeting preceding the meeting at which the vote is taken.
- C. Filing. All amendments adopted shall be filed in the same manner as provided for the rules in Subsection A of this section.

**SECTION 5. 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 are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

**SECTION 6. 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 7. 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.

**LOCAL LAW 2 OF 2021  
VILLAGE OF WOODBURY**

A LOCAL LAW AMENDING CHAPTER 310 (“ZONING”) OF THE CODE OF THE VILLAGE OF WOODBURY TO CLARIFY THE GUIDELINES AND STANDARDS OF RIDGE PRESERVATION REVIEW

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

**SECTION 1.     **PURPOSE.****

The Board of Trustees of the Village of Woodbury finds that it is reasonable and appropriate to update and amend Section 310-13 (“Ridge Preservation”) of the Village of Woodbury Code with respect to the guidelines, standards and procedures that the Architectural Review Board should apply and follow for structures and development within the designated ridge preservation area within the Village. This local law is determined to be an exercise of the police powers of the Village to protect the public health safety and general welfare of its residents.

**SECTION 2.     **SECTION 310-13 (“RIDGE PRESERVATION”).****

Sections 310-13(A)(3), (B) and (C) of the Village Code is hereby repealed and replaced with the following:

**§ 310-13. Ridge preservation.**

- A. Purpose and policy.
  - 1) The natural topography of the Village of Woodbury includes a series of prominent ridgelines running primarily in a north- south direction. Land development patterns of the Village have resulted mainly in development in the valleys, with the ridgelines being preserved as open space areas. Important ridgelines and hilltops form a scenic background to the developed areas of the Village, softening the visual impact of buildings and giving to the Village a natural and rural atmosphere.
  - 2) These important ridgelines and hilltops in the Village are important environmental assets and their aesthetic value is to be protected.
  - 3) Therefore, all areas with a natural elevation above mean sea level of 600 feet are subject to this section and, in addition, are designated by this Zoning Chapter as “critical environmental areas” pursuant to the State Environmental Quality Review Act.
- B. Restrictions and standards for structures, any part of which is in an area having a natural elevation above mean sea level of 600 feet, and tree or vegetation clearing, or filling or grading above such elevation.
  - 1) The roof of any such structure, to the maximum practical extent, shall not be visible from any designated ridge preservation view corridor, as defined herein, or such structure shall blend into the hillside.
  - 2) In order to satisfactorily blend the structure into the natural environment and mitigate visual impacts, a structure shall be constructed of natural materials (wood, brick or stone) and shall be of a natural color.
  - 3) Roof slopes of such structures shall follow the natural contour of the land where possible and shall also be of a natural color.
  - 4) No reflective windows or other such surfaces shall be used on the outer façade of any building side of such structures.

- 5) To the greatest extent practical, every attempt shall be made to limit the amount of cutting and removal of trees so as to maintain natural site vegetation especially on those properties which may be visible from the ridge preservation view corridor. Any healthy tree with an eight-inch-or-greater caliper at breast height shall not be removed unless such removal is essential to the location of the structure, or the safety of the structure as determined by the Code Enforcement Officer.
  - 6) Any proposal for construction, or clearing, filling and grading, in such areas shall be approved by the Planning Board acting as Architectural Review Board in accordance with the procedures set forth in Chapters 8 and A314. This subsection includes the construction of new structures or renovations of, or additions to, existing structures that alter the physical dimensions of such structures. Any submission to the ARB shall include an illustration indicating the location of said structure and a sketch superimposed on a photograph.
  - 7) The Architectural Review Board may waive the requirements of all or part of this Ridge Preservation section upon an Applicant presenting clear and convincing evidence that:
    - a) the structures or affected land areas will not be visible from a designated view corridor. If such evidence is dependent upon existing or new landscaping or natural buffers the Planning Board, acting as Architectural Review Board, may require an easement of record be filed with the County Clerk to preserve such landscaping or buffers, and/or
    - b) owing to prior land development by others, the purpose and policy of this Ridge Preservation section cannot be substantially achieved by conformance with these regulations.
- C. Guidelines. In making its decision regarding the visibility and compatibility of proposed structures, the Planning Board, acting as Architectural Review Board, shall consider:
- 1) The building design.
  - 2) The use of lower elevations on a lot.
  - 3) The blending of structures with topography to keep below the tree line.
  - 4) The use of both deciduous and evergreen trees to supplement or replace natural vegetation.
  - 5) Excessive similarity, dissimilarity or inappropriateness in relation to itself or to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application, facing upon the same street or within the surrounding neighborhood, in respect to one or more of the following features:
    - a) Exterior façade, including, but not limited to building materials, mass line, architectural style and authenticity, colors, size, proportion, roof design and height.
    - b) Size and arrangement of doors, windows, porticoes or other openings or breaks in the facade, including reverse arrangement, and gross floor area of all or portions of the structure.

**SECTION 3.     **SUPERSEDING PROVISION.****

To the extent that any State or local laws, including, but not limited to Village Law §§ 7-702, 7-704, 7-706, and 7-708, and Village Code Chapters 310 and A314, 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 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.