

Minutes of the Village Board Meeting held on September 8, 2022 at 7:30PM

Present: Andrew Giacomazza, Mayor  
Tara Burek, Susan Ciriello and Christopher Graziano, Trustees  
Absent: Victor Ferrarelli, Trustee  
Also Present: Kelly Naughton, Attorney for the Town; Robert Weyant, Village Streets Superintendent;  
Michael Phillips, Water/Wastewater Administrator; Michael Panella, Building Inspector

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

**Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Ciriello, seconded by Trustee Burek, to accept receipt of the minutes of the meeting held August 16, 2022.

**ADOPTED**      AYES    4            Giacomazza, Burek, Ciriello, Graziano  
                  NOES    0

b. Approval of Abstract:

Motion was offered by Mayor Giacomazza, seconded by Trustee Burek, to approve Abstract 6 containing vouchers 220430 – 220583 (voiding voucher 220477) totaling \$210,271.34.

**ADOPTED**      AYES    4            Giacomazza, Burek, Ciriello, Graziano  
                  NOES    0

c. Fire Department Equipment Request(s):

Motion was offered by Trustee Graziano, seconded by Trustee Ciriello, to approve Fire Department Equipment Request 2022-24 totaling approximately \$2697.85 for the purchase of hose and nozzles and 2022-25 totaling approximately \$3000 for a laptop and PC for fit testing/ID database.

**ADOPTED**      AYES    4            Giacomazza, Burek, Ciriello, Graziano  
                  NOES    0

EXTRA ITEM – Acceptance of Resignation – T Schettig:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to accept, with regrets, the resignation of Troy Schettig from the position of MEO effective September 23, 2022.

**ADOPTED**      AYES    4            Giacomazza, Burek, Ciriello, Graziano  
                  NOES    0

**Old Business:**

a. Change Order – Amdur Park Improvement Project:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to approve Change Order 1 for the Amdur Park Water System Filter Replacement and Treatment Plant Upgrades project totaling \$0.00. The scope of work included under the original contract is unchanged. The final completion required under the contract is August 9. This change order will amend this final completion date to be by December 20.

**ADOPTED**      AYES    4            Giacomazza, Burek, Ciriello, Graziano  
                  NOES    0

b. Amended Resolution – Exemptions to Building Moratorium:

Motion was offered by Trustee Ciriello, seconded by Trustee Burek, to adopt the following resolution amending the promulgated regulations relative to the hardship waiver process adopted in accordance with Local Law 5 of 2022 (continuing the moratorium on certain permits, certificates of occupancy and approvals):

**WHEREAS** the Village of Woodbury adopted Local Law No. 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** on July 14, 2022, the Board of Trustees adopted a resolution promulgating regulations establishing a hardship waiver process to the Moratorium; and

**WHEREAS** the Board of Trustees finds it necessary to further amend those regulations to account for properties served by municipal water connections from the Village of Harriman or the Village of Kiryas Joel.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Village of Woodbury Board of Trustees hereby determines that the waiver process is hereby amended to repeal Subsection E and replace it with the following language:

E. Exemptions.

- 1) Should any owner of property affected by Local Law No. 5 of 2022 seeking to construct, or having already constructed, a single-family dwelling located outside of the Consolidated Water Area, be served by a private well for use as potable water, said property owner shall be permitted to provide proof of such connection to the Building Department, Water Department and Village Clerk, which may be referred to the Village Engineer. Upon a determination that the information provided is accurate, said property shall be eligible for a hardship waiver, the fee and the public hearing for which may be waived by the Board of Trustees.
- 2) Should any owner of property affected by Local Law No. 5 of 2022 seeking to construct, or having already constructed, a building or structure located outside of the Consolidated Water Area, be served by a municipal water connection from the Village of Harriman or the Village of Kiryas Joel, said property owner shall be permitted to provide proof of such connection to the Building Department, Water Department and Village Clerk, which may be referred to the Village Engineer. Upon a determination that the information provided is accurate, said property shall be eligible for a hardship waiver, the fee and the public hearing for which may be waived by the Board of Trustees.

<b>ADOPTED</b>	AYES	4	Giacomazza, Burek, Ciriello, Graziano
	NOES	0	

**New Business:**

a. Return of Permit Fee Request – 7 Pheasant Run:

Motion was offered by Trustee Burek, seconded by Mayor Giacomazza, to refund \$1480 of the \$1850 building permit fee paid by Moses Ostreicher, on behalf of Jacob Deutsch. The applicant has decided to not move forward with the planned project. The amount of \$370 is being kept for administrative costs that were incurred associated with the application, as requested by the Building

Inspector, subject to the removal of the temporary ramp. The return will be subject to the removal of a temporary ramp that was installed by the applicant as required by Superintendent Weyant.

**ADOPTED** AYES 4 Giacomazza, Burek, Ciriello, Graziano  
NOES 0

b. Introductory Local Law 8 of 2022 – Building Construction:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to introduce Introductory Local Law 8 of 2022 amending Chapter 96 entitled “Building Construction” to provide for the administration and enforcement of the 2022 amendment to the New York State Uniform Fire Prevention and Building Code. This law is required as the Department of State has filed a Notice of Adoption of a rule repealing and replacing Part 1203 of Title 19 of the New York Codes, Rules and Regulations.

**ADOPTED** AYES 4 Giacomazza, Burek, Ciriello, Graziano  
NOES 0

Motion was then offered by Trustee Ciriello, seconded by Trustee Graziano, to schedule a public hearing to be held on October 13, 2022 at 7:30PM to entertain public comments on Introductory Local Law 8 of 2022.

**ADOPTED** AYES 4 Giacomazza, Burek, Ciriello, Graziano  
NOES 0

c. Liquor License Application Notification – Bareburger/BB Woodbury LLC:

Notice was received on August 4, 2022 from BB Woodbury LLC/Bareburger located at 498 Red Apple Court, Suite FC1, Central Valley, 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

d. Relevy of Previously Exempt Properties:

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

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

**WHEREAS** notification was received by the Village Clerk from the Woodbury Assessor that prorated amount(s) need to be re-levied onto the FY2023/2024 taxes for this/these property(ies).

**NOW THEREFORE, BE IT**

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

239-1-82	22 Plum Court	\$38.21
254-2-67.2	8 Clinton Alley	\$35.41
236-1-10	40 Jones Drive	\$149.21

**ADOPTED** AYES 4 Giacomazza, Burek, Ciriello, Graziano  
NOES 0

e. Approval of Proposal – Completion of Soil Borings:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to approve the proposal from and award the contract to Carlin-Simpson & Associates totaling \$6310 to complete the soil borings at the Trout Brook Well (Well 12). This will determine the foundation design for the new PFAS treatment building that will need to be constructed at this location.

**ADOPTED**      AYES    4            Giacomazza, Burek, Ciriello, Graziano  
                     NOES    0

**Public Comment:**

Rachael Bruce stated she has been informed there are issues being experienced in the Brigadoon development relating to temporary rentals, which are illegal under Village Code. She feels something needs to be done to stop this.

Jimmy Ng, resident of Brigadoon, stated short-term rentals need to be stopped since they are illegal in the Village. He feels people are selling their homes and moving because they do not want to live in a neighborhood where this is happening. Mayor Giacomazza stated he agrees this is a problem that is occurring in a several developments in the Village and everyone dislikes this. At this time the Village Code does not list it as allowed so that means it is not approved. The Board is looking into the legalities of specifically writing it into the Code as a prohibition. He noted there is also concern with residents renting out use of their pools. Attorney Naughton stated this is a “hot topic” throughout the State and it is being investigated so the Board can proceed legally.

Maria Hunter stated the previous Building Inspector was very progressive with stopping AirBnB®’s. She stressed there is also a safety issue since Codes are not being followed. She appreciates the efforts that are being taken to keep all residents safe. She thanked whoever took the time to do maintenance of the sidewalks along Route 32 (Mayor Giacomazza stated he believes it was the Town’s Buildings/Grounds). She also thanked the Highway Department for all they do for the Beautification Committee and for the work they did for the Town to save money and time on the reconstruction of the JPB Pool. She then thanked the Building Department for addressing concerns she has raised.

Maureen Richardson, a Monroe resident that spearheaded an effort to stop the Dinosaur Park from being constructed in Monroe, spoke about some things happening in Monroe.

**Board Member/Department Comment:**

Trustee Ciriello stated this weekend Monroe will be holding their annual Cheese Festival.

Trustee Burek stated this weekend the Fire Department will be hold their annual 9/11 memorial ceremony.

Mayor Giacomazza thanked Joseph Gianzero and his Town department for the painting they did downstairs so they look presentable in preparation for the upcoming 9/11 memorial ceremony.

**Adjournment:**

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

**ADOPTED**      AYES    4            Giacomazza, Burek, Ciriello, Graziano  
                     NOES    0

Desiree Potvin, Village Clerk