

Minutes of the Village Board Meeting held on March 9, 2023 at 7:30PM

Present: Andrew Giacomazza, Mayor  
Tara Burek, Susan Ciriello and Christopher Graziano, Trustees  
Victor Ferrarelli, Trustee (*virtually*)

Absent: None

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

**Public Hearings:**

a. Introductory Local Law 4 of 2023 – Entity Disclosure

A public hearing was held to entertain public comments on Introductory Local Law 4 of 2023 amending Chapter 96 (“Building Construction”) of the Village Code to implement an entity disclosure law. The public notice was printed in the Times Herald Record on March 2, 2023 and the following comments were received:

Attorney Naughton explained this portion of law was accidentally removed when the State required all municipalities to update their building codes recently. Adoption of this law will return this section back into the Village Code.

Thomas Powell asked about how the public is notified about public hearings, adding no one reads the newspaper anymore. Attorney Naughton explained State law require governments to publish public notices in the newspaper. Mayor Giacomazza added notice is also posted on the Village website and Facebook® page.

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

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

Motion was then offered by Trustee Ferrarelli, seconded by Trustee Burek, to adopt Local Law 4 of 2023 to implement an entity disclosure law and to direct the Village Clerk to print a copy of said law in the minutes of this meeting.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Mayor Giacomazza	YES
Trustee Burek	YES
Trustee Ciriello	YES
Trustee Ferrarelli	YES
Trustee Graziano	YES

b. Petition for Moratorium Waiver – 95 Maher Lane Suite 9 Harriman:

A public hearing was held to entertain public comments on a request for relief from Local Law 5 of 2022 continuing the moratorium on the issuance of certain permits, certificates of occupancy and approvals for the property located at 95 Maher Lane Suite 9. The public notice was printed in the Times Herald Record on March 2, 2023, and the following comments were received:

Harold Beckett stated he wants to open an establishment at this location which has water service from a well. The only water that will be used is to clean supplies. The business will be a “Sip and Paint” hosting room and he is hoping to have local bands play. Trustee Graziano stated the Village Engineer has notated the water increase will be significant (from 80gpd to 900gpd) and he noted the well draws down on the aquifer.

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

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

Motion was then offered by Mayor Giacomazza, seconded by Trustee Burek, to approve the request for relief from Local Law 5 of 2022 for the property located at 95 Maher Lane Suite 9.

**ADOPTED**      AYES    4            Giacomazza, Burek, Ciriello, Ferrarelli  
                     NOES    1            Graziano

c. Petition for Moratorium Waiver – 22-24 Catskill High Rail

A public hearing was held to entertain public comments on a request for relief from Local Law 5 of 2022 continuing the moratorium on the issuance of certain permits, certificates of occupancy and approvals for the property located at 22-24 Catskill High Rail. The public notice was printed in the Times Herald Record on March 2, 2023, and the following comments were received:

Mayor Giacomazza stated written correspondence received from Joel Bruer stating he is not in favor of the moratorium being granted.

Steve Braucher, representing the applicant, stated he believes the written correspondence from Mr. Bruer was also sent to the Planning Board for their public hearing held recently. He noted the Planning Board indicated they are in favor of the application pending the moratorium waiver being granted by the Village Board. He noted this building will not have intensive water use.

Larry Hartman, also representing the applicant, stated the application is for an expansion of an existing shul in the home of a Rabbi. The application includes relocating living space of the Rabbi from the lower level of the home to the upper levels so the shul/mikvah will have full use of the lower level. He stressed this is not a waiver for private use or for a business, it is for a place of worship that will service multiple people. Trustee Graziano stated he is concerned about the additional four bedrooms being added to the home, which will double water usage. Mayor Giacomazza asked if the additional space being added will involve kitchens or bathrooms and Mr. Hartman stated the proposal is to eliminate the downstairs and the top will be the Rabbi's main house. Trustee Ciriello asked how many more individuals will be able to use the shul with the expansion and Mr. Hartman stated there is not an expected increase in attendance. Just space for those that attend to be comfortable. He added usage will be approximately the same as what it was previously granted for. Trustee Ferrarelli asked for confirmation that the mikvah is staying the same size, but the changing area will be increasing, and Mr. Hartman confirmed.

Jacob Ferenz stated he has been a resident of Woodbury for 40 years and he thanked the Board for working with them. He believes it will be a great honor on the neighbors of that shul for the expansion being granted. He appreciates the effort made by the Board and the Mayor on this application.

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

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

Motion was then offered by Supervisor Burke, seconded by Mayor Giacomazza, to approve the request for relief from Local Law 5 of 2022 for the property located at 22-24 Catskill High Rail.

**ADOPTED**      AYES    4            Giacomazza, Burek, Ciriello, Ferrarelli  
                     NOES    1            Graziano

**Public Comment on Agenda Items Only:**            *None public comments were received.*

**Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to accept receipt of the minutes of the meeting held February 23, 2023.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                  NOES    0

b. Approval of Abstract:

Motion was offered by Trustee Ciriello, seconded by Trustee Graziano, to approve Abstract 17 containing vouchers 220715 – 220800 and totaling \$403,461.30.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                  NOES    0

c. Fire Department Equipment Request(s):

Motion was offered by Trustee Burek, seconded by Trustee Ciriello, to approve Fire Department Equipment Request 2023-06 totaling approximately \$2010 for the purchase of fire prevention educational activities and 2023-07 totaling approximately \$649.99 for the purchase of a rescue kit.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                  NOES    0

d. Amendment to Fee Schedule:

Motion was offered by Trustee Burek, seconded by Mayor Giacomazza, to amend the permit fee for an application for an operating permit be reduced from \$200 to \$25, as requested by the Building Inspector.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                  NOES    0

**Old Business:**

a. Receipt/Acceptance of Bids – Water/Sewer Truck:

A bid opening was held on March 7, 2023 at 2PM (bid notice was printed in the Times Herald Record on January 31, 2023) for the purchase for a new truck for the Water/Sewer Department and the following bids were received:

Robert Green Chevrolet, Rock Hill, NY                      \$48,400.00

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to award the bid to Robert Green in the amount of \$48,400.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                  NOES    0

b. Amended Agreement for H2M – ARPA Language:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to authorize the Mayor to sign an amended agreement with H2M to contain language required to expend ARPA funds in relation to the Trout Brook Well No 12 project.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                  NOES    0

c. Authorize Mayor to Sign Renewal of Agreement – Millennium Strategies:

Motion was offered by Trustee Ciriello, seconded by Trustee Burek, to authorize the Mayor to sign the renewal agreement with Millennium Strategies for grant writing services.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

**New Business:**

a. Agreement with County – GML239 Review Procedure:

Correspondence was received from the Orange County Planning Department relating to GML239 required referrals. They have determined that many actions are unlikely to have significant intermunicipal or Countywide impacts, thus diverting time and attention away from projects that require significant considerations. To address this, the County has prepared an IMA regarding requirements for municipal referral of certain planning and zoning actions for review and consideration by the County’s Planning Department. The IMA would be for at least one year and can be renewed for up to five years. This is not mandatory, but the County is encouraging all municipalities to consider it. Motion was offered by Trustee Graziano, seconded by Trustee Burek, to authorize the Mayor to sign the IMA with the County in relation to referrals under GML239.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

b. Schedule Public Hearing – FY2024 OC Community Development Grant:

Motion was offered by Trustee Burek, seconded by Mayor Giacomazza, to schedule a public hearing to be held on March 23, 2023 at 7:30PM to entertain public suggestions of projects to be applied for funding through the FY2024 Orange County Community Development Grant program.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

c. Declare Equipment Surplus/Authorize for Sale at Auction:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to declare the following items of equipment as surplus and authorize the Village Clerk to have them prepared for sale at auction:

- Building Department: 2014 Dodge Durango 1C4RDJFG2EC481817
- Highway Department: 2008 Sterling Bullet 3F6WK78A08G351461; 2013 Chevy 1500 3GCPKSE79DG257718; 2003 International 7400 1HTWEADRX3J052957; Fisher Procaster 94717
- Water/Sewer: 2012 Dodge Durango 1C4RDJAGXDC580049; 2013 Dodge RAM 3C6DLD5AT8CG173652; 2014 Dodge RAM 3C7WRSAT5EG286309

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

d. Request for Exemption Status – Village of Kiryas Joel:

Mayor Giacomazza stated a request has been received from Daniel Hubbell, attorney representing Village of Kiryas Joel, requesting the Village Board consider an application for exemption from taxation on certain properties used for water supply purposes that are owned by the Village of Kiryas Joel in the Village of Woodbury. This request was received in previous years (last discussed at the March 10, 2022 meeting) and the Board denied the request citing “the reason for this denial is that the Village (of Kiryas Joel) could have acquired property within its own Village, through negotiation or eminent domain, to locate their water supply facilities but chose instead to allow such lands to be developed for residential and commercial purposes to the benefit of the Kiryas Joel tax base”. He asked the Board how they wish to proceed. Motion was then offered by Trustee Graziano, seconded by

Trustee Burek, to deny the request received from the Village of Kiryas Joel to exempt certain properties they own in Woodbury, noting the reason for this denial is that the Village of Kiryas Joel could have acquired property within its own Village, through negotiation or eminent domain, to locate their water supply facilities but chose instead to allow such lands to be developed for residential and commercial purposes to the benefit of the Kiryas Joel tax base.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

e. Mayor’s Monarch Pledge:

Mayor Giacomazza stated he was contacted by the National Wildlife Federation’s “Mayors’ Monarch Pledge”. This is recognized across the US for efforts to sustain the monarch butterfly population. This pledge involves three steps: (1) the Mayor takes the online pledge between December 1 and March 31 of each year and selects at least three monarch conservation action items out of 30 that the community will work on; (2) initiate the actions in the community throughout the year; and (3) track and report the progress on an annual report by December 1. He will be working with the Climate Smart Task Force to bring this pledge to a reality.

f. Introductory Local Law 6 of 2023 – Farm Distillery:

Motion was offered by Trustee Ciriello, seconded by Trustee Burek, to introduce Introductory Local Law 6 of 2023 amending Chapter 310 (“Zoning”) of the Village Code to include provisions for farm distilleries.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

Motion was then offered by Trustee Graziano, seconded by Trustee Ferrarelli, to assume the Village of Woodbury Board of Trustees as Lead Agency under SEQRA for this project.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

Motion was then offered by Trustee Burek, seconded by Trustee Ciriello, to type this action under SEQRA as Type I action.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

Motion was then offered by Trustee Graziano, seconded by Trustee Ferrarelli, to refer this introductory local law to the Orange County Planning Department, Village Planning Board, Building Department and Fire Department for comment.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

Motion was then offered by Trustee Burek, seconded by Trustee Ciriello, to schedule a public hearing to be held at 7:30PM on April 27, 2023 to entertain public comment on Introductory Local Law 6 of 2023.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

**Public Comment:**

Thomas Powell asked for the status of the Short-Term Rental Law and Mayor Giacomazza stated the public hearing is scheduled for April 27. He then spoke about daycares and the lack of public input on those type of applications and Attorney Naughton suggested Mr. Powell speak to the Building

Department since state regulations are involved with daycare approvals. Inspector Panella added he met with Mr. Powell regarding this issue and has already addressed his concerns.

Anthony Spagna asked if there was a cleanup day date set yet and Superintendent Weyant stated a specific date has not yet been determined but it will be held in April.

**Board Member/Department Comment:**

Trustee Ferrarelli thanked all for attending and announced an upcoming fundraiser at St. Patrick’s Church. Trustee Ciriello stated this month many of the schools will be hosting theatrical performances and she urged the community to support these events. Trustee Burek spoke about International Women’s Day, noting this year’s theme is “Embrace Equality”. Mayor Giacomazza noted this is a busy time for the Village as we are entering budget season.

**Adjournment**

With no further business to discuss or comments received, a motion was offered by Trustee Burek, seconded by Trustee Graziano, to adjourn the meeting at 8:40PM.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ciriello, Ferrarelli, Graziano  
                     NOES    0

Desiree Potvin, Village Clerk

## LOCAL LAW 4 OF 2023

### A LOCAL LAW AMENDING CHAPTER 96 (“BUILDING CONSTRUCTION”) OF THE CODE OF THE VILLAGE OF WOODBURY TO IMPLEMENT AN ENTITY DISCLOSURE LAW

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 amend Chapter 96 (“Building Construction”) of the Code of the Village of Woodbury to implement an entity disclosure law.

#### **SECTION 2      CHAPTER 96: BUILDING CONSTRUCTION.**

A new Section 96-4.1 (“Entity disclosure law”) is created as follows:

##### **§ 96-4.1. Entity disclosure law.**

- A. Legislative findings and intent. Invoking the powers granted to the Board of Trustees (“Board”) of the Village of Woodbury (“Village”), by the Municipal Home Rule Law, New York State Constitution and otherwise, the Board hereby finds that there is a critical and compelling need, in the public interests as set forth herein, to provide for full and fair disclosure of the person or persons substantively involved with entities making certain land use applications before the Village to ensure that any and all potential conflicts of interest or other ethical concerns can be identified and addressed by the Village and any and all affected parties. The law will foster the important goal of an open and transparent government operations, including the interaction of public officials and land use applicants, by requiring all land use applicants that are entities to disclose its limited and general members, shareholders, officers and directors or any other persons having control over such entity. The Board further finds and declares:
1. That in connection with development or potential development in the Village that land use applications may have a significant impact upon the health, safety and general welfare of the Village, its inhabitants and visitors, and upon existing uses, public services, traffic and the environment, in general.
  2. That under these circumstances, the Board and the public need to know for purposes of avoiding conflicts of interest, and a meaningful review of potential conflicts of interest, the identity of every person (hereinafter a “nondisclosed person”) who is a shareholder, member, director, officer, beneficial owner, authorized person (defined below) having an interest, or anyone having a controlling position, in any limited liability company, general or limited partnership, joint venture, corporation, association, or other entity (hereinafter collectively and individually referred to as an “entity”), including an entity doing business as another named individual or entity, that applies for any land use approval, permit, or permission from any Village board or official.
  3. Any “authorized person” as used herein shall mean a person, whether or not a nondisclosed person who is authorized to act or otherwise acts, solely or in conjunction with others, on behalf of an entity or to direct, influence or otherwise control the entity in any manner.
- B. Disclosure requirement.

1. Every nondisclosed person for any entity applying for land use approvals, permitting, or permission, to undertake any activity within the Village shall complete an entity disclosure statement in the form approved by the Board, as may be amended from time to time by a Board resolution, and provide all information required in said form. Said statement shall be affirmed or sworn to under the penalty of perjury and shall be filed along with any such land use application or request for permission to undertake any construction activity within the Village.
2. In the event that a land use project that has previously received approval is sold, assigned or otherwise transferred, whether by transfer of the property or transfer of the management or operation or both of the entity to another entity, the transferring entity shall notify the Village in writing, and any such succeeding entity must fully comply with this section before any work or other activity on the project shall be permitted to proceed, continue, or be completed.
3. Said entity disclosure statement shall apply to any approvals, permitting, or permission for land use in the Village (*i.e.*, any operation, construction or use affecting the land that requires authorization from the Village) sought from the Building Inspector, the Board of Trustees, the Planning Board, the Zoning Board of Appeals, the Architectural Review Board, or other Village board or official. No such Village board or official shall process, hear, rehear, approve or sign any application, permit or authorization which relates directly, or indirectly, to any land use requiring authorization from the Village unless the application for such authorization includes a fully completed entity disclosure statement form approved by the Village, signed and either sworn to or affirmed.
4. An entity disclosure statement is not required for any of the following activities:
  - a) Construction of a residential automobile garage, not in excess of 500 square feet. Said building shall not be used for any purpose other than the storage of automotive vehicles and other customary uses for a residential garage;
  - b) Construction of accessory structures, other than garages, not in excess of 300 square feet;
  - c) Construction of outdoor decks, sidewalks, or porches;
  - d) Construction of outdoor swimming pools;
  - e) Installation of fences;
  - f) Interior or exterior remodeling of a single-family detached residential dwelling in existence and with a valid certificate of occupancy as of the effective date this section, which does not involve any change of use or increase in the size of the dwelling. Remodeling includes, but not limited to, window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements;
  - g) Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;
  - h) Repairs and maintenance for a dwelling in existence and with a valid certificate of occupancy as of the effective date of this section, including the removal and installation of an individual well or in-ground septic system; or
  - i) Other minor improvements to dwellings or residential lots with an existing certificate of occupancy not specifically noted in this subsection, authorized by the Building Inspector, after consultation with and determination by the Board of Trustees that the improvement falls within the scope, nature, and intent of the exemptions listed in this Subsection B(4)(a)-(h).

C. Penalties for offenses.

- 1) Where an entity, nondisclosed person, authorized person, or any agent or representative thereof refuses or otherwise fails to provide the information required under this section, the further processing of such application and any work related thereto ("the application") shall be suspended in all respects, until such time as the board or official before which application is submitted or pending determines that the entity has fully complied with all provisions of this Section. In the event of any form of transfer of the property that is the subject of the application occurs or the ownership or management or both of the project is transferred in any manner to another entity during a pending suspension of the application under this section, then, in addition to compliance with this Section, the application shall remain suspended until such time as the succeeding entity shall appear before such board or official before whom the application is pending and obtain approval for any continued work in relation to the application, or the processing of the application. The Building Inspector is authorized to and shall issue a stop-work order on any project where an application has been suspended under this Section.
- 2) If any entity, nondisclosed person, authorized person, or any agent or representative thereof provides no information, false information, or grossly inaccurate information, or otherwise makes any misrepresentation in any application, shall, in addition to the suspension of any pending application as set forth in Subsection C(1) above, be subject to a civil penalty of up to 1% of the stated value of the applicant's project as reflected in its application or the fair market value of the applicant's proposed project (whichever is greater) for any violation of this Section. The Building Inspector/Code Enforcement Officer is hereby authorized to issue an appearance ticket or other process in Justice Court, and the Board of Trustees may authorize the filing of a complaint in any court for any allowable remedy, for a violation of this Section.
- 3) Nothing herein shall be deemed to preclude a criminal proceeding being instituted by the people of the State of New York directly, or acting through the designated attorney for the Village, against the entity, nondisclosed person, authorized person, or any agent or representative thereof in any appropriate court.
- 4) Civil penalty. In addition to those penalties prescribed herein and by State law, any person or entity who violates any provision of this chapter shall be liable for all reasonable attorney's fees, costs and disbursements, including, but not limited to, expenditures for appraisers, accountants or other consultants employed by the Village, incurred by the Village in connection with the enforcement of this Section, and may assert such claim in any appropriate court proceeding.

**SECTION 3      SUPERSEDING PROVISION**

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, Village Code § 96-3, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

**SECTION 4      SEVERABILITY**

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause,

paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

**SECTION 5      EFFECTIVE DATE**

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.