

Minutes of the Village Board Meeting held on March 23, 2023 at 7PM

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

Absent: None

Also Present: Robert Weyant, Village Streets Superintendent; Michael Phillips, Water/Wastewater Administrator (*virtually*); Michael Panella, Building Inspector (*virtually*)

**7PM – Executive Session:**

Motion was offered by Trustee Burek, seconded by Trustee Ciriello, to enter into an executive session pursuant to Public Officers Law to discuss negotiations with Aeon LLC.

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

*No minutes of the executive session were recorded.*

Motion was offered by Trustee Burek, seconded by Trustee Ciriello, to end the executive session and return to open session at 7:20PM.

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

**Presentation – Climate Smart Taskforce:**

Prior to the presentation, Mayor Giacomazza noted Assemblyman Eachus has asked each municipality to nominate one woman within their jurisdiction to be recognized for Woman’s History Month and the Village Board has unanimously selected Lisa Marie Hintze. Trustee Burek highlighted the numerous community projects/events that Ms. Hintze does in Woodbury and all agreed she is well deserving of this recognition. She thanked the Board for the acknowledgement.

Ms. Hintze then have an update on the efforts that the Climate Smart Taskforce has been working on: taking over the Trek© plastic recycling program from the Lions Club, starting a recycling battery collection, working with Superintendent Weyant on Clean-Up/Earth day on April 22, planting a tree with the Library for Arbor Day and hosting a Green Expo in April.

**Public Hearing:**

a. Introductory Local Law 5 of 2023 – Abandonment of Applications:

A public hearing was held to entertain public comments on Introductory Local Law 5 of 2023 amending Chapter 277 (“Subdivision of Land”) and Chapter 310 (“Zoning”) of the Village Code to include provisions for the abandonment of applications. The public notice was printed in the Times Herald Record on March 16, 2023, and the following comments were received:

Mayor Giacomazza explained the purpose of this proposed law is to include and implement procedures for the timely pursuance and abandonment of applications to the Planning Board, Zoning Board of Appeals and Architectural Review Board (ARB). He also thanked Planning Board Chairman Gerver and Attorney Naughton for suggesting this law.

Clerk Potvin stated she is in favor of this local law as it will help eliminate the number of dormant escrow accounts that exist which take up valuable administrative time.

With no further comments received, a motion was offered by Trustee Ferrarelli, 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 Ciriello, seconded by Trustee Burek, to adopt local law 5 of 2023 entitled “Abandonment of Application” and to authorize 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. Orange County Community Development Grant – Project Suggestions for Submission:**

A public hearing was held to entertain suggestions from the public for projects that could possibly be funded through the Orange County Community Development Grant program for FY2024. The public notice was printed in the Times Herald Record on March 16, 2023, and the following suggestions were received:

Trustee Ferrarelli recommended improvements needed to the Adams Street Building/new Building Department (SLB 220-2-15.1) location.

Trustee Ciriello recommended the purchase of the Saint Patrick’s Church CCD Building/Gymnasium (SBL 220-1-3) to be used to host recreational events by the Village.

Trustee Burek suggested improvements needed to Village Hall (SBL 218-1-2) after the Building Department relocates.

Mayor Giacomazza suggested funds to purchase a new ladder truck for firefighting, funds to purchase the Central Valley Firehouse (SBL 230-6-8.1) or to install an elevator at that location.

Trustee Graziano suggested any funds that will assist with the water exploration or well construction on Trout Brook.

Rachel Bruce stated she agrees funds to explore ways to increase/improve the water supply is something that should be explored. She also suggested if any Village buildings need ADA improvements that should be applied for.

Lisa Hintze suggested creating a program for the recycling of food scraps/composting.

Maria Hunter suggested improvements to the Buena Vista Circle, expansion of Village Hall (SBL 218-1-2) parking lot, repairs/replacement so the outside concrete steps of Village Hall.

Superintendent Phillip suggested funding for the comminutor project or for the EPA violation.

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

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

Mayor Giacomazza stated the application deadline is June 23, 2023. Clerk Potvin will forward a certified copy of the minutes from the public hearing to the grant writer, who will work with the County to determine which, if any, of the suggestions received this evening qualify for funding. At a future meeting the Board will need to adopt a resolution to proceed with a specific application for funding.

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

**Administrative Business:**

**a. Acceptance of Minutes:**

Motion was offered by Trustee Burek, seconded by Trustee Ciriello, to accept receipt of the minutes of the meeting held March 9, 2023.

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

b. Approval of Abstract:

Motion was offered by Trustee Burek, seconded by Mayor Giacomazza, to approve Abstract 18 containing vouchers 220801 - 220910 and totaling \$296,567.00.

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

c. Fire Department Equipment Request:

Motion was offered by Trustee Burek, seconded by Trustee Ciriello, to approve Fire Department Equipment Request 2023-08 totaling approximately \$1224 for the purchase of four rescue harnesses.

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

d. Schedule Budget Worksession/Public Hearing:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to schedule a budget worksession to be held on March 30, 2023 at 6PM for the Board to review the FY2023/2024 Tentative Budget, after which the tentative budget will become the preliminary budget.

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

Motion was then offered by Trustee Ferrarelli, seconded by Trustee Burek, to schedule a public hearing to be held on April 13, 2023 at 7:30PM to entertain public comments on the FY2023/2024 Preliminary Budget.

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

e. Resolution – Relevy of Previously Exempt Properties:

Motion was offered by Trustee Ciriello, 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:

211-1-51	113 Woodland Road	\$25.18
211-1-55	31 Pleasant Drive	\$75.07
208-3-10.2	11 Highland Drive	\$12.39
237-4-33	32 Linden Drive	\$39.89
220-5-22.11	14 Rutledge Avenue	\$14.36
250-1-49	23 Castleton Drive	\$68.97

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

NOES 0

f. Budget Modification – Building Department:

Motion was offered by Trustee Burek, seconded by Mayor Giacomazza, to approve a modification the 2022/2023 budget of the Building Department by decreasing A3620.200 (Equipment) by \$600 and increasing A3620.416 (Uniforms) by \$600.

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

**Old Business:**

a. Approve of Change Order – Amdur Park Project:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to approve Change Order 3 for the Amdur Park Water System Filter Replacement & Treatment Plant Upgrades project totaling \$0.00 to provide an extension to the contract time to now be May 31, 2023 due to additional pipe replacement needed due to severe tuberculation.

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

**New Business:**

a. Authorize Mayor to Sign Proposal – Consultant Services for ARPA Reporting:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to accept and authorize the Mayor to sign the proposal from Drescher & Malecki LLP in relation to the reporting and contract compliance review required for the American Rescue Plan (ARPA). Mayor Giacomazza noted this reporting is very complicated and complex, so Attorney Naughton recommended we utilize the services of this firm to be sure the Village remains in compliance. It was noted this is the same firm the County is using for their reporting requirements.

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

b. Introductory Local Law 7 of 2023 – Off-Street Loading:

Motion was offered by Trustee Ferrarelli, seconded by Trustee Burek, to introduce Introductory Local Law 7 of 2023 which will amend Chapter 310 (“Zoning”) of the Village Code to modify the off-street loading requirements for hotels.

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

Motion was then offered by Trustee Ciriello, seconded by Trustee Graziano, to assume the Village of Woodbury Board of Trustee as Lead Agency and to type this project as a Type I action under SEQRA.

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

Motion was then offered by Trustee Ferrarelli, seconded by Trustee Burek, to refer Introductory Local Law 7 of 2023 to the Planning Board, Building Department, Fire Department and the Orange County Planning Department.

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

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

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

**c. Authorize Mayor to Sign Agreement – Aeon LLC:**

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to authorize the Mayor to sign a settlement agreement with Aeon LLC.

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

**Public Comment:**

Maria Hunter congratulated Mrs. Hintze, spoke about the Memorial Day parade and the upcoming Chamber of Commerce meeting.

Beverly Silvaro asked about trees that were cut down along Dunderberg/Nininger Road and Mayor Giacomazza stated it is part of Phase 7 of the Woodbury Junction development approved in 2007. Mrs. Silvaro stated there are trees being cut down along County Route 105 also and Trustee Burek stated that area is not within the Woodbury jurisdiction.

**Board Member/Department Comment:**

Trustee Graziano spoke about the PFAS rules the EPA are developing as well as the new requirements the NYSDEC has enacted relating to the protection of source water.

Trustee Ferrarelli thanked all that attended the meeting this evening as well as those that attended the Town Hall meeting held at St. Patrick’s church the previous evening relating to their decision to close.

Trustee Ciriello announced the Ambulance and Fire Department participating in recruitment efforts recently at the MW High School. She also announced the upcoming Drama Club performance.

Trustee Burek spoke about the performance at the Middle School last week she attended. She also spoke about the St Patrick’s meeting and the emotion that was involved.

Mayor Giacomazza thanked several individuals that spoke at the St Patrick’s meeting and expressed the importance the parish was to our community.

**Adjournment:**

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

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

Desiree Potvin, Village Clerk

## LOCAL LAW 5 OF 2023

### A LOCAL LAW AMENDING CHAPTERS 272 (“SUBDIVISION OF LAND”) AND 310 (“ZONING”) OF THE CODE OF THE VILLAGE OF WOODBURY TO INCLUDE PROVISIONS FOR THE ABANDONMENT OF APPLICATIONS

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 Chapters 272 (“Subdivision of Land”) and 310 (“Zoning”) of the Code of the Village of Woodbury to include and implement procedures for the timely pursuance and abandonment of applications to the Planning Board, Zoning Board of Appeals and Architectural Review Board.

#### **SECTION 2      CHAPTER 272: SUBDIVISION OF LAND.**

A new Section 272-21.1 (“Abandoned applications”) is created as follows:

##### **§272-21.1      Abandoned applications**

An application pending before the Planning Board shall be deemed abandoned and withdrawn by the Applicant, and shall be discontinued by the Board, after a lapse of 12 months without reasonable steps having been taken by the Applicant to advance the application, brought to the attention of the Planning Board by way of a status report or other similar action. After a lapse of eleven (11) months, and prior to the application being discontinued by the Board, the Board shall advise the Applicant in writing that the project will be discontinued within thirty (30) days. The Board may, within sixty (60) days thereafter, entertain a request for reinstatement of the abandoned application based on good cause shown. Upon the discontinuance of an abandoned application, the Applicant shall be entitled to receive a refund of any unexpended sums held on deposit by the Village in connection with the application, and shall be responsible for reimbursement to the Village of any reimbursable costs attributable to the application which the deposit was insufficient to satisfy.

#### **SECTION 3      CHAPTER 310: ZONING**

Section 310-50 (“Penalties for offenses”) is hereby renumbered as Section 310-51. The references to Section 310-50 in Section 310-39.5(I) and Section 310-31.4(H) shall be revised accordingly.

A new Section 310-50 (“Abandoned applications”) is created as follows:

##### **§ 310-50      Abandoned applications**

An application pending before the Planning Board, Zoning Board of Appeals or Architectural Review Board shall be deemed abandoned and withdrawn by the Applicant, and shall be discontinued by the applicable Board, after a lapse of 12 months without reasonable steps having been taken by the Applicant to advance the application, brought to the attention of the Planning Board, Zoning Board of Appeals or Architectural Review Board by way of a status report or other similar action. After a lapse of eleven (11) months, and prior to the application being discontinued by the Planning Board, Zoning Board of Appeals or Architectural Review Board, the respective Board shall advise the Applicant in writing that

the project will be discontinued within thirty (30) days. The applicable Board may, within sixty (60) days thereafter, entertain a request for reinstatement of the abandoned application based on good cause shown. Upon the discontinuance of an abandoned application, the Applicant shall be entitled to receive a refund of any unexpended sums held on deposit by the Village in connection with the application, and shall be responsible for reimbursement to the Village of any reimbursable costs attributable to the application which the deposit was insufficient to satisfy.

#### **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.