

Minutes of the Village Board Meeting held on June 9, 2022 at 7:30PM

Present: Andrew Giacomazza, Mayor
Victor Ferrarelli, Jesus Gomez and Christopher Graziano, Trustees
Absent: Tara Burek, Trustee
Also Present: Kelly Naughton, Attorney for the Village; Robert Weyant, Village Streets Superintendent;
Michael Phillips, Water/Wastewater Superintendent; Michael Panella, Building Inspector; Rachal Bruce, Zoning Board

FY2022/2023 Annual Organization Meeting

a. Consultants for the Village:

Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to appoint the following consultants for the FY2022/2023:

Engineers for the Village: H2M Architects + Engineering
Attorney for the Village: Naughton & Torre LLP
Planner for the Village: Nelson Pope & Voorhis
Attorney for the ZBA: Naughton & Torre LLP

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
NOES 0

Authorize to File – Engineer:

Motion was offered by Mayor Giacomazza, seconded by Trustee Ferrarelli, to authorize H2M Architects + Engineering, as the Engineer for the Village, to file applications to all regulatory agencies, as required, on behalf of the Village of Woodbury in FY2022/2023 for those projects authorized by the Village Board.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
NOES 0

b. Deputy Mayor:

Mayor Giacomazza stated he appoints Jesus Gomez as Deputy Mayor.

c. Membership in State and Local Associations:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to authorize the Village Clerk to enroll the Village as members with the New York State Conference of Mayors (NYCOM).

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
NOES 0

Motion was then offered by Mayor Giacomazza, seconded by Trustee Gomez, to authorize the Village Clerk to enroll the Village as members with the Orange County Association of Towns, Villages and Cities.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
NOES 0

Motion was then offered by Trustee Graziano, seconded by Trustee Ferrarelli, to authorize the Village Clerk to enroll the Village as members with the Orange County Municipal Planning Federation.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
NOES 0

Motion was then offered by Mayor Giacomazza, seconded by Trustee Ferrarelli, to authorize the Village Clerk to enroll the Village as members with the Orange County Water Authority (Moodna).

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
NOES 0

Motion was then offered by Trustee Gomez, seconded by Trustee Ferrarelli, to authorize the Village Clerk to enroll the Village as members with the Woodbury Chamber of Commerce.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
NOES 0

d. Designation of Official Newspaper:

Motion was offered by Trustee Ferrarelli, seconded by Trustee Gomez, to designate the Times Herald Record as the official newspaper for the Village.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
NOES 0

e. Investment Policy/Designation of Depository/Audited of Abstract Vouchers:

Motion was offered by Mayor Giacomazza, seconded by Trustee Ferrarelli, to adopt the Investment Policy of the Village as follows:

“The objectives of the Investment Policy of the Village of Woodbury are to minimize risk, to ensure that investments mature when cash is required, and to insure a competitive rate of return. In accordance with this policy, the Mayor is authorized to invest Village funds which are in excess of current operating needs. Village investments are governed by applicable New York State Laws.

That the Mayor make the following types of investments, for the present, until other types of investments are submitted to the Village Board:

- a) Direct purchase of guaranteed obligations of the United States Government or obligations of the State of New York and its political subdivisions.
- b) Direct purchase of Certificates of Deposit from the designated depositories of the Village. Such Certificates of Deposit are to be collateralized by obligations enumerated in item “a” above.
- c) Direct purchase through Repurchase Agreements of guaranteed obligations of the United States Government. Such Repurchase Agreements should be executed either through the designated depositories of the Village or those brokerage firms which are primary United States Government dealers which report to the Federal Reserve Bank of New York.
- d) Time Deposit Accounts are designated depositories of the Village. Such accounts are to be collateralized by the Federal Deposit Insurance Corporation or by obligations enumerated in item “a” above.

The Mayor shall deposit all monies received and said monies shall be released together with the related sureties from any liabilities for loss of such monies by reason of the default or insolvency of any such depository.

The following bank is to be designated as the official bank for the Village:

Webster Bank, Monroe
Lakeland Bank, Highland Mills

The Mayor shall be authorized to invest/deposit funds of the Village in these banks during the 2022/2023 Fiscal Year under the following guidelines:

- a) All accounts shall be collateralized at 105% and said collateralization shall be held by a third-party bank.
- b) Collateralization shall be in accordance with the Comptroller's guidelines.
- c) All designated banks will be contacted for competitive rates on an ongoing basis.”

Prior to all invoices being paid, they must be attached to vouchers which must be signed by at least two members of the Board. An “abstract of audited vouchers” will be prepared by the Village Treasurer for action by the Board. After the Board votes to approve payment, a record of the check issued for payment must be attached to the voucher indicating who the check was written too, the date payment was made and the amount of the payment.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

f. Mileage Reimbursement/Food Stipend:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to:

- 1) reimburse members of the Village Government and its employees, when on official business or duty for the Village, the rate established annually by the Internal Revenue Services for the use of their personal vehicle (includes gas and wear/tear). Vouchers are to be completed and filed with the Village Treasurer before reimbursement is made.
- 2) to reimburse employees not more than \$50 per day for food purchased while attending a Board approved conference/ meeting that is held for an entire day and is for Village related issues, if not included in the registration cost. Alcohol will not be reimbursed. Complete receipts must be submitted with voucher.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

g. Board Liaisons/Appointed Positions:

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

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

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

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

Appeals Officer for FOIL's	Mayor Giacomazza
Procurement Officer	Mayor Giacomazza
Fire Police Captain	Scott Danielson
Fire Police	Dennis Tenney, Christopher Salvo, Charles Knuth
Planning Board Chairperson	Christopher Gerver
Zoning Board of Appeals Chairperson	Karen Ungerer

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

h. Meeting Dates and Meeting/Public Comment Procedures:

Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to adopt the following procedures regarding it meetings:

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) When all business is finalized, the meeting will be adjourned.
- 6) With regards to public comment:
 - 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 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

i. Procurement Policy:

Motion was offered by Mayor Giacomazza, seconded by Trustee Ferrarelli, 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 Michael Panella, Maria Rubio, Jennifer Potter

Fire Department	Christopher Burke, Scott McClennan, Brian Wallace
Water/Sewer Department	Michael Phillips, Jason Braghirol
Mayor/Trustees	Andrew Giacomazza, Desiree Potvin, Jessica McClennan
Clerk/Treasurer	Desiree Potvin, Jessica McClennan, Claudia Valoy-Romanisin
Highway Department	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 those 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:

- a) Acquisition of professional services;
- b) Emergencies;
- c) 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.
- d) Sole-Source situations;
- e) Goods purchased from agencies for the blind or severely handicapped;
- f) Goods purchased from correctional facilities;
- g) Goods purchased from another governmental agency;
- h) 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 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

j. Fee Schedule:

Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to adopt the 2022/2023 fee schedule as printed at the end of these minutes.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

Public Hearings:

a. Continued – Introductory Local Law 3 of 2022 – Fire Prevention:

A public hearing was continued from the May 31, 2022 meeting to entertain public comments on Introductory Local Law 3 of 2022 which would amend Chapter 154 of the Village Code entitled “Fire Prevention” to provide for a requirement for the installation of Knoxboxes®.

Mayor Giacomazza stated the law has been amended based on comments made by the Planning Board and the Building Inspector.

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

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

Motion was then offered by Trustee Graziano, seconded by Trustee Ferrarelli, to adopt Local Law 4 of 2022 which would amend Chapter 154 of the Village Code entitled “Fire Prevention” to provide for a requirement for the installation of Knoxboxes®, as printed at the end of these minutes.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Giacomazza	AYE
Trustee Burek	ABSENT
Trustee Ferrarelli	AYE
Trustee Gomez	AYE
Trustee Graziano	AYE

Mayor Giacomazza stated this local law was a collaborative effort between the Village consultants, members of the Planning Board, Inspector Panella and Fire Chief Burke.

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

Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to accept receipt of the minutes of the meeting held May 31, 2022.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Ferrarelli, seconded by Mayor Giacomazza, to approve Abstract 1 containing vouchers 220001 – 220065 and totaling \$302,196.86.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

c. Fire Department Equipment Request(s):

Motion was offered by Trustee Gomez, seconded by Mayor Giacomazza, to approve Fire Department Equipment Request 2022-18 totaling approximately \$1019.98 for the purchase of a cutoff saw and a diamond blade.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

Old Business:

a. Report – Water Well Testing Status:

Village Hydrogeologist William Canavan provided an update on the well testing done since the last update. He noted the Trout Brook area is an amazing geological location. Three test wells have been done and they are currently test boring the middle one. It had had very favorable results (80-100 gpm) with minimum draw down and stabilization. Soil samples have been collected from varying depths and a silt analysis was done. The results have come back and they are very happy with them. He then updated the Board on everything he has done and what they will be doing, noting that they are very under budget. By mid-September all the testing work will be done and then that site can begin the application, review and comment period with the regulatory agencies. Trustee Graziano stated the initial yields are very promising. Mayor Giacomazza asked when a well on the second site could be operational. Superintendent Phillips stated the first well should be online by March and the second by July.

b. Decision – Moratorium Waiver Petition – 19 Seven Springs Road:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to adopt the following resolution denying the request of 19 Seven Springs Road from an exemption from Local Law 9 of 2021:

WHEREAS, the Village of Woodbury adopted Local Law 9 of 2021 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, Vista Pearl, LLC owns a piece of property located at 19 Seven Springs Road and known on the tax maps as Section 215, Block 1, Lot 5, which property contains a single-family dwelling connected to a private well; and

WHEREAS, Vista Pearl proposes to demolish the existing three-bedroom dwelling and reconstruct a new single-family dwelling containing nine (9) bedrooms, and connect to a new well; and

WHEREAS, on March 8, 2022, Larry Hartman, Vista Pearl's representative 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 not cause the petitioner extraordinary hardship. One of the owner's representatives has indicated that the purpose of requesting this exemption is because the project has been delayed from receiving approvals and beginning construction on the new dwelling; and the new dwelling is needed due to the medical issues of a family member and a new baby that is expected in the next few months. The Board found that medical issues may require a different layout for a dwelling, but would not require the bedroom count to triple.
- 2) The granting of this waiver will have a clear, adverse effect upon the goals and 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. The proposed dwelling will increase the number of bedrooms from three to nine –tripling the water usage. The development of a new well may also adversely affect the Village's efforts in finding and developing additional sources of water for the public water supply.
- 3) The Board finds that 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 Board recognizes that the alleged hardship is not the result of any delay, action, or inaction by the applicant, the property owner, or any predecessors-in-interest. However, the alleged hardship is self-created, to the extent that Vista Pearl seeks to increase the number of bedrooms in the dwelling.
- 5) The impact of granting this waiver is outweighed by the benefit to the community in preserving the *status quo* pending completion of review of water resources. There will be additional usage of water resources if this dwelling were permitted to be constructed at this time, as Vista Pearl proposes to construct a single-family dwelling with an additional six (6) bedrooms and the development of a new well.
- 6) The alleged hardship requested herein is not a concern or objection that the present regulations may be changed by the Village, but is due to 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.
- 7) Vista Pearl had in place a private well for use as potable water prior to the enactment of Local Law No. 9 of 2021.

- 8) Vista Pearl did not provide proof of such connection to the private well to the Building Department, Water Department, Village Clerk or Village Engineer, to demonstrate that the connection mitigates to an extent the demands on the Village water system and its potential new sources of water. Rather, Vista Pearl is proposing the construction and development of a new well for use as potable water.
- 9) Pursuant to a memorandum from H2M architects + engineers dated March 22, 2022, although the use of the property as a single-family home is not changing, the intensity (3- to 9-bedrooms) could result in an increase in water supply needs.

and it is further

RESOLVED, that based upon the above-noted findings, the application for an exemption from Local Law No. 9 of 2021 requested by Vista Pearl/19 Seven Springs Road is hereby denied.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

c. Decision – Moratorium Waiver Petition – 95 Maher Lane:

Mayor Giacomazza stated at the last meeting there was some confusion with this application and whether it was for one location or two. Attorney Naughton stated there seems to be two locations – Suite 9 is HLB Enterprises and Suite 4 for Dice Bowl. She feels the applicant discussed his plans for Suite 4 but not Suite 9.

Motion was offered by Trustee Gomez, seconded by Mayor Giacomazza, to adopt the following resolution exempting 95 Maher Lane, Suite 4 (Dice Bowl LLC) 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, Yeny, LLC (“Yeny”) owns a piece of property located 95 Maher Lane known on the tax maps as Section 225, Block 1, Lot 41 (“Old Glory Mall”); and

WHEREAS, there is a proposal to expand the existing Dice Bowl restaurant into an additional suite of the building (Suite 4); and

WHEREAS, on April 20, 2022, Yeny, LLC 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) Yeny LLC, and specifically the locations to be occupied by the expanded Dice Bowl restaurant, had in place a private well for use as potable water prior to the enactment of Local Law No. 9 of 2021.

- 2) Yeny LLC provided proof of such connection to the private well, 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 May 6, 2022, the information provided is accurate, and the change in use (converting retail space to restaurant use) will result in an increase in water supply needs.
- 4) During the public hearing held on May 31, 2022, Yeny LLC represented that no additional bathrooms would be added for the facility, and the Old Glory Mall has low-flow fixtures in place. Additionally, simply increasing the space for Dice Bowl, an existing restaurant, was not anticipated to increase the number of customers patronizing the restaurant.

and it is further

RESOLVED, that based upon the above-noted findings, the Yeny, LLC application for the Dice Bowl restaurant expansion 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 it is otherwise entitled to the same.

ADOPTED AYES 3 Giacomazza, Ferrarelli, Gomez
 NOES 1 Graziano

Motion was then offered by Trustee Gomez, seconded by Mayor Giacomazza, to grant an exemption to 95 Maher Lane, Suite 9 (HLB Enterprises) from Local Law 9 of 2021:

FAILED AYES 1 Gomez
 NOES 1 Giacomazza, Ferrarelli, Graziano

Attorney Naughton will send a letter to the applicant informing him of the Boards decision and recommend he submit an application just for 95 Maher Lane, Suite 9 (HLB Enterprises).

New Business:

a. Temporary Road Closure Request – Block Party – Shuit Place:

Motion was offered by Mayor Giacomazza, seconded by Trustee Gomez, to approve the temporary road closure of Shuit Place on August 13, 2022 for the residents of that area to hold a block party.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

b. Authorize Mayor to Sign – HDR Master Agreement FY2022/2023:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to authorize the Mayor to sign the Master Agreement with HDR for their services to the Planning Board for FY2022/2023.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

EXTRA ITEM – SEQRA Action – Evaluation and Mitigation of Sanitary Sewer Overflows:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to declare the Village of Woodbury Board of Trustees as Lead Agency under SEQRA for the project known as “*Evaluation of Mitigation of Sanitary Sewer Overflows in the Village Collection System*”.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

Mayor Giacomazza noted a Final Environmental Assessment Form (FEAF) Part 1 has been prepared and reviewed by the Board of Trustees.

Motion was then offered by Mayor Giacomazza, seconded by Trustee Gomez, to preliminary classify this project as a Type I action pursuant to 6 NYCRR Part 617.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

Public Comment:

Board Member/Department Comment:

Inspector Panella stated his department, over the past two-three weeks, have been issuing violations under the Property Maintenance Law for overgrown lawns. Mayor Giacomazza thanked the Town’s Buildings/Grounds Department for their assistance with the maintenance of these properties, most of which are bank owned.

Trustee Graziano stated there is not enough voting participation that occurs, stressing it is a right we have that should not be taken advantage of. He then noted more people need to become part of the process and more people need to attend public meetings. The Board is always looking for volunteers to serve on various Boards and committees, or with the Fire Department and Ambulance. He urged the public to be part of the solution and process.

Mayor Giacomazza stated he attended a meeting his afternoon regarding the pool renovations. He said it appears to be going well and the new facility looks beautiful. He thanked the Town for allowing the Village to be part of it and the Highway Department for all they have done to help save the Town money and time. Monday he met with Ambulance and they are continually seeking volunteers, as is the Fire Department. It is very awarding to volunteer for these services and the Village Board is currently researching incentive ideas for both entities.

Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Gomez, seconded by Trustee Ferrarelli, to adjourn the meeting at 8:20PM.

ADOPTED AYES 4 Giacomazza, Ferrarelli, Gomez, Graziano
 NOES 0

Desiree Potvin, Village Clerk

2022/2023 Fee Schedule

Zoning Board of Appeals:

Special Permit	\$200
Residential Area Variance	\$250
Residential Use Variance	\$300
Commercial Area Variance	\$500
Commercial Use Variance	\$750
ZBA Interpretation of Code	
Residential	\$250
Commercial	\$500
Review of Ruling by Code Enforcement Officer	\$250

In addition to the fees listed above all residential subdivisions consisting of three or more lots and all commercial applications require the posting of an escrow in the amount of \$2,500.00 prior to an appearance before the Zoning Board to cover the cost of all consulting fees for the application. If the escrow account falls below \$1,000.00 additional funds must be posted to continue the application process. Applicant is responsible for final payment of all consultant fees prior to final decision rendered by the Zoning Board of Appeals. Please contact the Building Department for more information.

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### **Planning Board:**

|                                  |       |
|----------------------------------|-------|
| Special Permit, new and renewal  | \$100 |
| Site Plan                        | \$100 |
| Subdivision                      | \$100 |
| Informal Work Session Appearance | \$500 |

### **Subdivisions, minor and major, excluding planned unit development:**

|                      |              |
|----------------------|--------------|
| Minor                | \$100        |
| Major                |              |
| Sketch Plan Approval | \$25 per lot |
| Preliminary Approval | \$50 per lot |
| Final Approval       | \$25 per lot |

*This sum shall be refunded by the Village if the Planning Board determines that such amount is not required.*

### **Site Plan Approval:**

|                                                                          |       |
|--------------------------------------------------------------------------|-------|
| Existing structures or additions to existing structures                  | \$100 |
| New development, business or industrial structures                       | \$500 |
| Mobile home court                                                        | \$75  |
| <i>per mobile home, per application and/or renewal of special permit</i> |       |
| Site plan and subdivision inspection escrow fee:                         |       |

*not less than 4% nor greater than 6% of the amount of the value of construction, which amount is to be estimated by the Village Engineer, to help defray costs of observing the work to provide better assurance to the Village that it is in accordance with approved plans for the construction of roads, water systems, sewer systems and other utilities in the development*

**Escrow:**

Subdivisions:

|             |                |
|-------------|----------------|
| Residential | \$3000 per lot |
| Commercial  | \$5000 per lot |

Lot Line Changes:

|             |                |
|-------------|----------------|
| Residential | \$2500 per lot |
| Commercial  | \$5000 per lot |

Site Plan Approval:

|                           |                                                         |
|---------------------------|---------------------------------------------------------|
| New Structure or Use      | \$5000 per acre and \$0.50 per square feet of structure |
| Existing Structure or Use | \$3500 per acre and \$0.25 per square feet of structure |

Architectural Review Board (ARB)

|             |                                                 |
|-------------|-------------------------------------------------|
| Residential | \$3500                                          |
| Commercial  | \$3500 plus \$0.05 square feet of building area |

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Building Department:

Municipal Search:

Residential	\$200.00
Commercial	\$250.00
Blasting Permit	\$300.00
Fireworks Permit	\$400.00
Operating Permit	\$200.00
Amendment to Building Permit	\$250.00
Floodplain Letter	\$100.00
Bungalow Permit	\$25.00/unit
Extension of Building Permit	
Residential	\$15.00/month (minimum 3 months)
Commercial	\$25.00/month (minimum 3 months)
Fire Permit	\$150.00
Public Assembly Permit	\$100.00 + \$50/day
Donation Bin Permit	\$50.00
Block Party Permit	\$100.00
Wireless Communication Recertification	\$250

Building Permits:	
Residential	\$12.00 per thousand + \$50/CO
Commercial	\$15.00 per thousand + \$100/CO

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**Board of Trustees:**

|                |            |                 |
|----------------|------------|-----------------|
| Towing Permit  | Regular    | \$1500 per year |
|                | Heavy Duty | \$3000 per year |
| Special Permit |            | \$75            |

*In addition, pursuant to Chapter 65 of the Village Code entitled "Taxpayer Protection" Act, escrow accounts will be required to be posted to cover all consultant costs incurred for an application. Please contact the Village Clerk for more information.*

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Highway Department:

Road Opening Permit	\$250
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**Water/Sewer Department:**

|              |        |
|--------------|--------|
| Water Meter: |        |
| 5/8"         | \$300  |
| 1"           | \$450  |
| 1½"          | \$800  |
| 2"           | \$1100 |

|                         |                                                    |
|-------------------------|----------------------------------------------------|
| Water Inspection        |                                                    |
| Single Family Residence | \$300                                              |
| Construction Uses       | \$400                                              |
|                         | <i>(not within shopping mall or business park)</i> |

|                         |                                                    |
|-------------------------|----------------------------------------------------|
| Sewer Inspection        |                                                    |
| Single Family Residence | \$300                                              |
| Construction Uses       | \$400                                              |
|                         | <i>(not within shopping mall or business park)</i> |

Consolidated Sewer Area - Outside User Fee:  
 Equal to current tax rate is for existing users plus a 10% administration fee. The Village Clerk's office will invoice the property owner of the outside user parcel by June 1 of each year. If the amount is not paid by June 30, a 5% late fee will be added in July. If not paid by July 31, a 6% late fee will be added in August. If not paid by August 31, a 7% late fee will be added in September. If not paid by

September 30, at 8% late fee will be added in October. Any payment not received by October 31 will be re-levied onto the Town/County tax bill.

Water Rates:

Consolidated Water area:

| Number of Gallons<br>(four-month period) | Tri-annual Billing Rates                            |
|------------------------------------------|-----------------------------------------------------|
| Up to 15,000                             | \$25                                                |
| 15,001 – 20,000                          | \$25, plus \$3.25 per 1000 gallons over 15,000      |
| 20,001 – 25,000                          | \$41.25, plus \$4.25 per 1000 gallons over 20,000   |
| 25,001 – 40,000                          | \$62.50, plus \$7.25 per 1000 gallons over 25,000   |
| 40,001 – 70,000                          | \$171.25, plus \$11.50 per 1000 gallons over 40,000 |
| Over 70,001                              | \$516.25, plus \$12.00 per 1000 gallons over 70,000 |

Amdur Park (Water 6) Area:

| Number of Gallons<br>(four-month period) | Tri-annual Billing Rates                        |
|------------------------------------------|-------------------------------------------------|
| Up to 15,000                             | \$30                                            |
| Over 15,000                              | \$30, plus \$2.25 per 1,000 gallons over 15,000 |

For all other fees please see Chapter 143 of the Village Code. NOTE - the fees listed in this schedule supersede what is printed in the Village Code pursuant to Section 143-4 of the Village Code which states the following:

*§143-4 Changing of fees*

*The Village Board, by resolution, may from time to time modify the fees imposed under § 143-3 of this Code, and the resolution shall be on file in the office of the Village Clerk and the Building Department.*

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

## LOCAL LAW 4 OF 2022

### A LOCAL LAW AMENDING CHAPTER 154 OF THE CODE OF THE VILLAGE OF WOODBURY ENTITLED “FIRE PREVENTION” TO PROVIDE FOR A REQUIREMENT FOR THE INSTALLATION OF KNOXBOXES®

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 154 (“Fire Prevention”) of the Village of Woodbury Code to provide for the installation of a KnoxBox® at certain properties to aid in fire safety. Such a device will provide efficient and timely access to buildings for emergency personnel. 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, and consistency of the designated unit further aids in the efficient and timely access desired.

#### **SECTION 2      CHAPTER 154 (“FIRE PREVENTION”)**

Chapter 154 (“Fire Prevention”) of the Code of the Village of Woodbury is hereby amended to include a new Section 154-4.1 as follows:

##### **§ 154-4.1      KnoxBoxes® required.**

- A. All owners and lessees of commercial and nonresidential structures or buildings, as well as those properties specifically identified in Subsections A(1)-(6) below, located within the Village of Woodbury shall install or cause to be installed and maintained a KnoxBox® (or such other similar device as authorized by the Village which for purposes of this Section shall be referred to as a “KnoxBox®”) in such locations or locations as determined by the Village Fire Marshal. Where access to or within a particular commercial/public building or structure or to a particular area within a commercial/public building or structure is restricted because of secured openings or where immediate access is deemed necessary by the Fire Marshal for life-saving or firefighting purposes, the Fire Marshal is authorized to require a KnoxBox® to be installed on such premises at a location approved by a representative of the Woodbury Fire Department. The Knox Box shall be an approved type listed in accordance with Underwriters Laboratories (“UL”) 1037 and shall contain keys to gain necessary access to the subject premises as required by the Fire Marshal.
1. Any new commercial construction.
  2. Any new commercial tenant fit-out.
  3. Any new building greater than three (3) stories, as defined by the New York State Building Code.
  4. Any new multifamily dwelling, with the exception of dwelling units for additional family members having received a temporary special permit from the Zoning Board of Appeals in accordance with Village Code § 310-35.
  5. Any commercial building having more than two (2) false automatic fire alarms within any 365-day period.
  6. At the request of the Building Department, Fire Marshal or Chief of the Woodbury Fire Department based on a particularized need to access a building for safety purposes.
  7. Upon application for a building permit to modify an existing commercial building, existing building greater than three (3) stories, or existing multifamily dwelling, with the



exception of dwelling units for additional family members having received a temporary special permit from the Zoning Board of Appeals in accordance with Village Code § 310-35.

- B. Locks. An approved lock shall be installed on gates or similar barriers that would prevent immediate access to the KnoxBox® where required by the Fire Marshal.
- C. Elevator keys. A KnoxBox® provided for non-standardized fire service elevator keys shall comply with the New York State Uniform Fire Prevention and Building Code, as amended from time to time.
- D. Keys to the KnoxBox®. All key-box cylinders to gain access to the KnoxBox® shall be keyed to conform with the key registered to the Woodbury Fire Department. The key shall not be freely duplicated.
- E. Maintenance. It shall be the responsibility of the property owner and lessee, or the owner's/lessee's representative to maintain any KnoxBox® in good, operable condition and to ensure the keys contained therein are compatible with existing door locks on the premises.
- F. Buildings one (1) story in height will require one set of building keys within the KnoxBox®. Buildings 2-4 stories in height will required two sets of building keys within the KnoxBox®. Buildings five (5) or more stories will require at least four (4) sets of building keys within the KnoxBox®. More key sets may be required by the Building Department, Fire Marshal or Chief of the Woodbury Fire Department in their sole discretion. Large facilities may require multiple KnoxBoxes® at strategic locations as required by the Building Department, Fire Marshal or Chief of the Woodbury Fire Department. ("Story" shall have the meaning set forth in the New York State Building Code.)
- G. Buildings equipped with a central station monitored Automatic Fire Alarm system shall be required to wire the KnoxBox® into said system that will trigger a tamper alarm when the box is opened.
- H. Building keys to be located within the KnoxBox® shall include a master or primary key(s), fire alarm panel, pull station, electrical panels, elevator fire service keys, sprinkler rooms, fire pump rooms, electrical rooms, water meter rooms, or as requested by the Code Enforcement Officers, Fire Marshal or Chief of the Woodbury Fire Department.
- I. All locations of KnoxBoxes® shall be reviewed and approved by a representative from the Woodbury Fire Department prior to installation of the KnoxBox®. Failure to properly locate the KnoxBox® may result in its relocation. Generally, KnoxBox® installation locations will be at or near the recognized public or designated Fire Department entrance that leads to the fire annunciator panel. KnoxBoxes® shall be positioned at a height of approximately 5 feet above the finished grade, measured to the centerline of the box. Alternate installation heights will be evaluated and approved by the above-noted Village officials on a case-by-case basis. The installation location shall be located away from displays, signs, fixtures or structural protrusions that may restrict access to the box.
- J. If a KnoxBox® is required by this law and is not provided, no Certificate of Occupancy shall be issued for the occupancy until said KnoxBox® is provided. If there is an existing Certificate of Occupancy it may be rescinded until said KnoxBox® is provided.
- K. Each building key within the KnoxBox® shall be clearly labeled as to its use by engraving or by affixing durable plastic or metal tag(s). Labels must be engraved or laminated. At no time shall handwritten labels be acceptable.
- L. KnoxBoxes® shall be inspected yearly by the Building Department for compliance or at any time that the Fire Marshal or Chief of the Woodbury Fire Department require. Failure to comply with inspection or with any provision of this Section 154-4.1 shall result in the issuance of a fine of no

more than \$1,000 per day until compliance is met.

- M. If a KnoxBox® is required by this law and is not provided, or the building keys within the KnoxBox® do not provide the required access, the Fire Department shall be held harmless to any damage required to gain access to the premises that is considered customary and reasonable consistent with Fire Department accepted forcible entry practices.

**SECTION 3      SUPERSEDING PROVISION**

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws 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.