

Minutes of the Village Board Meeting held at Village Hall on March 24, 2022 at 7:30PM

Present: Andrew Giacomazza, Village Mayor
Tara Burek, Victor Ferrarelli, Jesus Gomez and Christopher Graziano, Trustees

Absent: None

Also Present: Kelly Naughton, Attorney for the Village; Robert Weyant, Village Streets Superintendent;
Michael Phillips, Water/Wastewater Administrator; Michael Panella, Building Inspector;
Christopher Burke, Fire Chief

Recognition of Achievement – Members of Woodbury Community Ambulance

Mayor Giacomazza presented, on behalf of the Village Board, certificates of recognition to Woodbury Community Ambulance members Martin Deutsch, Jessica Wendolowski and Debra Vobroucek. All three delivered a baby boy in Town last month with the assistance of Police Officer Charles Tausk, Police Sergeant Eric Hardin and Blooming Grove Medic Louis Tambini.

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

Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to accept receipt of the minutes of the meeting held March 10, 2022.

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

b. Approval of Abstract:

Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to approve Abstract 19 containing vouchers 211799 - 211923 and totaling \$835,294.40.

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

c. Authorize Mayor to Sign Contract Renewal – M Phillips:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to authorize the Mayor to sign a two-year contract renewal (June 1, 2022 thru May 31, 2024) with Michael Phillips for the position of Water/Wastewater Administrator.

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

d. Relevy of Previously Exempt Properties

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to adopt the following resolution to re-levy a prorated tax amount due on property(ies) located at various locations that was/were previously eligible for an exemption:

WHEREAS, the owner(s) of property was/were eligible for an exemption on property taxes and upon the sale/death this exemption must be removed; and

WHEREAS, notification was received by the Village Clerk from the Woodbury Assessor that prorated amount(s) need to be re-levied onto the FY2022/2023 taxes for this/these property(ies).

NOW THEREFORE, BE IT

RESOLVED that the Village Board directs the Village Clerk, Village Tax Collector and any other Village official, employee or agent of the Village to take any and all necessary actions to levy and collect the following amounts on the following affected land(s) in the same manner as all other Village Charges and to take any necessary actions to execute and record a lien upon such land:

- 227-1-2.1 159 Summit Ave CV \$16.74
- 228-3-6 16 Dunderberg Rd CV \$10.04
- 241-1-3 45 Ridge Road HM \$50.22
- 241-1-38.1 6 Sherwood Ct HM \$16.27

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

e. Fire Department Equipment Requests:

Motion was offered by Trustee Burek, seconded by Trustee Gomez, to approve the following Fire Department Equipment Requests:

- 2022-06 – totaling approximately \$8691.01 – purchasing air bottle carry system, copper pipe water shut off kit, Griphoist (to secure vehicles) and security cage
- 2022-07 – WITHDRAWN BY FIRE CHIEF
- 2022-08 – totaling approximately \$27,259.68 for the purchase of eight sets of bunker gear, helmets and boots
- 2022-09 – totaling approximately \$8236.95 for the purchase of an industrial clothes washer and soup dispenser
- 2022-10 – totaling approximately \$347 for the purchase of mallet and leak control kit
- 2022-11 – totaling approximately \$1963 for the purchase of seven bolt cutters of various sizes, a McLeod tool, a hookhead and lights with mounts for helmets
- 2022-12 – totaling approximately \$8355 for the purchase of thirty, five-gallon pails of foam

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

f. Acceptance of Resignation – A Presti:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to accept, with regrets, the resignation of Alex Presti from the position of Assistant Building Inspector effective March 25, 2022.

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

Mayor Giacomazza thanked Alex for this service to our community and wished him the best on his future endeavors.

Old Business:

a. Acceptance of Resignation - Revitalization Committee:

Motion was offered by Trustee Ferrarelli, seconded by Trustee Burek, to accept the resignation of Victoria Essig from the Revitalization Committee effective immediately.

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

b. Appointment to Revitalization Committee:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to appoint Brady DelVecchio to the Revitalization Committee.

ADOPTED AYES 5 Giacomazza, Burek, Ferrarelli, Gomez, Graziano

c(1). Decision – Moratorium Waiver Requests – 62 First Avenue (Fogel):

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to adopt the following resolution exempting 62 First Avenue from Local Law 9 of 2021:

WHEREAS, the Village of Woodbury adopted Local Law No. 9 of 2020 entitled “A Local Law Instituting a Moratorium on Certain Permits, Certificates of Occupancy and Approvals” (the “Moratorium”), after having received reports that the Village’s water supply is at a critical juncture; and

WHEREAS, the purpose of the Moratorium is to protect the public health, safety and welfare of the residents of the Village and to maintain the status quo of residential and nonresidential development in the Village, while the Village explores mitigation efforts to offset the water shortage impacts throughout the Village; and

WHEREAS, the Moratorium as adopted did not provide for any waivers to its applicability, beyond the exemptions listed therein, but permitted the Board of Trustees to promulgate regulations by Resolution authorizing a hardship waiver process if it subsequently determined that a waiver process is necessary and in the best interest of the Village.

WHEREAS, on December 23, 2021, and January 27, 2022, the Board of Trustees adopted Resolutions promulgating regulations establishing a hardship waiver process to the Moratorium; and

WHEREAS, Israel Fogel (“Fogel”) owns a piece of property located at 62 First Avenue and known on the tax maps as Section 214, Block 1, Lot 1, which property contained a single-family dwelling; and **WHEREAS**, on April 30, 2019, a fire destroyed the dwelling, and Fogel has been working with the Building Department, Planning Board and Zoning Board of Appeals to rebuild the three-bedroom dwelling, with modest increases in size to accommodate an additional bathroom; and

WHEREAS, on February 14, 2022, Fogel submitted an application for an exemption from Local Law No. 9 of 2021 pursuant to the Resolution setting regulations establishing a hardship waiver process.

NOW, THEREFORE, BE IT RESOLVED that the Village of Woodbury Board of Trustees hereby determines as follows:

1. The failure to grant this waiver will cause the petitioner extraordinary hardship, substantially unique to its property and circumstances, and such hardship is substantially greater than the hardship, including, but not limited to, financial hardship, necessarily experienced by other applicants having their or its application decisions delayed. Specifically, Fogel’s dwelling was destroyed by fire, and he has been diligently trying to obtain the necessary approvals to construct a new single-family dwelling (with the same number of bedrooms), when the moratorium was enacted. He and his family have now been displaced for almost three (3) years.
2. The granting of this waiver will have no clear, adverse effect upon the goals or objectives being now undertaken by the efforts of the Board of Trustees to protect and preserve the water resources of the Village. The Board recognizes that the water usage calculations are based on the bedroom count of a dwelling, and the proposed dwelling will have the same number of bedrooms as it did prior to being destroyed.
3. The Applicant has sought this waiver for an action that is harmonious with neighboring uses and the community planning efforts currently underway (i.e., a single-family dwelling in a residential neighborhood).
4. The extraordinary hardship is not the result of any delay, action, or inaction by the applicant, the property owner, or any predecessors-in-interest, and that such alleged hardship has not been self-created. The need for this waiver is not based in whole or in part upon a lack of maintenance or repair of the property. Rather, the dwelling was destroyed by a fire, displacing

the family. Reconstructing the dwelling requires approvals from the Village Planning Board and Zoning Board of Appeals, as it is a legally pre-existing nonconforming parcel.

5. The impact of granting this waiver will not be outweighed by the benefit to the community in preserving the status quo pending completion of review of water resources. There will be no additional usage of water resources by permitting the construction of this dwelling, as Fogel is not increasing the number of bedrooms in the structure.
6. The relief being granted herein is not greater than the relief requested by the Fogel in his petition and is not greater than the minimum amount of relief necessary to alleviate the extraordinary hardship found by the Board.
7. The unnecessary or extraordinary hardship presented here in is not:
 - a) A concern or objection that the present regulations may be changed by the Village; or
 - b) The delay necessarily incurred in making an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.

and it is further

RESOLVED, that based upon the above-noted findings, the Fogel application is hereby exempt from compliance with Local Law No. 9 of 2021 and is thereby permitted to proceed to apply for and receive approvals from the Village Planning Board and permits from the Building Department to the extent they are otherwise entitled to the same.

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

c(2). Decision – Moratorium Waiver Requests – Woodbury Fresh:

Motion was offered by Trustee Ferrarelli, seconded by Trustee Burek, to adopt the following resolution exempting Woodbury Fresh from Local Law 9 of 2021:

WHEREAS, the Village of Woodbury adopted Local Law No. 9 of 2020 entitled “A Local Law Instituting a Moratorium on Certain Permits, Certificates of Occupancy and Approvals” (the “Moratorium”), after having received reports that the Village’s water supply is at a critical juncture; and

WHEREAS, the purpose of the Moratorium is to protect the public health, safety and welfare of the residents of the Village and to maintain the status quo of residential and nonresidential development in the Village, while the Village explores mitigation efforts to offset the water shortage impacts throughout the Village; and

WHEREAS, the Moratorium as adopted did not provide for any waivers to its applicability, beyond the exemptions listed therein, but permitted the Board of Trustees to promulgate regulations by Resolution authorizing a hardship waiver process if it subsequently determined that a waiver process is necessary and in the best interest of the Village.

WHEREAS, on December 23, 2021, and January 27, 2022, the Board of Trustees adopted Resolutions promulgating regulations establishing a hardship waiver process to the Moratorium; and

WHEREAS, Woodbury Centre Partners, LLC (“WCP”) owns a piece of property located along New York State Route 32 and Centre Drive known on the tax maps as Section 225, Block 2, Lot 1.12 (“Woodbury Centre”); and

WHEREAS, there is a proposal to replace two vacant retail stores a supermarket known as “Woodbury Fresh”; and

WHEREAS, on February 14, 2022, Woodbury Fresh and Woodbury Centre submitted an application for an exemption from Local Law No. 9 of 2021 pursuant to Subsection E of the Resolution setting regulations establishing a hardship waiver process.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Woodbury Board of Trustees hereby determines as follows:

1. Woodbury Fresh, and specifically the two vacant retail spaces it intends to occupy in the Woodbury Centre mall, had in place a municipal water connection to the Village of Harriman prior to the enactment of Local Law No. 9 of 2021.
2. Woodbury Centre provided proof of such connection to the Village of Harriman water system, which was reviewed by the Building Department, Water Department, Village Clerk and Village Engineer, which connection mitigates to an extent the demands on the Village water system and its potential new sources of water.
3. Pursuant to a memorandum from H2M architects + engineers dated March 8, 2022; the information provided is accurate.
4. Although there is a possibility of a slight increase in the usage of water over that demand of the prior tenant space, the March 8, 2022, memorandum indicates that it “may be a modest increase of water demand from the Village of Harriman.” There will be no increase in the demand of water from the present Village of Woodbury water system.

and it is further

RESOLVED, that based upon the above-noted findings, the Woodbury Fresh application is hereby exempt from compliance with Local Law No. 9 of 2021 and is thereby permitted to proceed to apply for and receive approvals from the Village Planning Board and permits from the Building Department to the extent they are otherwise entitled to the same.

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

c(3). Decision – Moratorium Waiver Requests – Woodbury Shops:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to adopt the following resolution exempting Woodbury Shops from Local Law 9 of 2021:

WHEREAS, the Village of Woodbury adopted Local Law No. 9 of 2020 entitled “A Local Law Instituting a Moratorium on Certain Permits, Certificates of Occupancy and Approvals” (the “Moratorium”), after having received reports that the Village’s water supply is at a critical juncture; and

WHEREAS, the purpose of the Moratorium is to protect the public health, safety and welfare of the residents of the Village and to maintain the *status quo* of residential and nonresidential development in the Village, while the Village explores mitigation efforts to offset the water shortage impacts throughout the Village; and

WHEREAS, the Moratorium as adopted did not provide for any waivers to its applicability, beyond the exemptions listed therein, but permitted the Board of Trustees to promulgate regulations by Resolution authorizing a hardship waiver process if it subsequently determined that a waiver process is necessary and in the best interest of the Village.

WHEREAS, on December 23, 2021, and January 27, 2022, the Board of Trustees adopted Resolutions promulgating regulations establishing a hardship waiver process to the Moratorium; and

WHEREAS, Woodbury Centre Partners, LLC (“WCP”) owns a piece of property located along New York State Route 32 and Centre Drive known on the tax maps as Section 225, Block 2, Lot 1.12 (“Woodbury Centre”); and

WHEREAS, there is a proposal to replace a vacant retail store with fifteen (15) boutique stores known as “Woodbury Shops”; and

WHEREAS, on February 14, 2022, Woodbury Shops and Woodbury Centre submitted an application for an exemption from Local Law No. 9 of 2021 pursuant to Subsection E of the Resolution setting regulations establishing a hardship waiver process.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Woodbury Board of Trustees hereby determines as follows:

1. Woodbury Centre, and specifically the vacant retail space to be occupied by the “Woodbury Shops”, had in place a municipal water connection to the Village of Harriman prior to the enactment of Local Law No. 9 of 2021.
2. Woodbury Centre provided proof of such connection to the Village of Harriman water system, which was reviewed by the Building Department, Water Department, Village Clerk and Village Engineer, which connection mitigates to an extent the demands on the Village water system and its potential new sources of water.
3. Pursuant to a memorandum from H2M architects + engineers dated March 8, 2022, the information provided is accurate, and there are no changes in use that may increase the usage of water.

and it is further

RESOLVED, that based upon the above-noted findings, the Woodbury Shops application is hereby exempt from compliance with Local Law No. 9 of 2021 and is thereby permitted to proceed to apply for and receive approvals from the Village Planning Board and permits from the Building Department to the extent they are otherwise entitled to the same.

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

d. Acceptance of Bids/Award Contract – Amdur Park Filter Replacement Project:

Clerk Potvin noted the bid opening was held on March 18 and the public notice was printed in the Times Herald Record on February 25, 2022. The following bids were received: TAM Enterprises \$291,000; Eventus Construction Company \$735,000. Correspondence was received from the Village Engineers stated both bids were deemed responsible and recommending award of contract to the apparent low bidder, TAM Enterprises. Attorney Naughton has reviewed the bid from TAM and has found it legally sufficient to proceed. Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to award the bid for the Amdur Park Water System Filter Replacement and Treatment Plant Upgrades to TAM Enterprises at a cost of \$291,000.

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

New Business:

a. Request to Erect Lawn Signs – Lorenzo:

April Lorenzo appeared before the Board requesting, pursuant to Section 310-30(G)(6) of the Village Code, permission to place lawn signs on Dunderberg Road and on Route 32 (by Woodbury Common) to announce the opening of her day care. The signs would be the size of those that are used by realtors and she has permission of property owners to place them on their private property. Mayor Giacomazza asked how many signs in total would be erected and Mrs. Lorenzo said one on her property and then four others on Dunderberg and Route 32. Mayor Giacomazza asked how long they would be up for and Mrs. Lorenzo stated for a short period of time to announce her grand opening and enrollment for after school activities. Attorney Naughton stated the Code would only permit the Board to grant permission to erect the signs on public properties. After discussion, it was determined there is no public property areas that are along Dunderberg or Route 32. It was suggested Mrs. Lorenzo speak to private property owners to see if they would give her permission to put her signs on their property.

b. Authorize Mayor to Sign Agreement Renewal – Millennium Strategies LLC (grant writers)

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to authorize the Mayor to sign the renewal agreement with Millennium Strategies LLC for grant writing services for one year beginning March 1, 2022 through February 28, 2023. Trustee Giacomazza noted the total cost of this contract is \$3000/month and the cost is shared evenly with the Town of Woodbury.

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

c(1). Schedule Public Hearing – Moratorium Waiver Request – 5 Allegheny Cross:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to schedule a public hearing to be held on May 12, 2022 at 7:30PM at Village Hall to consider a request for relief from Local Law 9 of 2021 for the property located at 5 Allegheny Cross.

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

c(2). Schedule Public Hearing – Moratorium Waiver Request - 19 Seven Springs Road:

Motion was offered by Trustee Ferrarelli, seconded by Trustee Burek, to schedule a public hearing to be held on May 12, 2022 at 7:30PM at Village Hall to consider a request for relief from Local Law 9 of 2021 for the property located at 19 Seven Springs Road.

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

d. Introduce Local Law 2 of 2022 – Water Rate Increase:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to introduce Introductory Local Law 2 of 2022 which would amend Section 298 of the Village Code entitled “Water” to provide for an amendment to the water rates.

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

Attorney Naughton advised there are no SEQRA requirements for this local law as it is not considered an “action” under SEQRA. The law does not need to be referred to the County Planning Department or the Village Planning Board either.

Motion was then offered by Trustee Gomez, seconded by Trustee Burek, to schedule a public hearing to be held on April 19, 2022 at 7:30PM to entertain public comments on Introductory Local Law 2 of 2022.

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

e. Petition to Extend Consolidated Sewer Area – Highland Mills Center Group:

Mayor Giacomazza stated a petition was received from Highland Mills Center Group LLC and Lakeside Affiliates, LLC to extend sewer service to certain land to be located in a proposal Senior Housing Overlay District in the Village. Pursuant to the Village Code, this petition needs to be referred to the Water/Wastewater Administrator and the Village Engineer for review and comment. Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, forward the petition to the Water/Wastewater Administrator and the Village Engineer for review and comment.

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

Public Comment: *No comments were received.*

Board Member/Department Comment

Trustee Graziano thanked all that attended the meeting this evening and urged all to be safe.

Trustee Ferrarelli thanked the Ambulance for the extraordinary service they provide Woodbury and also thanked all that attended the meeting this evening.

Trustee Burek thanked the Fire Department for all they do for the community, noting they had a busy week with two house fires. She also thanked all volunteers for what they do selfishly for the community.

Trustee Gomez thanked all that attended the meeting this evening. He also thanked all the volunteers for the great job they do for Woodbury.

Mayor Giacomazza stated he has almost completed his first quarter as Village Mayor and he believes everything is going great. He thanked all Department Heads for what they do on a daily basis, the consultants for all the guidance they provide, the Board members for working with him and the staff in the Village Clerk’s office.

Adjournment:

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

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

Desiree Potvin, Village Clerk

Attorney/Client Session with Village Attorney