

Minutes of the Village Board Meeting held on July 14, 2022 at 7:30PM

Present: Andrew Giacomazza, Mayor  
Victor Ferrarelli and Christopher Graziano, Trustees  
Jesus Gomez, Trustee (virtually)

Absent: Tara Burek, Trustees

Also Present: Kelly Naughton, Attorney for the Village; Michael Phillips, Water/Wastewater Administrator (virtually); Michael Panella, Building Inspector (virtually); Brian Wallace, Second Assistant Fire Chief; Jessica McClennan, Deputy Village Clerk

**Public Hearings:**

a. Introductory Local Law 5 of 2022 – Moratorium:

A public hearing was held on Introductory Local Law 5 of 2022 which would continue the moratorium on certain permits, certificates of occupancy and approvals. The public notice was printed in the Times Herald Record on July 5, 2022 and the following comments were received:

The County Planning Department responded, as part of the GML review, stating the following: “They have found no evidence that significant intermunicipal or countywide impacts would result” for adopting the law. They also stated they “commend the Village for their diligent work in this matter; water supply and quality are vital for all communities, and it is particularly important in communities in Woodbury that are experiencing rapid growth and development pressure”.

Inspector Panella submitted a written comment suggesting that “dwelling units for additional family members, aka ‘mother-daughter’” be added as an exemption since “they are existing situations and not new construction”.

A memo was received from Engineer Barber with her comments to the Planning Board. No comments from the Planning Board have been received.

George Lithco submitted a letter on behalf of the developer of the Highland Mills Center Group LLC suggesting an exemption to allow the Board to consider a request for extension of sewer service to property when it finds that proper planning for a proposed development of the property should include central sewer service, which is a requirement for the Senior Housing zoning district. He also provided suggested wording for his requested exemption.

Frank Collins asked for how long the moratorium is being extended for and what is the reason for the moratorium. Mayor Giacomazza stated it is for six months and the reason is due to lack of wells to pump waters. Mr. Collins asked if the wells will be fully constructed within the six months and Mayor Giacomazza stated one should be completed by January/February 2023 and the second by mid-2023. Mr. Collins asked if the moratorium prohibits an application to proceed through the Planning Board process and Attorney Naughton stated applicants can do so at their own risk. Mayor Giacomazza added the moratorium would delay construction unless the application has completed SEQRA.

Morris Itzkovitz expressed his opposition to the moratorium. He provided history of when the Village of Kiryas Joel was proposing annexation and comments that were made at that time about the high-density zoning in that Village. The individuals making comments at that time insisted there was no discrimination about the Jewish community and asked why those individuals could not live like others do. He then provided history of moratorium that have been imposed in Woodbury. He believes this moratorium is an abuse of power. He added that if the Woodbury elected representatives do not change the way things are done then they think Village of Kiryas Joel should annex so they can have better representative. Unrelated to his hearing, he also stated he does not feel that a resident should appear for before the Planning Board for a simple change to their home (deck install, new windows, etc.). The expense to do so is very large and it is unnecessary in his opinion.

Kalman Kaufman stated Woodbury has been a great place to live in but he has deep frustration about how the current Village Board is handling things. He feels the residents expect the Board to act, solve problems and get things done. The current feeling is that, instead of acting, things are being delayed and excuses are being given instead of problems being solved. He asked the Board to stop giving excuses and start acting. Doing so will have the residents return their trust.

Eli Mihaly shared his feelings about the issue. He noted that Trustee Graziano is a water expert and since they have been elected all that has been happening is restrictions. He feels nothing has been done to fix the water issue at the Woodbury Junction development and, once again, water restrictions have been enacted. He feels the Board has done nothing in the past year to solve this matter and that the restriction is being imposed for no reason.

Mayor Giacomazza stated that today a full water restriction was been imposed on the Woodbury Junction development. Since there has been no rain, the tanks are only half full which is dangerous. The pumps that were installed for this development, and which were accepted for dedication by a previous Village Board, were not constructed sufficiently to meet the demands of the residents in the development at its current occupancy. The Board is looking into ways to remedy situation but it is very expensive. The previous Village Board should have taken into consideration and heed the warnings they were given regarding this concern. The restriction will probably be for the entire summer. He has to work with the management company of Woodbury Junction, design the project, go out to bid and then do the work. This has been an ongoing problem and he understands the residents of this development are inconvenienced. He wishes government moved quicker as he as a list of things he wants done but things move very slowly. He does not want the moratorium to be in place and understands the all the comments/concern received this evening. He stressed the moratorium is not being imposed only on the Jewish population in Woodbury – it is for every resident and parcel. He stressed our existing infrastructure cannot meet the demand due to over population and no investing by prior Board in improving/upgrading the infrastructure. The moratorium needs to be extended due to the ongoing shortage in the water supply. Over the past several months, the Village's consultant has located two, high-yielding location and two wells will be constructed within the year. The first will solve the immediate concern and the second will provide keep the system able to meet demand for the next ten years. A third well site is also being searched for. He is happy that so many have appeared before the Board this evening to stress their concerns and stressed that all of Woodbury is faced this moratorium. He pleaded that all residents be patient while the process proceeds.

Trustee Graziano stated the Board is trying to battle a deficiency that has been ten years in the making. If the largest pumps were to become out of service, the remaining pumps must be able to still supply the same daily usage and the system currently cannot do that. The moratorium is not in effect to make building to go away, it is to make more building possible by suppling the water that is needed for that additional building. He stressed that growth is not bad but it should be responsible, which is what the Board is trying to accomplish. The first well should go operational during the month of January and the second before Summer 2023. He stressed his frustration with how slow the process is but once both wells are completed, the system will be in great shape. The Village has all funding the place, the wait is for the approvals from the NYDOH. Once they are received, specifications will be finalized, bidding will be done and then construction can be started. He added the Board is also trying to work with the public by enacting the hardship waiver process.

Attorney Naughton explained the changes that have been made to the law from the one adopted last year which will allow more situations to qualify for an exemption.

Jacob Ferenz, unrelated to this year, stated if someone wants to extend their home or move a window they should not have to spend \$1000s to appear before the Planning Board. They should be able to go to the Building Department and obtain a building permit. Attorney Naughton stated

applications for ARB for previously approved structure is exempt as well as new applications with a change to layout.

Joseph Zlata stated he understands the concerns his neighbors have vocalized this evening and he shares them. These problems have been spoken about for years. He asked how does the process get sped up, suggesting a letter writing campaign by the residents. Unrelated to the hearing, he stressed water restrictions effect his quality of life and residents of Woodbury Junction have spent a lot of money on landscaping in this development that will not survive a water restriction.

Kalman Kaufman understand the Board states they are working on the issue but is there an interim update that can be made on the project. Mayor Giacomazza stated there was one done two meetings ago at which the Village consultant gave a full report. Mr. Kaufman suggested updates be given monthly so that the residents are aware of what is going on. Trustee Graziano agreed, adding there should be an updated provided at every meeting.

Yoel (unknown last name) thanked the Board and Water Department for all the hard work they do. He noted the Village of Kiryas Joel has a manager for their water department that was able to provide water/sewer to 250 in about two years. He suggested Woodbury contact this individual to see what if he can help with this water issue. He noted that synagogues are a requirement to have and that they pay taxes but are not getting all the services that come with them, like the school.

Zev Weisenfeld stated he appreciates the extra exemptions added but feels if a property has water from Village of Kiryas Joel or on a private well that should qualify you for an exemption. Trustee Graziano all the water comes from the same pool and tried to explain his answer with a metaphor about a straw, cup and bowl. He added the want is to increase the size of the water supply so that neighboring water sources will not impact our wells. Mr. Weisenfeld stated this is why the community is frustrated because the exemptions do not do any good. He feels the Board needs to come up with more ways for the people to have some reprieve.

Morris Itzkowitz asked if there has been any inter-government discussion to see if resources could be shared. He also asked if there is a plan for how the Village is going to address growth on a multiyear level. Mayor Giacomazza stated this was also discussed two meetings ago. The drilling company provided an update on the well tests and the results were fantastic. If development continues to grow the water infrastructure needs to as well. The Village is planning to construct two well and also seeking a third well. He stressed that funding is already secured, approvals are needed from the NYSDOH. Mr. Itzkowski suggested public outreach could help to get the process to move quicker. Trustee Graziano stated coordinating with other municipalities would not help. If the solution was to install new pipes to move water from one location another, that would be a quick fix. The issue is there is not enough water to supply and finding new water sources is hard. Mr. Itzkowitz asked why Woodbury could not connect to the pipeline that Village of Kiryas Joel is constructing. Trustee Graziano stated doing so would increase the cost of village water tremendously due to the fees charged by NYC, plus the construction of a very expensive filter plant. Mr. Itzkowitz asked when the two wells will be functioning and Mayor Giacomazza stated one in January/February 2023 and the second mid-2023. Trustee Graziano added when the first well goes online, the moratorium will no longer be necessary. The second well will provide water for the future. Mr. Itzkowitz asked if the Village has the equipment to fix existing pumps and Trustee Graziano stated it does, but the time needed to do the repairs effects the water supply. Unrelated to the hearing, Mr. Itzkowski asked why is an ARB application required before the Planning Board for a simple change and Mayor Giacomazza this hearing is only about the moratorium, not the ARB issue.

Joel Sabel stated the only way this moratorium will work is if Village of Kiryas Joel imposes a moratorium as well. Trustee Graziano stated he cannot speak for another municipality. Mr. Sabel stated he feels the moratorium should be lifted. If it is enacted, he thinks building permits and

approvals should be granted but the certificate of occupancy should be held until the moratorium is lifted. Mayor Giacomazza stated there would be no way to police/enforce that water would not be used once the infrastructure is installed and built. Mr. Sabel added if someone is building a new home, doing so will take longer than six months that the moratorium will be in place for.

Mier Ryce (?) stated there should be a compromise. *He stated more but he did not speak loud or clear enough to be heard.*

Mayor Giacomazza asked Administrator Phillips explain what needed to be done when the one pump burned out recently at the Woodbury Junction development. He did and that it cost \$10,000 to repair the pump and, while that was being done, about \$1400 a day to rent one.

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

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

Mayor Giacomazza asked if there is a way to add an exemption for those properties that get water from Village of Kiryas Joel or are on private wells. Attorney Naughton stated the Board can adopt the resolution as proposed this evening and then, after drafting language and review by the Village Engineer, you can revise the resolution.

Motion was then offered by Mayor Giacomazza, seconded by Trustee Graziano, to adopt Local Law 5 of 2022 (*printed at the end of these minutes*).

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

**Public Comment on Agenda Items Only:**

Zev Weisenfeld asked if the Board will be voting on the resolution revising the hardship waiver exemptions this evening or holding off until the compromise discussed during the public hearing is decided. Attorney Naughton stated the Board can vote on the resolution as presented this evening and a modification can be made at a future meeting. Trustee Graziano stated he will have the suggested wording for the next meeting. Mr. Weisenfeld stated if a resident can prove they do not utilize Woodbury water they should be exempt from the process.

**Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Graziano, seconded by Mayor Giacomazza, to accept receipt of the minutes from the meeting held June 23, 2022.

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

b. Approval of Abstract:

Motion was offered by Trustee Ferrarelli, seconded by Trustee Graziano, to approve Abstract 3 containing vouchers 220134 – 220225 and totaling \$261,042.45.

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

c. Fire Department Equipment Request(s):

Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to approve Fire Department Equipment Request 2022-21 totaling approximately \$509.94 for the purchase of flashlights for the FAST team and officers.

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

d. Budget Modifications – FY2021/2022:

Motion was offered by Trustee Graziano, seconded by Mayor Giacomazza, to approve modifications to the FY2021/2022 budget with the General Fund totaling \$780,629, Consolidated Water Fund totaling \$304,023, Water 6 (Amdur Park) Fund totaling \$3939, Consolidated Sewer Fund totaling \$116,168 and Sewer 1 (Valley Forge) Fund totaling \$25 (*detailed budget modifications printed at the end of these minutes*).

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

e. Acceptance of Resignation/Retirement – M Tiplado:

Motion was offered by Trustee Ferrarelli, seconded by Trustee Graziano, to accept the resignation and retirement of Marian Tiplado from the position of Clerk in the Building Department with her last day of work being August 5, 2022.

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

The Board collectively wished Mrs. Tiplado the best of luck in her retirement, as did Attorney Naughton and Clerk Potvin.

f. Fire Department – Membership Status Changes – Active to Inactive:

Motion was offered by Trustee Gomez, seconded by Trustee Ferrarelli, to change the status of the following members of the Fire Department from “active” to “inactive”, as requested by Chief Burke: Dishod Akhatov, Kevin Grimes, Vincenzo Valente and Ryan Klinger.

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

**Old Business:**

a. Authorize the Mayor to Sign – Agreement for Aerial Testing:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to authorize the Mayor to sign the agreement with Global Services as it relates to the testing of the aerials.

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

**New Business:**

a. Closing of Escrows – Finalized Moratorium Waiver Requests:

Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to close the following escrow accounts that were posted in relation to moratorium hardship waiver requests: Fogel (VB7000), Woodbury Fresh (VB7001), Woodbury Shops (VB7002), Jacobs (VB7003) and Popeye’s (VB7005).

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

b. Resolution – Moratorium Hardship Waiver Procedure:

Motion was offered by Mayor Giacomazza, seconded by Trustee Graziano, to adopt the following resolution promulgating regulations authorizing a hardship waiver process to the local law continuing the moratorium on certain permits, certificates of occupancy and approvals (Local Law 5 of 2022):

**WHEREAS** the Village of Woodbury adopted Local Law 5 of 2022 entitled “A Local Law Continuing the 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; and

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Village of Woodbury Board of Trustees hereby determines that a waiver process is necessary and in the best interest of the Village, and promulgates the following regulations authorizing a hardship waiver process:

- A. Should any owner of property affected by Local Law 5 of 2022 (“the Moratorium”) suffer an unnecessary and extraordinary hardship due to the enactment and application of the Moratorium, then the owner of said property may petition the Board of Trustees in writing for a waiver from strict compliance with the Moratorium upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary or extraordinary hardship shall not be:
  - 1) A concern or objection that the present regulations may be changed by the Village; or
  - 2) 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.
- B. A petition for an exception based upon unnecessary or extraordinary hardship shall be filed with the Village Clerk, including an escrow fee of one thousand and 00/100 Dollars (\$1,000.00) for each tax map parcel claimed to be subject to unnecessary or extraordinary hardship, by the owner or the applicant, upon the consent of the owner. This escrow fee shall be provided in accordance with Chapter 65 (“Taxpayer Protection”) of the Village Code. The petition shall provide a recitation of the specific facts that are alleged to support the claim of unnecessary or extraordinary hardship and shall contain such other information and/or documentation as the Board of Trustees shall prescribe as necessary for the Board to be fully informed with respect to the petition.
- C. Procedure. Upon submission of a written petition to the Village Clerk by the property owner seeking a waiver from the Moratorium, the Board of Trustees shall, within forty-five (45) days of receipt of a completed petition, schedule a Public Hearing on said petition upon five (5) days’ written notice in the official newspaper of the Village of Woodbury. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the petition shall have an opportunity to be heard, and the Board of Trustees shall, within thirty (30) days of the close of said Public Hearing, or such further time as the Board of Trustee needs to adequately assess the impact of the petition, render its decision either granting, denying, granting in part or denying in part, the petition for a variation from the strict requirements of this Local Law. If the Board of Trustees determines that a property owner will suffer an

unnecessary or extraordinary hardship if this Local Law is strictly applied to a particular property, then the Board of Trustees may waive the application of the Moratorium to the minimum extent necessary to provide the property owner relief from strict compliance with the Moratorium.

- D. Standard of Review/Substantive requirements: In reviewing a petition for a waiver based upon a claim of unnecessary or extraordinary hardship, the Board of Trustees shall consider the criteria listed below. No Waiver seeking relief or partial relief from the requirements and restrictions of this moratorium shall be granted unless the Board of Trustees shall specifically find and determine, and set forth in its resolution granting such Waiver in whole or in part, that:
- 1) The failure to grant a 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.
  - 2) The granting of a 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.
  - 3) The Waiver is sought for an action that is, or which by imposition of conditions or voluntary land covenants and restrictions can be, harmonious with neighboring uses and the community planning efforts currently underway.
  - 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. In considering this factor, the Board may consider whether the need for a Waiver is based in whole or in part upon a lack of maintenance or repair of the property or improvements thereupon, including consideration of the extent to which the existing improvements are aged, decrepit, obsolete, run-down, outmoded, or in a state of disrepair, and further including whether financial hardship has been materially promoted by such lack of maintenance, repair, or the property condition and causes thereof.
  - 5) The impact of granting a Waiver will not be outweighed by the benefit to the community in preserving the status quo pending completion of review of water resources, and in considering this factor the Board may consider the applicant's or landowner's vested rights and monetary investment "in the ground", but such rights or investments shall be only one factor in the balancing test of hardships and harms undertaken by the Board of Trustees in consideration of this finding and factor. The costs and expenses of a Waiver application shall not be considered as, or be a part of, any monetary investment arguments, calculations, harms, or hardships.
  - 6) No relief granted in respect of the Waiver is greater than the relief requested by the applicant in the petition, and no such relief is greater than the minimum amount of relief necessary to alleviate any extraordinary hardship, should a Waiver be granted in whole or in part.

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

c. Authorize Mayor to Sign – 2022/2023 Snow & Ice Agreement with County:

Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to authorize the Mayor to sign the 2022-2023 agreement with the County of Orange for snow and ice control on certain County roads.

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

d. Liquor License Application Notification:

Notice was received on June 21, 2022 that La Casa del Sabor located at 559 Route 32, Highland Mills, is applying for a liquor license from the NYS Division of Alcoholic Beverage Control State Liquor Authority. Mayor Giacomazza stated a letter was sent to the Police Department to determine if there is any reason why the Village should object to this application being approved and they stated there have been no significant incidents that would prohibit the application. Therefore, Village Clerk Potvin was instructed to send a letter to the State Liquor Authority stating the Village has no objection to their application.

e. Introduce Local Law 6 of 2022 – Volunteer Firefighters/Fire Company Exemptions:

Motion was offered by Trustee Gomez, seconded by Trustee Ferrarelli, to introduce Introductory Local Law 6 of 2022 which would amend Chapter 277 (“Taxation”) of the Village Code providing for Article VIII entitled “Volunteer Firefighters and Fire Company Exemptions”.

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

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to forward Introductory Local Law 6 of 2022 to the Fire Chief and Town’s Assessor for comment.

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

Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to schedule a public hearing to be held on July 28, 2022 at 7:30PM to entertain public comments on Introductory Local Law 6 of 2022.

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

f/g. Resolution – Establish Climate Smart Task Force/Appointment Members:

Motion was offered by Mayor Giacomazza, seconded by Trustee Gomez, to adopt the following resolution establishing the Climate Smart Task Force and appoint members:

**WHEREAS** the Village of Woodbury has taken a pledge to support the goals outlined in the New York State Department of Environmental Conservation’s Climate Smart Community (CSC) ENTER DATE OF RESOLUTION, and

**WHEREAS** the success of the Village’s efforts relies on the appointment of a CSC Task Force to promote and support the plans, policies and programs that are part of the Certification program; and

**WHEREAS** the appointment of a CSC Coordinator to serve as a point of contact and to support the progress on local climate mitigation and adaption will help facilitate project implementation.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Village of Woodbury Board of Trustees hereby appoints the following individuals as the Village’s Climate Smart Community Task Force for terms expiring May 31, 2023 and charges them with recommending suitable actions to the Board of Trustees for their consideration and implementing approved actions: Lisa Marie Hintze, Anthony Spagna and Natasha Dillard Wozniak; and be it further

**RESOLVED** that the Board of Trustees hereby appoints Lisa Marie Hintze as the CSC Coordinator to coordinate Task Force efforts and serve as the liaison with Village officials.

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

h. Resolution – Application for a NYS Climate Smart Communities Grant:

Mayor Giacomazza stated this item will be tabled until a specific project that will be eligible for funding is determined.

**Public Comment:**

Israel Resselman (?) asked if was possible to lift the restrictions one day a week to allow families to fill up kiddy pools. Mayor Giacomazza stated he will speak to the Water Superintendent.

Zev Weisenfeld thanked the Board for giving the public ample time to stress their opinions on the moratorium and answering all the issues raised with patience.

Mendel (unknown last name) asked if the extension on his home would be exempt from the moratorium. Mayor Giacomazza asked if any additional bathroom were being added and the answer was yes but he is on a private well. Mayor Giacomazza stated the extension would currently be subject to the moratorium. He suggested the individual begin the process while Trustee Graziano works on the language to suggest be added to the exemptions for private wells or other water supply sources. The individual then asked for an updated on the Ridge Road bridge repairs and Mayor Giacomazza stated it is his hope that the bridge will be completed by early autumn.

**Board Member/Department Comment:**

Inspector Panella thanked all residents that expressed their concerns this evening about the moratorium. He suggested that if anyone has questions after the meeting, they send him an email and he will obtain an answer. He then thanked the Town’s Building/Grounds Department for their assistance with the maintenance of the vacant properties that are in violation of the Village’s property maintenance law.

Trustee Gomez stated tonight will be his last meeting serving as Trustee. He thanked all the Department Heads and employees for their dedication to the community and for working with him over the past several years. He feels they all do a great job and always put Woodbury first. He then made personal comments about each Trustee, Attorney Naughton and Clerk Potvin. He concluded by stating it has been an honor and privilege to serve the community. He then asked all to remember to be kind.

Trustee Graziano thanked everyone for attending and participating in the meeting process this evening. He noted government may be slow, but it works much better when the public gets involved. He then spoke about Trustee Gomez’s character and how he would be missed.

Trustee Ferrarelli also thanked everyone for attending and participating this evening. He stressed the Board will continue to be transparent with the work they do. He then spoke about Trustee Gomez’s character and how he would be missed.

Attorney Naughton stated Trustee Gomez was a very involved Board member which is something she appreciates.

Mayor Giacomazza spoke about his friendship with Trustee Gomez, the type of person he is and how much he will be missed (he cried a little too).

**Adjournment:**

With no further business to discuss or comments received, a motion was offered by Trustee Gomez, seconded by Mayor Giacomazza, to adjourn the meeting at 9:20PM.

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

Desiree Potvin, Village Clerk

## LOCAL LAW 5 OF 2022

### A LOCAL LAW CONTINUING THE MORATORIUM ON CERTAIN PERMITS, CERTIFICATES OF OCCUPANCY AND APPROVALS

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

#### **SECTION 1**      **PURPOSE AND INTENT**

The purpose of this Local Law is to continue to protect the public health, safety and welfare of the residents of the Village of Woodbury and to maintain the status quo of residential and nonresidential development in the Village. It has come to the attention of the Board of Trustees through detailed reports that the Village's water supply is at a critical juncture, necessitating significant actions by the Board to ensure short term and long-term reliability for the provision of water to its property owners in existing and future Village water supply areas. This Local Law will allow the Board of Trustees a reasonable opportunity to complete its review of the status of the current Village water supply, including the addition of the Trout Brook well and its impacts on the Village water system, and an evaluation by a hydrogeologist regarding potential additional water sources, both within and without the existing Village water supply areas. The moratorium is for a period of six (6) months, which is considered to be adequate time to determine whether the water system is reasonably adequate to serve current and future property owners and approved and pending land development, or whether there is a need to develop additional sources of water, both within and without existing Village water supply areas, in order to meet anticipated demands.

#### **SECTION 2**      **LEGISLATIVE FINDINGS**

The Village of Woodbury Board of Trustees does hereby find that the Village has experienced significant and rapid growth and appropriate measures must be taken to secure a temporary reasonable halt on certain residential and nonresidential permits, certificates of occupancy and approvals for development within the Village to protect the public interest, including the increasingly limited water resources available in the Village, while the Board of Trustees conducts its review of the status of the current Village water supply, including the addition of the Trout Brook well and its impacts on the water system, and an evaluation by a hydrogeologist potential additional water sources, both within and without existing Village water supply areas. Upon completion of its review the Board of Trustees will determine the adequacy of the Village water system to serve its property owners and approved, pending and reasonably anticipated land development, or the need to develop additional sources of water, both within and without existing Village water supply areas.

Without a temporary halt on certain residential and nonresidential permits, certificates of occupancy and approvals for development within the Village, irreversible impacts to the Village, its natural resources and its infrastructure may result, including, but not limited to, reducing or eliminating potential water sources outside of existing Village water supply areas needed to supplement or service existing Village water supply areas. By maintaining the status quo on certain residential and nonresidential development in the Village until such time as appropriate analysis of the Village water supply has occurred, the Board of Trustees can provide for the sustainable planned orderly growth and development of the Village.

### **SECTION 3 MORATORIUM IMPOSED; APPLICABILITY**

Other than as excepted below, for six (6) months following the effective date of this Local Law no building or other permits, or certificates of occupancy may be issued or granted for any residential or nonresidential structure, building or development within the Village, other than for previously approved structures, site plans, subdivisions and special use permits, and except those of an emergency nature when there is a clear imminent danger to the life or safety of the public as determined by the Village Engineer. Also, during this moratorium no decisions, interpretations, or determinations, with or without conditions, may be issued for any residential or nonresidential structure, building or development within the Village. Any applications for approvals or permits not otherwise exempted from this moratorium shall be allowed to proceed through the necessary processes at the option of and risk of the applicants and shall not be granted or issued until this moratorium is lifted. All deadlines for any such decisions, interpretations, or determinations in the Village Code or State law are hereby tolled for the duration of the moratorium, i.e., the full time periods relevant to making any such decisions, interpretations or determination shall commence to run at the last date that this moratorium is in effect.

Excepted from this moratorium shall be:

- 1) The issuance of building permits for usual and customary repairs of existing structures.
- 2) The issuance of building permits for the construction of structures accessory to residential dwellings on residential properties.
- 3) The issuance of certificates of occupancy for previously approved residential structures, or residential accessory structures, including any Architectural Review Board approvals.
- 4) The issuance of building permits and certificates of occupancy for previously approved structures, site plans, subdivisions and special use permits.
- 5) All projects that have completed the State Environmental Quality Review Act ("SEQRA") process by receiving either a Negative Declaration or a Findings Statement from the Village of Woodbury Planning Board, and have such determination in effect on the date that this Local Law becomes effective. SEQRA Type II actions are exempted only if any required or discretionary public hearing has been concluded.
- 6) Applications for Planning Board and/or Architectural Review Board approval for signs in accordance with Village Code § 310-30 and permits in connection therewith.
- 7) Applications for Architectural Review Board approval for previously approved structures, including residential dwellings.
- 8) Applications for area variances from the Zoning Board.
- 9) Approval of Planning Board, Architectural Review Board or Zoning Board applications when the respective Board has authorized the drafting of a decision or resolution prior to the effective date of this Local Law.
- 10) Village of Woodbury and Town of Woodbury projects.
- 11) Applications for Planning Board and/or Architectural Review Board approval for new structures that propose a change to the layout of a previously approved structure, but which does not result in additional uses on a property or an increased use of water.
- 12) Applications for Planning Board and/or Architectural Review Board approval where the property had in place a municipal water connection (i.e., to the Villages of Harriman or Kiryas Joel) or a private well for use as potable water on July 30, 2021 (the date of enactment of the prior moratorium), where proof of such connection is provided to the Building Department, Water Department and Village Engineer, and no changes in use are proposed to the property that may increase the usage of water.

This Local Law shall be binding on the Mayor, Board of Trustees, Planning Board, Architectural Review Board, Zoning Board of Appeals, all Village officials and employees, including, but not limited to, the Building Inspector, and all real property owners and other applicants desiring land use approvals.

During the period of the moratorium, the Board of Trustees shall endeavor to complete all reasonable and necessary review of the adequacy of the Village water system.

#### **SECTION 4      TERM**

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.

This Local Law shall be subject to renewal for cumulative periods of up to an additional six (6) months, if deemed appropriate by Resolution(s) of the Board of Trustees.

This moratorium may be withdrawn or lifted at any time by a resolution of the Village Board of Trustees.

#### **SECTION 5      EFFECT ON OTHER LAWS**

To the extent that any law, ordinance, rule or regulation, or parts thereof (including all deadlines for making decisions, interpretations or determinations), is in conflict with the provisions of this Local Law, including, but not limited to, all provisions of Chapters 272 and 310 of the Village Code, all provisions of Article 7 of the New York State Village Law concerning special use permits, site plans, and subdivisions (which includes, but is not limited to, Village Law § 7-728(8) default approvals), Article 8 of New York State Environmental Conservation Law and its associated DEC regulations at 6 NYCRR 617.1 et seq., and building permit and certificate of occupancy procedure and requirements, this Local Law shall control and such other laws are hereby superseded.

#### **SECTION 6      WAIVER**

There is no provision being made in this Local Law for any waivers to its applicability, in addition to the exemptions noted above. However, the Board of Trustees may, but is not obligated to, promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this moratorium if it subsequently determines that a waiver process is necessary and in the best interests of the Village.

#### **SECTION 7      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 8      EFFECTIVE DATE**

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.

General Fund modification totaling \$780,629

Village Board - subtotals \$2358	
Increase	A1010.100 VB - Personal Services \$ 1.00
	A1010.200 VB - Equipment \$ 2,168.00
	A1010.412 VB - Awards/Recognition \$ 189.00
Decrease	A1010.403 VB - Videographer \$ 1,100.00
	A1010.420 VB - Revitalization \$ 1,258.00

Village Clerk - subtotals \$3685	
Increase	A1410.100 VC - Personal Services \$ 2,909.00
	A1410.401 FOIL Requests \$ 182.00
	A1410.411 Office Supplies \$ 105.00
	A1410.430 VC - Trans/Travel \$ 489.00
Decrease	A1410.435 VC - Law Book Supplements \$ 3,685.00

Consultants - subtotals \$2297	
Increase	A1440.411 Planner - Contractual \$ 2,297.00
Decrease	A1440.401 Engineer - Contractual \$ 2,297.00

Central Government - subtotals \$81,960	
Increase	A1610.406 Gen - Buildings/Grounds \$ 1,081.00
	A1610.409 Gen - Alarm System \$ 57,084.00
	A1610.420 Moving Expense \$ 23,000.00
	A1670.402 Central Postage \$ 117.00
	A1910.400 Unallocated Insurance \$ 658.00
	A1980.400 MTA Payroll Tax \$ 20.00
	A4960 Fed Assistance \$ 50,000.00
Decrease	A1420.401 Attorney - Contractual \$ 22,850.00
	A1440.401 Engineer - Contractual \$ 9,110.00

Fire Department - subtotals \$68,005	
Increase	A3410.204 FD - Radio Equipment \$ 1,001.00
	A3410.401 FD - Telephone/Alarm \$ 358.00
	A3410.416 FD - Uniforms \$ 859.00
	A3410.417 FD - Cell Phones \$ 788.00
	A3410.419 FD - Radio Repair/Service \$ 86.00
	A3410.452 FD - Gas \$ 1,801.00
	A3410.463 FD - SCBA Testing \$ 300.00
	A3410.464 FD - Jaws Testing/Maintenance \$ 2,543.00
	A3410.471 FD - Extinguisher Maintenance \$ 1,151.00
	A3410.472 FD - Air Compressor Service \$ 6,445.00
	A3410.490 FD - Grant-Marketing-Video \$ 3,750.00
	A3410.491 FD - Grant-Marketing-Brochure \$ 2,406.00
	A3410.493 FD - Grant-LED Signage \$ 20,532.00
	A3410.494 FD - Grant-Tuition Assist \$ 5,828.00
	A3410.495 FD - Grant-Books/Lab Fees \$ 2,037.00

	A3410.496 FD - Grant-Recruiter Stipend \$ 18,120.00
	A4960 Fed Assistance \$ 46,845.00
Decrease	A3410.201 FD - Equip - Long Term \$ 21,160.00

Building Department - subtotals \$2550	
Increase	A3620.101 BD - Compensates Abscences \$ 1,956.00
	A3620.411 BD - Office Supplies \$ 249.00
	A3620.412 BD - Copier Maintenance \$ 345.00
Decrease	A3620.200 BD - Equipment \$ 2,550.00

Registrar of Vital Records - subtotals \$1970	
Increase	A4020.100 Registrar of Vital Records \$ 1,970.00
	A1603 Vital Statistics \$ 1,970.00

Highway Department - subtotals \$177,374	
Increase	A5010.101 HD - Personal Services \$ 1,464.00
	A5010.402 HD - Electricity \$ 178.00
	A5010.403 HD - Heating Oil/Gas \$ 927.00
	A5010.404 HD - Water Bills \$ 18.00
	A5010.406 HD - Custodial Supplies \$ 447.00
	A5010.411 HD - Office Supplies \$ 538.00
	A5010.423 HD - Safety Equipment \$ 820.00
	A5010.438 HD - Maintenance of Building \$ 1,179.00
	A5010.448 HD - Gasoline Used \$ 2,239.00
	A5010.449 HD - Diesel Used \$ 11,836.00
	A5110.101 HD - Personal Services \$ 85,168.00
	A5110.416 HD - Uniforms \$ 130.00
	A5110.451 HD - Tools \$ 2,230.00
	A5110.469 HD - Drainage Pipe \$ 22,764.00
	A5130.448 HD - Gas Received \$ 21,483.00
	A5130.449 HD - Diesel Received \$ 20,439.00
	A5130.456 HD - Gas Pump Maintenance \$ 1,964.00
	A5142.200 HD - Equipment Snow \$ 650.00
	A5142.466 HD - Salt/Liquid Calcium \$ 2,900.00
Decrease	A2300 Trans Services - Other Gov't \$ 77,044.00
	A5110.465 HD - Blacktop \$ 105,330.00

Zoning Board of Appeals - subtotals \$70	
Increase	A8010.454 ZB - Advertising \$ 70.00
Decrease	A8010.444 ZB - Schools/Dues \$ 70.00

Planning Board - subtotals \$437,430	
Increase	A8020.400 Escrow Payments \$ 437,430.00
	A2116 Escrow Deposits \$ 437,430.00

Employee Benefits - subtotals \$2930	
Increase	A9030.800 FICA/Security \$ 2,702.00

Consolidated Water totaling \$304,023		
Increase	FC1980.401 MTA Payroll Tax	\$ 178.00
	FC8310.101 Personal Services	\$ 21,504.00
	FC8310.101 Compensated Absences	\$ 1,368.00
	FC8310.411 Office Supplies	\$ 236.00
	FC8310.422 Blacktop	\$ 94,208.00
	FC8310.438 Operations/Maintenance	\$ 87,640.00
	FC8310.452 Vehicle Repair	\$ 361.00
	FC8310.461 SCA Agreement	\$ 3,500.00
	FC8310.468 Generator Fuel	\$ 133.00
	FC8310.470 Well Rehabilitation	\$ 45,450.00
	FC8310.471 Water Master Plan	\$ 88,507.00
	FC8310.472 Trout Brook Well	\$ 20,938.00
	FC2140 Metered Water Sales	\$ 168,192.00
	FC2148 Water Penalties	\$ 21,501.00
	FC9060.801 Hospital/Medical	\$ 20,945.00
	FC9030.800 FICA/Social Security	\$ 2,875.00
	FC8310.469 Special Projects	\$ 53,760.00
	FC8310.466 Generator Service	\$ 1,390.00
	FC8310.463 Consult Fee - Computers	\$ 1,820.00
	FC8310.462 Badger Meter Service Agree	\$ 2,350.00
	FC8310.453 Vehicle Repairs	\$ 6,680.00
	FC8310.442 Lab Testing	\$ 17,130.00
	FC8310.445 New Meters	\$ 7,440.00
Decrease		

A9050.800 Unemployment \$ 228.00  
 Decrease A9040.800 Worker's Compensation \$ 2,930.00

Water 6 (Amdur Park) totaling \$3939		
Increase	FC8310.100 Personal Services	\$ 3,667.00
	FC8310.401 Telephone/Alarms	\$ 76.00
	FA9030.800 Social Security/FICA	\$ 196.00
Decrease	FA8310.448 Operations/Maintenance	\$ 3,939.00

Consolidated Sewer totaling \$116,168		
Increase	GC1980.400 MTA Payroll Tax	\$ 305.00
	GC8110.100 Personal Services	\$ 16,943.00
	GC8110.200 Equipment	\$ 928.00
	GC8110.402 Electric	\$ 11,124.00
	GC8110.422 Blacktop	\$ 20,209.00
	GC8110.438 Operatory/Maintenance	\$ 5,060.00
	GC8110.443 I & I Repairs	\$ 59,474.00
	GC8110.452 Vehicle Fuel	\$ 2,125.00
	GC2680 Insurance Recoveries	\$ 42,963.00
Decrease	GC8110.101 Compensated Absences	\$ 49,633.00
	GC8110.453 Vehicle Repairs	\$ 2,631.00
	GC9060.801 Hospital/Medical	\$ 20,941.00

Sewer 1 (Valley Forge) totaling \$25		
Increase	GV8110.401 Telephone/Alarm	\$ 25.00
Decrease	GV8110.402 Electric	\$ 25.00