

Minutes of the Village Board Meeting held on February 23, 2023 at 7:30PM

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

Absent: Susan Ciriello, Trustee

Also Present: Kelly Naughton, Attorney for the Village; Robert Weyant, Village Streets Superintendent; Michael Phillips, Water/Wastewater Administrator; Michael Panella, Building Inspector; Sean Peters, Project Manager Engineer; Kate Luciani, Town Board; Rachel Bruce, Village Zoning Board Member

**Public Hearing(s):**

a. Introductory Local Law 3 of 2023 – Volunteer Firefighter/Ambulance Property Exemption:

A public hearing was held on Introductory Local Law 3 of 2023 repealing Chapter 277, Article VIII, of the Village Code entitled “Taxation” and replacing it with a new Chapter 277, Article III entitled “Volunteer Firefighters and Ambulance Workers” pursuant to Section 466-a of the New York State Real Property Law. The public notice was printed in the Times Herald Record on February 16, 2023, and the following comments were received:

No Comments received in writing or in person.

With no comments received, a motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to close the public hearing.

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

Motion was then offered by Trustee Graziano, seconded by Trustee Burek, to adopt Local Law 2 of 2023 entitled “Taxation – Article III” and direct the Village Clerk to print a full copy of said local law in the minutes of this meeting.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

|                    |        |
|--------------------|--------|
| Mayor Giacomazza   | YES    |
| Trustee Burek      | YES    |
| Trustee Ciriello   | ABSENT |
| Trustee Ferrarelli | YES    |
| Trustee Graziano   | YES    |

**Update – Trout Brook Well Project:**

Sean Peters stated they received the final Hydrologist study from Bill Canavan on February 2<sup>nd</sup>. The study reported that the well would be capable of pumping 550 gallons per minutes and will be able to tie into the existing treatment building. He then stated the project would need a new well pump, motor, transmission main back to the existing treatment building, and power for the new pump and motor. He stated that in consideration of future developments which may occur in the well field they are also going to install a parallel main adjacent to well 12 that will need an additional electrical conduit. He stated in the long run it will save money for future developments. He stated a submission was made to the following agencies NYSDEC, NYSDOH and OCDOH and they usually respond between a few weeks to sixty days. He stated that he and Water/Wastewater Administrator, Michael Phillips are preparing BID documents.

Mayor Giacomazza requested pressure be put on the Agencies by Mr. Peters he also stated he had a meeting with Senator Skoufis and asked that he reach out to OCDOH, NYDOH and the DEC to

make sure we get this project up and running. Trustee Burek asked the timing on the project and when it can be expected to be up and running. Sean Peters stated that it would be at least a year due to equipment lead time taking at least 10-12 months. Trustee Burek then asked if the Village could purchase the equipment needed so when the project is approved by all agencies it would not halt wait time. Trustee Burek then expressed concern in regards to the Building Moratorium and having to continue to keep it in place for another year. Trustee Graziano stated that would be a risk to order equipment due to possible changes from the agencies. Sean Peters stated that the ordering of materials, sampling and approval could take up to a year.

**Public Comment on Agenda Items Only:**

Seth Pulver thanked the Board for facilitating everything and stated he had an issue with how the ILL10-2022 Event Venues law was written. He stated he was concerned with the process of the business being passed on to one of his children. He also stated he had a meeting with all the first responders where they discussed the fire codes. Trustee Burek explained to Mr. Pulver that the special permit would be similar to how mother/daughter houses are passed on. She explained that who ever inherits his business wouldn't have to go through the entire planning board process, they would simply have to appear in front of the board and explain that no changes have been made and pass the business into their names. Trustee Graziano stated that the law states six months, but there is also the option to request for a longer period of time as long as the person appears and asks for the extension.

**Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Ferrarelli, seconded by Trustee Graziano, to accept receipt of the minutes of the meeting held February 9, 2023.

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

b. Approval of Abstract:

Motion was offered by Trustee Burek, seconded by Mayor Giacomazza, to approve Abstract 16 containing vouchers 22-0584 – 22-0714 and totaling \$377,325.06.

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

c. Budget Modifications:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to approve the following modifications to the 2023 budget:

- Highway Department – increasing A5010.411 (Office Supplies) by \$900, A5110.448 (Miscellaneous) by \$1200, A5130.417 (Flares and Oxygen) by \$1200, A5130.454 (Oils and Lubes) by \$3000, A5130.455 (Tires) by \$5000, A5130.468 (Sweeper Repairs) by \$9000, A5142.447 (Snow Truck Repairs) by \$800, A5010.442 (Drug Testing) by \$100, decreasing A5010.464 (Liquid Calcium) by \$6000, A5010.438 (Building Maintenance) by \$15,200, increasing A4960 (Federal Assistance) by \$4500, A5110.407 (Traffic Control) by \$4500
- Fire Department – increasing A3410.453 (Vehicle Repairs) by \$5000, A3410.448 (Operations) by \$2000 and decreasing A3410.207 (SCBA Replacement) by \$7000.

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

d. Appointment to Zoning Board of Appeals:

Motion was offered by Mayor Giacomazza, seconded by Trustee Burek, to appoint Michael Wozniak to the Zoning Board of Appeals with a term to expire May 31, 2025 (to fill the term vacated by Andrew Zoumas).

|                |         |   |                                  |
|----------------|---------|---|----------------------------------|
| <b>ADOPTED</b> | AYES    | 3 | Giacomazza, Ferrarelli, Graziano |
|                | NOES    | 0 |                                  |
|                | ABSTAIN | 1 | Burek                            |

e. Fire Department Equipment Requests:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to approve Fire Department Equipment Request 2023-02 totaling approximately \$698 for the purchase of 200 patches to replenish stock, 2023-03 totaling approximately \$1976.18 for the purchase of headlights for the brush truck; 2023-04 totaling approximately \$4129.98 for various uniforms; and 2023-05 totaling approximately \$1240 for the purchase of five elevate key sets.

|                |      |   |   |
|----------------|------|---|---|
| <b>ADOPTED</b> | AYES | 4 | Giacomazza, Burek, Ferrarelli, Graziano |
|                | NOES | 0 |   |

f. Temporary Appointment of Full-Time Building Inspector III – William Press:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to approve the appointment of William Press to the temporary position of full-time Assistant Building Inspector III effective February 27, 2023. There is no change in hourly rate for this position.

|                |      |   |   |
|----------------|------|---|---|
| <b>ADOPTED</b> | AYES | 4 | Giacomazza, Burek, Ferrarelli, Graziano |
|                | NOES | 0 |   |

g. Resolution – Acknowledge Village Owned Roads – Updated List:

Mayor Giacomazza asked Robert Weyant, Village Streets Superintendent why this has to be done. Mr. Weyant stated it is a formality and must be done in order to be properly funded with the CHIPS fund.

Motion was offered by Trustee Ferrarelli, seconded by Trustee Burek, adopt the following resolution acknowledging the roads that are owned by the Village of Woodbury:

RESOLVED roads owned and maintained by the Village of Woodbury fall under the jurisdiction of the Village Streets Superintendent and Village of Woodbury Highway Department; and be it

FURTHER RESOLVED the Village of Woodbury Board of Trustees takes legal and maintenance responsibility for all Village owned roads; and be it

FURTHER RESOLVED the roads owned by the Village are as follows:

|                    |                     |                    |                 |
|--------------------|---------------------|--------------------|-----------------|
| Abrams Rd          | Elmwood Dr          | Melody Ln          | Still St        |
| Acres Rd           | Estrada Rd          | Mercedes Way       | Stirling Circle |
| Adams St           | Evans Dr            | Midland Ave        | Stone Gate Rd   |
| Adrienne Dr        | Falkirk Ave         | Milval Ln          | Summer Hill     |
| Ainsley Ct         | Ferndale Ave        | Montesi Drive      | Summit Ave      |
| Alloway Crest      | Fillmore Ct         | Moorefield Circle  | Sunset Rd       |
| Andre Dr           | First St            | Morgan Ct          | Sunset Terr     |
| Apisson Trail      | Florence Dr         | Mountainview Dr    | Sutherland Dr   |
| Apple Hill Drive   | Ford Ave            | Oakland Ave        | Tartan Circle   |
| Bakertown Rd       | Forest Rd           | Oldwyck Crescent   | Thayer Rd       |
| Bedford Ct         | Fourth St           | Olympus Rd         | Thorn Dr        |
| Berwick Crl        | Franklin Dr         | Overlook Dr        | Timber Trail    |
| Birch Rd           | Genny Dr            | Owens Dr           | Tiros Ave       |
| Birchwood Dr       | Gladstone Ct        | Paisley Ct         | Townsend Ave    |
| Blackmoore Crl     | Grandview Ct        | Park Ave           | Trails End      |
| Blueberry Ln       | Grant Ct            | Pearce Dr          | Turner Rd       |
| Bond St            | Greenwich Ave       | Perrone Ln         | Tweed Ct        |
| Braemer Way        | Gregory Ln          | Pheasant Run       | Valley Ave      |
| Brigadoon Blvd     | Hamilton Ave        | Phoenix Hill       | Van Buren Ct    |
| Buena Vista Terr   | Hazzard Ln.         | Pine Hill Rd       | Van Tassel Dr   |
| Burrow Dr          | Heather Ridge       | Pleasant Dr        | Wallace Ct      |
| Caledonia Crl      | Hickory St          | Quaker Rd          | Washington Dr   |
| Carlisle Ct        | Highland Dr         | Rainbow Dr         | Waverly Ct      |
| Castleton Dr       | Highland Woods Blvd | Regina Dr          | West End Dr     |
| Cathy Ct           | Hillside Dr         | Ridge Rd           | Weygant Hill    |
| Cedar Rd           | Hollis St           | Rigel Pl           | Willow Court    |
| Cindy Ln           | Hunter St           | Rivervale Ct       | Winding Lane    |
| Cleveland St       | Jackson St          | Rock Ave           | Woodbury Road   |
| Clove Pl           | Janice Dr           | Rose Pl            | Woodland Dr     |
| Coach Wilson Trail | Jefferson St        | Roselawn Rd        | Woodward Terr   |
| Coffey St          | Jill Rd             | Rutledge Ave       |                 |
| Continental Dr     | Jones Dr            | Ryan Pl            |                 |
| Cottonwood Dr      | Jupiter Rd          | Saratoga Dr        |                 |
| Country Hollow     | Larkin Dr           | Scaglione Ct       |                 |
| Cranberry Dr       | Laura Ln            | Schunnemunk Road   |                 |
| Dennis Dr          | Lent Dr             | Seaman Court       |                 |
| DePalma Dr         | Leone Ct            | Sequoia Trail      |                 |
| DeSanctis Dr       | Lexington Ave       | Serpi Rd           |                 |
| Dogwood Dr         | Liberty Dr          | Seven Springs Road |                 |
| Dunderberg Rd      | Lincoln Ct          | Sherwood Court     |                 |
| Eastview Dr        | Locey Ln            | Shetland Circle    |                 |
| Edgewood Dr        | Maher Ln.           | Shuit Pl           |                 |
| Elgin Ct           | Maple Rd            | Skyline Dr         |                 |
| Elm St             | Maplewood Rd        | Smith Clove Rd     |                 |

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

**Old Business:**

- a. Discussion/Decision – ILL10-2022 Event Venues:

A discussion was had during public comment between Mr. Pulver and the Board. Trustee Graziano thanked everyone especially Attorney Naughton and the Village Planning Board for all of their comments and contributions to bring this law forward.

Motion was then offered by Trustee Burek, seconded by Trustee Graziano, to adopt Local Law 3 of 2023 a local law amending chapter 310 (“Zoning”) of the code of the Village of Woodbury to allow event venues as a special permit use and direct the Village Clerk to print a full copy of said local law in the minutes of this meeting.

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

b. Resolution – Amendment to Moratorium Waiver Procedure Exemptions:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, 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, which moratorium has been extended for a period of six (6) additional months; 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 and private wells, as well as certain properties that are proposing modifications and/or additions that will result in only minor increases to water usage, as determined below.

**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 or other private water company, 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.
- 3) Applications to the Planning Board, Zoning Board and/or Building Department for ARB, site plan, special permit and building permit approval, as necessary, for a “dwelling unit for additional family member” pursuant to Village Code § 310-35 shall be permitted to proceed as being exempt from the moratorium, and the fee and the public hearing for which may be waived by the Board of Trustees.
- 4) Applications to the Planning Board, Zoning Board and/or Building Department for ARB, site plan, special permit and building permit approval, as necessary for any new building

construction, renovation or expansion of an existing building, or change of use or intensity of use that would result in an increase in water usage less than or equal to 220 GPD shall be permitted to provide proof of such increase to the Building Department, Water Department and Village Clerk, which may be referred to the Village Engineer. A property shall not be permitted to receive more than one waiver pursuant to this provision (*i.e.*, which would be result exceeding the 220 GPD limitation by compounding requests). 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.

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

c. Amendment to Consultant Agreement – H2M Architects/Engineers:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to authorize the Mayor to sign two agreements with H2M – “Trout Brook Well Exploration” and “Trout Brook Wellfield Water Supply Improvements” – both containing approved language to use ARPA funds for payments.

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

d. Reschedule Public Hearing – ILL2023-01 Short Term Rentals:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to reschedule the public hearing to entertain public comments on Introductory Local Law 1 of 2023 to be held on April 27, 2023 at 7:30PM.

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

**New Business:**

a. Resolution – Relevy of Previously Exemption Properties:

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

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

**WHEREAS**, notification was received by the Village Clerk from the Woodbury Assessor that prorated amount(s) need to be re-levied onto the 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:

|          |                    |          |
|----------|--------------------|----------|
| 249-1-6  | 22 Gladstone Court | \$10.70  |
| 255-1-61 | 11 Stillman Wye    | \$22.62  |
| 237-4-57 | 36 Linden Drive    | \$100.26 |

The following were previously approved but after the cutoff to add to the 2022/2023 taxes:

|          |                   |          |
|----------|-------------------|----------|
| 211-1-64 | 47 Woodland Road  | \$24.18  |
| 223-1-4  | 126 Roselawn Road | \$17.60  |
| 250-1-44 | 5 Elgin Court     | \$136.29 |



|                |      |          |   |         |
|----------------|------|----------|---|---------|
|                |      | 211-1-74 | 7 Woodland Road                         | \$17.15 |
| <b>ADOPTED</b> | AYES | 4        | Giacomazza, Burek, Ferrarelli, Graziano |         |
|                | NOES | 0        |   |         |

b. Liquor License Notification – Clarida New York LLC:

Notice was received on February 8, 2023, from Clarida New York LLC located at 498 Red Apple Court K111, 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.

c. Closing of Escrow/Return of Balance – Moratorium Waiver Applications:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to approve the closure of the following escrows that were posted for applications requesting a waiver from the Building Moratorium since they applications have been completed: VB6004 – Yeny LLC; VB7004 – Oberlander; VB7007 – Valdes.

|                |      |   |   |
|----------------|------|---|---|
| <b>ADOPTED</b> | AYES | 4 | Giacomazza, Burek, Ferrarelli, Graziano |
|                | NOES | 0 |   |

d. Schedule Public Hearing – Moratorium Waiver – HLB Enterprise – 95 Maher Lane:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to schedule a public hearing to be held on March 9, 2023, at 7:30PM to entertain public comments on a petition received from HLB Enterprises (with permission from Yeny LLC) located at 95 Maher Lane, Suite 9, requesting a waiver of Local Law 5 of 2022 (Building Moratorium)

|                |      |   |   |
|----------------|------|---|---|
| <b>ADOPTED</b> | AYES | 4 | Giacomazza, Burek, Ferrarelli, Graziano |
|                | NOES | 0 |   |

e. Schedule Public Hearing – Introductory Local Law 5 Of 2023 – Abandonment of Applications:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to schedule a public hearing to be held on March 23, 2023, at 7:30PM to entertain public comments on Introductory Local Law 5 of 2023 entitled “Abandonment of Application”.

|                |      |   |   |
|----------------|------|---|---|
| <b>ADOPTED</b> | AYES | 4 | Giacomazza, Burek, Ferrarelli, Graziano |
|                | NOES | 0 |   |

Motion was then offered by Trustee Burek, seconded by Trustee Ferrarelli, to refer Introductory Local Law 5 of 2023 to the Planning Board and Building Department for comments.

|                |      |   |   |
|----------------|------|---|---|
| <b>ADOPTED</b> | AYES | 4 | Giacomazza, Burek, Ferrarelli, Graziano |
|                | NOES | 0 |   |

**Extra Items**

a. Schedule Public Hearing – Moratorium Waiver – 22/24 Catskill High Rail – House of Worship:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to schedule a public hearing to be held on March 9, 2023 at 7:30PM to entertain public comments on a petition received from Hartman Design, Inc for a House of Worship located at 22-24 Catskill High Rail , requesting a waiver of Local Law 5 of 2022 (Building Moratorium)

|                |      |   |   |
|----------------|------|---|---|
| <b>ADOPTED</b> | AYES | 4 | Giacomazza, Burek, Ferrarelli, Graziano |
|                | NOES | 0 |   |

b. Appointment of Heavy Equipment Mechanic

Motion was offered by Trustee Burek, seconded by Mayor Giacomazza, to promote Ross Whitehead to fill the position of Heavy Equipment Mechanic effective February 21, 2023, by the Highway Superintendent.

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

**Public Comment:**

Elyse Stahl thanked the Board.

Cathy Schmidt thanked the Board as well as the Revitalization committee for the decorations outside the Central Valley Library.

**Board Member/Department Comment**

Trustee Graziano thanked everyone for attending.

Trustee Ferrarelli thanked everyone that supported and came out for the heart dance and stated they raised \$2,000.00 for the American Heart Association. He also stated on March 11<sup>th</sup> there will be a St. Patrick’s Dance with tickets being currently sold.

Trustee Burek extended her condolences to the family that lost their family in the fire in Monroe. She then urged people to volunteer for the Fire Company and Ambulance, stating “many hands, make light work” and thanked all of the first responders and hoped that the first responders seek mental and emotional support, due to the toll it takes on them.

Mayor Giacomazza stated he wished the residents would call and ask about concerns prior to posting on Facebook and creating chaos. He addressed St. Patrick Church and stated he spoke to the Pastor Rider who informed him that every mass has been full and there is no concern at this time that the Church will close. The Mayor then urged the residents to go to church and volunteer. He then addressed residents’ concerns with the Hotel on Estrada and stated that the Building Department is actively working on the mess this project has made. Building Inspector Panella stated they are actively citing them and doing daily drive-bys. He also stated that they will be in court on Monday for multiple violations.

Building Inspector Panella then thanked Bobby Blair for all of his fantastic work on the Building on Adams Street. Mayor Giacomazza then thanked Robert Weyant for allowing a few of his employees to assist Mr. Blair.

**Adjournment:**

With no further business to discuss or comments received, a motion was offered by Trustee Burek, seconded by Mayor Giacomazza, to adjourn the meeting at 8:21 PM.

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

Jessica McClennan, Deputy Village Clerk



**LOCAL LAW 2 OF 2023**

**A LOCAL LAW TO REPEAL CHAPTER 277, ARTICLE VIII, OF THE VILLAGE CODE ENTITLED “TAXATION – VOLUNTEER FIREFIGHTERS AND FIRE COMPANY EXEMPTION” AND REPLACE IT WITH A NEW CHAPTER 277, ARTICLE VIII ENTITLED “VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS” PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW**

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

**SECTION 1**      CHAPTER 277: TAXATION

Chapter 277 Article VIII of the Village Code is hereby repealed and replaced as follows:

**Article VIII  
Volunteer Firefighters and Ambulance Workers Exemptions**

**277-25            Grant of exemption**

An exemption of ten percent (10%) of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Village of Woodbury as long as eligibility requirements are met.

**277-26            Eligibility requirements**

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- a) The property is owned by the volunteer firefighter or volunteer ambulance worker;
- b) The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;
- c) The property is used exclusively for residential purposes;
- d) The volunteer firefighter or volunteer ambulance worker resides in the Village of Woodbury and the Village of Woodbury is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- e) The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- f) The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by Village of Woodbury, which is hereby established as two (2) years.

**277-27            Application**

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor responsible for preparing the assessment roll for the Village of Woodbury, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The Village of Woodbury must maintain written guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

**277-28            Certification**

The Village of Woodbury Fire Chief must annually file with the assessor, prior to the applicable taxable status date, with a copy to the Village Clerk, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

The President of the Village of Woodbury Ambulance Corps must annually file with the assessor, prior to the applicable taxable status date, with a copy to the Village Clerk, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

**277-29            No diminution of benefits**

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this Article shall not have any of those benefits diminished because of this Article.

**277-30            Grant of lifetime exemption**

Any eligible enrolled member who accrues more than 20 years of active volunteer service (as certified by the authority having jurisdiction) shall be granted the 10% exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Village of Woodbury.

**277-31            Un-remarried spouse of enrolled member killed in the line of duty**

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

**277-32            Un-remarried spouse of deceased enrolled member**

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

**SECTION 2       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 3       EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law Section 27.

## LOCAL LAW 3 of 2023

A LOCAL LAW AMENDING CHAPTER 310 (“ZONING”) OF THE CODE OF THE VILLAGE OF WOODBURY TO ALLOW EVENT VENUES AS A SPECIAL PERMIT USE

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

### **SECTION 1      PURPOSE**

The purpose of this Local Law is to establish procedures and requirements for allowing the conduct of events at venues in the Village of Woodbury to preserve the public peace, good order and the integrity of the existing residential neighborhoods and the use regulations established under the Zoning Code, and to properly provide for the health, safety and welfare of the general public, while preserving Woodbury’s rural character.

### **SECTION 2      CHAPTER 310 (“Zoning”)**

Section 310-2(B) (“Definitions”) is hereby amended to add the following definition:

**EVENT VENUE** - The use of land, structures or buildings for gatherings and events where compensation may be paid to the property owner for said use, such as, but not limited to weddings, banquets, parties, fundraisers, conferences, celebratory or educational activities and other similar events. This shall not include any events that attract 200 or more persons, which shall be subject to Chapter 243 (“Public Assembly, Outdoor”). It is not the intent of this definition to regulate gatherings hosted by a property owner, family member of the property owner, or leasee of property, whose residence is the property in question for the purpose of celebrating a birthday, holiday, or similar special occasion. However, if such gatherings are occurring on a frequent basis necessitating a need to regulate to preserve the public, health, safety and welfare, as determined by the Building Inspector, then the Building Inspector may require the property owner apply for a temporary special permit under this Chapter.

Chapter 310 is hereby amended to include the following provision, providing regulations for event venues:

#### **§310-39.6      Event Venues**

A temporary special permit may be granted by the Planning Board for an event venue, as permitted on the Schedules of Zoning District Regulations, which shall comply with the following requirements:

- A. Minimum size. The minimum lot size for an event venue shall be no less than twenty-five (25) contiguous acres.
- B. District. Event venues shall be permitted in the R-1A district, in compliance with the standards set forth herein and on the Schedule of Zoning District Regulations. No event venue shall be permitted on property located within the Senior Housing Overlay District.
- C. Access. The site of an event venue shall have at least two means of egress, which shall be adequate for emergency vehicles, as determined by the Planning Board in consultation with emergency responders based on width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles. The Planning Board may require the construction of improvements to ensure adequate emergency access to the site. The Planning Board may waive

the requirement for two access points where one access point is determined to be adequate for emergency access based on a review of the New York State Fire Code, Village Traffic Engineer input, and/or emergency service provider input.

- D. Attendees. In no event shall an event venue exceed 199 attendees. The term “attendees” is exclusive of any employees or staff managing and/or serving the event. The Planning Board may set a lower maximum number for an event venue in its discretion based on the standards set forth herein. The Planning Board shall not set a higher maximum number of attendees.
- E. Parking. All parking shall be located on-site and the site plan shall demonstrate there is sufficient parking for an event. No less than one parking space shall be provided for each two (2) attendees and one parking space shall be provided for each two (2) employees or staff managing and/or serving the event. This requirement shall not preclude an event venue from utilizing shuttle buses or other methods of guest transportation.
- F. Hours of operation. The Planning Board shall determine the permitted hours of operation of an event venue. Events shall commence no earlier than 10:00am and shall terminate no later than 11:00pm. Setup and dismantling hours shall be limited to between 8:00am and 12:00am.
- G. Food service. Catering services, including the use of food trucks, are allowed to provide the food and beverages for the event. On-site preparation of food shall be subject to all applicable Department of Health permits and approvals. Alcoholic beverages may be consumed on-site provided the venue or catering service has the appropriate insurance coverage, permits and complies with all applicant State and local laws, and proof of the required insurance and permits have been provided to the Building Department prior to an event taking place.
- H. Buffers. The Planning Board shall require appropriate buffers between the event venue and adjoining properties, given the nature of the events and extent to which noise will be generated, size of the parcel, the natural topography, and vegetative cover.
- I. Public Safety Plan. A Public Safety Plan shall be required and approved by the Code Enforcement Officer prior to the issuance of a Certificate of Occupancy, which shall address the items identified below. This list is not meant to serve as an exclusive list. Should the Code Enforcement Officer deem additional information to be necessary, it shall be provided by the Applicant.
  - 1. Emergency vehicle ingress and egress
  - 2. Fire protection;
  - 3. Emergency egress or escape routes;
  - 4. Emergency medical services;
  - 5. Public assembly areas;
  - 6. The directing of both attendees and vehicles, including the parking of vehicles;
  - 7. Vendor and food concession distribution;
  - 8. The need for the presence of law enforcement;
  - 9. The need for fire and emergency medical services personnel, and
  - 10. The need for a weather monitoring person.
- J. Uniform Code. Prior to the issuance of a Certificate of Occupancy, all buildings and/or structures that will be utilized in connection with an approved Event Venue under this Chapter shall undergo a full Uniform Code of New York State evaluation. This evaluation shall be performed by an engineer or design professional, identifying all Uniform Code of New York State deficiencies, if any. If deficiencies are identified, the Applicant shall be required to obtain a building permit and complete the work necessary to comply with the Uniform Code prior to the issuance of a Certificate of Occupancy, or shall provide proof to the Building Department of a

variance from New York State, permitting the Event Venue to operate without being in strict compliance with the Uniform Code.

- K. Seating. Seating for events may occur outdoors, under a tent or other fabric structure temporarily constructed on the property, or in a permanent principal or accessory building. The location and dimension of any proposed tents must be shown on the site plan. All buildings and structures, including tents, to be used as part of the event venue shall, where required, obtain a certificate of occupancy for their intended uses, which shall specify the length of time the temporary structure shall be permitted.
- L. Temporary structures and/or tents.
  - 1. Definitions.
    - a) **Canopy** – A structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is without sidewalls or drops on seventy-five (75) percent or more of the perimeter.
    - b) **Tent** – A structure, enclosure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner, except by air or the contents it protects.
    - c) **LPG** – Liquefied Petroleum Gas, commonly known as propane.
  - 2. All temporary structures and/or tents shall comply with Chapter 31 of the New York State Fire Code, as amended from time to time, and must be inspected by the Code Enforcement Officer prior to an event taking place.
  - 3. The following shall be the policy regarding requirements for tent or membrane structure use, including the use of LPG outdoor patio heaters, cooking equipment and any other LPG use:
    - a) Tents, Temporary Structures and Other Membrane Structures:
      - i. Temporary structures in excess of 1000 square feet shall not be erected, operated or maintained for any purpose without first obtaining approval and a permit from the Code Enforcement Officer.
      - ii. That a permit be obtained for any tent or membrane structure in excess of 200 square feet and any canopy that is in excess of 400 square feet.
      - iii. A permit shall be required for any tent, canopy or membrane structure where cooking is performed within the tent, regardless of size.
    - b) Means of Egress:
      - i. Means of egress for temporary tents, canopies and membrane structures shall be in accordance with this section and the NYS Fire Code.
      - ii. Tents, canopies and membrane structures or a usable portion thereof shall not have less than one exit, and tents and membrane structures with an occupant load of less than 199 persons shall have no less than 2 exits, but can be required to have additional exits as directed by the Code Enforcement Officer. Any tent used for cooking shall have an exit that is free of obstacles.
      - iii. Exit openings from tents: Exit openings from tents shall remain open unless covered with a flame-resistant curtain. The curtain shall be marked as being flame-resistant or proof be provided to satisfaction of the Code Enforcement Officer of flame-resistance. Curtains shall be free sliding on a metal support and be no less than 80 inches from floor

level at the exit and be arranged so that no part of the curtain obstructs the exit. Curtains shall be of a color or colors that contrast with the color of the tent.

- iv. Aisles/Arrangement of Aisles: Smooth surface unobstructed aisles having a minimum width of not less than 48 inches shall be provided from the seating areas. The arrangement of aisles shall be subject to the approval of the Code Enforcement Officer and shall be maintained clear at all times during occupancy.
- c) Exit Signs: Exits shall be clearly marked. Exit signs shall be installed at required exits doorways and where otherwise necessary to indicate the direction of egress where the exit serves 50 or more occupants. Exit signs shall be illuminated at all times.
- d) Smoking: Smoking/Vaping/Hookahs/Cigars shall not be permitted in tents, canopies, or membrane structures. Approved "NO SMOKING" signs shall be conspicuously posted in accordance with NYS Fire Code
- e) Open or exposed flame: Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within twenty (30) feet of the tent, canopy or membrane structures while open to the public.
- f) Fireworks: Fireworks/Spark-emitting devices shall not be used within tent or membrane structure.
- g) Portable Fire Extinguishers: Approved portable fire extinguishers shall be provided. Dry Chemical Extinguishers shall be no less than 10lb in Size. Class K Fire Extinguishers shall be provided whenever Cooking oils and greases that are vegetable and animal fat-based are being used. The distance of travel to any extinguisher shall not exceed 75 feet in any direction. Additional portable extinguishers are required where cooking and/or cooking equipment and LPG is stored and or in use.
- h) Cooking tents: Tents with sidewalls or drops where cooking is performed shall be separated from other tents, canopies, or membrane structures by not less than 30 feet.
- i) Outdoor cooking that produces sparks or grease laden vapors shall not be performed within 30 feet of a tent, canopy, or membrane structure.
- j) Location of containers: LPG containers shall be located outside, and shall not be located within twenty (20) feet of exits or combustible materials, and shall not be operated on any combustible construction, balconies or decks attached to an occupied structure. Safety release valves shall be pointed away from tent or structure.
- k) Protection and security: Portable LP gas containers, tanks, piping and valves that are located outside and are being used to fuel equipment inside a tent, canopy or membrane structure shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be located in an approved location. Portable LP containers shall be secured against unauthorized movement.
- l) Separation of generators: Generators and other internal combustion power sources shall be separated from tents, canopies, and membrane structures by

not less than 40 feet and shall be isolated from contact with the public by fencing, enclosure, or other approved means.

M. Application. A special use permit and site plan shall be submitted to the Planning Board for review and approval. The application shall also include the submission of an event management plan. An event management plan shall be prepared and submitted to the Planning Board for review and approval. Once approved, the event management plan shall be incorporated into the special permit. The plan shall include a narrative which describes the proposed operation of the event venue, including but not limited to the following:

1. Owner/operator in charge of the event venue, and which shall be present on-site during the same, with contact information provided;
2. Provisions for traffic and parking management, and provisions for staging areas and related parking;
3. Hours of operation and maximum number of events to be held on an annual basis;
4. Detailed information on the use of any amplifying equipment, and details to control noise levels. The Planning Board may require a noise analysis, and establish a maximum noise level in decibels (dBa), as measured at the nearest property line, when appropriate;
5. Estimated water and sewer demand for maximum occupancy, and if not on municipal water and sewer, proof of capacity and good working status of facilities to serve the site with water and sewer including any appropriate testing as required by the Planning Board and its consultants. If portable toilet facilities are to be used, adequate facilities shall be provided, and proof of a license from the Department of Environmental Conservation (DEC) shall be provided to the Building Department to the satisfaction of the Code Enforcement Officer;
6. Information on food preparation and alcohol consumption;
7. Plans for the storage and collection of refuse;
8. Maximum number of attendees;
9. List of contacts for specific emergency situations to be used by the guests shall be provided at each event, and the legal name and address of an emergency contact person at the site shall be provided;
10. Any other information deemed necessary by the Planning Board.

Waiver. Upon findings by the Planning Board that, due to special conditions peculiar to a site, certain of the information normally required as part of the application is inappropriate or unnecessary or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the Board may vary or waive the provision of such information, as outlined in Subsection M(a)-(j), provided that such variance or waiver will not have detrimental effects on the public health, safety or general welfare or have the effect of nullifying the intent and purpose of this Chapter or the Official Map or Comprehensive Plan.

N. Criteria for approval. In considering whether to approve or deny an application, the Planning Board shall consider the following:

1. The size and capacity of the site to accommodate events, including, but not limited to temporary structures and tents (the general color and style of which shall be reviewed by the Architectural Review Board. This shall not require ARB approval for every temporary structure or tent proposed, so long as the structures and tents used are similar to the initial approval, in the determination of the Building Inspector);
2. The facilities available, including, but not limited to, water, sewer, drainage, and refuse collection;



3. The availability and capacity of streets and highways and other means of transportation to and from the site;
  4. The impact of the event on the safe and orderly movement of traffic within and contiguous to the event;
  5. The need for security/law enforcement at the event venue;
  6. The impact of the event venue on fire and police protection and ambulance service to the areas contiguous to the event and to the Village in general;
  7. Verification that there are no outstanding violations on the property at which the event venue is proposed; and
  8. Any other matters that relate to the health safety and welfare of the general public and the environment.
- O. Special use permit; duration. In the event the property is either sold or otherwise transferred, the permit will become null and void.
1. The property shall be restored to its prior original use and any additional facilities constructed for the event venue shall be removed. If the new owner desires to utilize the property for an event venue, the new owner shall not be required to restore the property to its prior original use for a period of six (6) months while the new owner diligently pursues a special permit from the Planning Board for an event venue use. During this six (6) month period, and unless and until a special permit is received, the property shall not be utilized as an event venue. The Planning Board may extend this six (6) month period if it finds that the new owner is diligently pursuing this special permit.
  2. The Planning Board is authorized to require as a condition to the issuance of a special permit that such special permit be renewed at a specified period after approval.
  3. The special permit shall comply with Village Code § 96-10, relative to operating permits.
- P. Exterior lighting shall be limited to signs and any security and safety lights of the parking lot(s), walks and building entrances. All exterior lighting shall be shielded so as not to directly shine onto adjoining residential properties. No flashing, traveling, animated or intermittent lighting shall be visible from the property lines. All light levels shall be limited to 0.1-foot candles at the property line, and all fixtures shall meet IDA, LEED or Green Globes criteria for Nighttime Friendly or Dark Sky lighting.
- Q. Fireworks shall not be permitted in connection with event venues.
- R. All facilities are subject to an annual inspection by the Building Department.

**SECTION 3 SCHEDULE OF ZONING DISTRICT REGULATIONS**

The R-1A Schedule of Zoning District Regulations of the Code of the Village of Woodbury is hereby amended to include a new use permitted with special permit and site plan approval from the Planning Board:

| Special permit and site plan approval by Planning Board | Lot Area (square feet) | Lot Width (feet) | Front Yard (feet) | Side Yard (feet) | Both Sides (feet) | Rear Yard (feet) | Coverage (percent) | Building Height (feet) |
|---|------------------------|------------------|-------------------|------------------|-------------------|------------------|--------------------|------------------------|
| 5. Event venue in accordance with § 310-39.6            | 25 acres               | 200              | 100               | 75               | 150               | 100              | 20                 | 35                     |

**SECTION 4      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, including, but not limited to, Article 7 of the New York State Village Law, including but not limited to, Village Law §§ 7-706 and 7-708, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

**SECTION 5      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 6      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.