

Minutes of the Village Board Meeting held on May 11, 2023, at 7:30 PM

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

Public Comment on Agenda Items Only: No comments.

Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to accept receipt of the minutes of the meeting held on April 27, 2023.

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

b. Approval of Abstract:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to approve Abstract 21 containing vouchers 222150 - 222233 and totaling \$192,567.94.

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

c. Fire Department Equipment Request(s):

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to approve Fire Department Equipment Request 2023-15 totaling approximately \$14,947.54 for the purchase of movable glove racks and tri-band radios for Car 5 and Safety 2.

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

d. Acceptance of Fire Department Junior Membership(s):

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to accept the applications for Gian Franza and Connor Sheehan.

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

e. Return of Building Permit Fee – Flores Meza:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to approve the return of the \$115 building permit fee paid by Lessli M Flores Meza, less a \$25 processing fee, as recommended by the Building Inspector.

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

f. Acceptance of the 2023-2024 Collecting Officer’s Warrant:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to authorize the Mayor and the Village Clerk to sign the 2023-2024 Collection Warrant.

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

Old Business:

a. Discussion/Decision – ILL6-2022 Farm Distillery

Attorney Naughton noted that amendments were made based on recommendations from the Planning Board and the traffic consultant. Modifications were made to section 310-40 for “Off-street parking”. Now the number of spaces is 1 space for 200 sq. ft. of gross for the area of the Farm Distillery building or 1 space per 300 sq. ft. or 1 per employee, whichever is greater. She noted that if the Board wishes to take action, SEQRA needs to be completed and the Board will need to issue a negative declaration. The Board had no comments and was satisfied with those changes, they voted on the adoption of the law. Motion was offered by Trustee Ferrarelli, seconded by Trustee Graziano, to declare a negative declaration on Local Law 6.

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

Motion was then offered by Trustee Ferrarelli, seconded by Trustee Graziano, to adopt Local Law 7 of 2023 amending Chapter 310 (“Zoning”) of the Village Code to include provisions for the farm distilleries and to direct the Village Clerk to print a copy of the law in these minutes.

ADOPTED BY ROLL CALL AS FOLLOWS:

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

b. Amendment to Fee Schedule – Tent Permit Application Fee:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to amend the Fee Schedule by adding a permit fee for a Tent Application at a cost of \$200 and a re-inspection fee if the initial inspection fails at a cost of \$75.

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

c. Accept Bids/Award Project – Improvement to Adam Street Building:

A bid opening was held on May 2 at 2 PM for improvements to the Adams Street Building. The public notice was printed in the [Times Herald-Record](#) on March 29, 2023, and the following bids were received:

Premier Buildings & Construction Management:

Base Bid \$392,000; Alternate #1 \$39,300; Alternate #2 \$53,800

Vinco Builders, LLC

Base Bid \$414,000; Alternate #1 \$46,000; Alternate #2 \$30,000

Walkkill Group, Inc.

Base Bid \$517,517; Alternate #1 \$60,000; Alternate #2 \$66,666

The Villages’ Architects are recommending the project be awarded to Premier Buildings & Construction Management. The amount budgeted for this project was \$430,000 and the total project, with both alternates, is \$445,800. Mayor Giacomazza asked the Board how they wish to proceed. He noted Robert Blair is investigating whether alternate #3 is needed which is plastering work for the outside of the building, so that is tabled for now, and approve the basement and alternate #1.

Motion was then offered by Trustee Burek, seconded by Trustee Ferrarelli to award the project to Premier Buildings & Construction Management at a total cost of \$431,300 (base project cost plus Alternate #1).

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

New Business:

a. Schedule Public Hearing – Moratorium Waiver – Mian:

Attorney Naughton noted this application is currently pending before the Zoning Board of Appeals.

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to schedule a public hearing to be held at 7:30 PM on May 25, 2023, to entertain public comments on an application received from Alphonse Mian requesting relief from Local Law 5 of 2022 (moratorium on the issuance of certain permits, certificates of occupancy and approvals) for property located at 10 Gregory Lane.

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

b. Schedule Public Hearing – Moratorium Waiver – Ross:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to schedule a public hearing to be held at 7:30 PM on May 25, 2023, to entertain public comments on an application received from Silvia Ross requesting relief from Local Law 5 of 2022 (moratorium on the issuance of certain permits, certificates of occupancy and approvals) for property located at 6 Carroll Court.

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

c. Resolution – NYS Unified Solar Permit:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to adopt the following resolution adopting the New York State Unified Solar Permit application form and procedures, as recommended by the Climate Smart Committee and the Building Inspector:

WHEREAS the Village of Woodbury Board of Trustees duly adopted the "NYS Fire Prevention and Building Construction" code to provide minimum requirements to safeguard the public safety; and

WHEREAS the Village Code Enforcement Officer/Building Inspector, who administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Village Code; and

WHEREAS the Village requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal, or demolition of any building or other structure; and

WHEREAS the New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems; and

WHEREAS the New York State Energy Research and Development Authority has developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes: and

WHEREAS the Village of Woodbury Board of Trustees desires to promote the streamlining of the application process for small-scale photovoltaic system installations under 25 kW in size by adopting the New York State Unified Solar Permit application form and implementing the new procedures.

NOW, THEREFORE, BE IT

RESOLVED the Village of Woodbury Board of Trustees hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small-scale photovoltaic systems, and it is further

RESOLVED the Village Code Enforcement Officer/Building Inspector is hereby directed to use said New York State Unified Solar Permit application form and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems; and it is further

RESOLVED any further actions required of the Village to affect the foregoing are hereby authorized and the Village Mayor is hereby authorized to execute and deliver any instruments, documents, or the like as required to affect the same.

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

d. Request for Legislation Support – PERMA:

Mayor Giacomazza stated correspondence has been received from PERMA, the Village’s worker’s compensation carrier, requesting the Village request Senator Skoufis and Assemblyman Eachus to sponsor/support Assembly Bill A.52A/Senate Bill S.6410. This legislation would allow public entities to join public self-insurance groups as a way to lower their costs and better manage their public employee risks, and also to reduce the cost of that coverage by allowing deductible options regulated by the Worker’s Compensation Board.

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to support this legislation and authorize the Mayor to send a letter to Senator Skoufis and Assemblyman Eachus requesting they support/sponsor the legislation for the current legislative session.

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

e. Introductory Local Law 11 of 2023 – Taxation:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to introduce Introductory Local Law 11 amending Chapter 277 (“Taxation”) of the Village Code to provide for a tax on utilities.

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

Motion was then offered by Trustee Ferrarelli, seconded by Trustee Burek, to refer the local law to the Village Clerk/Treasurer for comments.

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

Motion was then offered by Trustee Burek, seconded by Trustee Graziano, to schedule a public hearing to be held on June 8, 2023, at 7:30 PM to entertain public comment on the local law.

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

f. Discussion – Hiring “In-House” Engineer:

Mayor Giacomazza asked the Board to consider hiring an “in-house” engineer. This would be an employee, not a consultant, that will be hired through Civil Service. He believes this will save the village a significant amount of money in costs, costs to applicants appearing before the various Boards, this will also help those applications brought forth before the Planning and Zoning Boards. Trustee Graziano supports this idea 100%. due to future regulations. He continued to say that having our engineer can help the Water and Sewer Superintendent, and delegating outside engineers for certain projects would be quite helpful. Trustee Ferrarelli felt the same and said this will help speed up projects. Trustee Burek

was also in agreement, considering forthcoming projects involving water and development owners once the moratorium is lifted the Boards will be inundated. She continued to say it would be beneficial for not only the Planning and Zoning Boards and the Applicants but the Village budget as well. Mayor Giacomazza continued by describing present projects the Boards are currently dealing with.

After discussion, the Mayor stated the next step would be for the Village Clerk to add the position to our employment census with the County.

Public Comment

Michelle Heronomy presented herself as a concerned citizen who came across disturbing information on www.auditny.com. A website of New York Citizens Audit a non-partisan non-profit organization 501C3 citizen education group to perform an open audit source order of the New York State Board of Elections. She mentions information she has found and collected from this website and reads a summary based on tenets of an election in New York. She concluded by saying New York Citizens Audit has been met with indifference and inaction are asking for help from towns, villages, and cities through resolutions and petitions hoping this will apply pressure on the New York State Legislature who are working on a bill. She provided the Board with some information and a resolution for their review and asked that they as well as the public go to info@auditny.com.

Beverly Silveria appeared before the Board on behalf of her community. She began by saying the developers of Highland Lake Estates presented a plan to the Town of Woodbury. A plan that included single-family homes with purpose and use of the community. Those homes are the primary homes of homeowners and families. She continues to say that today there are businesses, places of worship, daycares, Airbnbs, and other types of businesses. Recalling one of the businesses filing for Covid Relief on funding for payroll. She expressed that the community was not designed for that, and it presents safety issues. She questioned whether having these homes conduct business was approved by the Town Board. Mayor Giacomazza asked if anyone come forth and filed a complaint with the Building Department on these home(s). The Board would not have approved it unless it's commercial or a short-term rental which is not allowed. He asked if there are STRs that the Building Department be contacted. Ms. Silveria said businesses in homes are not allowed according to the HOA and Trustee Ferrarelli responded saying there are ways within the New York State for the HOA to enforce those rules. Trustee Burek added that the Village cannot enforce the HOA bodies on those issues. Trustee Graziano added that unless it's a life or fire safety issue, the Village cannot intervene. Trustee Burek reminded Ms. Silveria that a complaint has to be filed with the Building Department.

Maria Hunter announce the Memorial Parade will be on May 28, 2023, starting at 1 pm from Bond Street going north of Rt 32. They will be making two stops, one on Smith Clove, Central Valley, and the second, at Victor Park in Highland Mills, then it will head towards the cemetery where there will be service in the back. She asks that all residents come out to stand alongside the road and support those who have given their service to the country. This year's Grand Marshall is Phil Morello. There will be some entertainment at the Gazebo by Victor Park at 1 o'clock. She continued by saying she was asked to inform the Board that the Building Inspector and real estate agents will be receiving pictures of residents who have neglected to mow their lawns. She thanked the Highway Department for the upkeep of the streets and the Village Board for their help.

Teresa Luongo asked if there had been any discussion about the Revitalization Committee. Mayor Giacomazza answered there has been no discussion, he had a meeting with Neil Crouse and that's the extent of that. At the moment he's addressing other matters and he will keep her posted. She asked for a time frame and he said he wouldn't be able to give her an answer at that time.

Lisa Hintz from Climate Smart Community Task Force thanked the Board for allowing them to plant a tree at Central Valley Library and let them offer the community red oak samplings along with pollinator bushes. She continued to update the Board on their progress and upcoming events. They've attended the county-level round table that was presented the evening before, and they are anticipating doing a farmer's market, and are in hopes of doing Scrap Hosting (having a location where people and or restaurants can drop off their scraps.) The Library, usually hand out crafts to children this time they were given an environmental awareness craft. The Highway Superintendent will be hosting the community clean-up for another year. She believes they have doubled in participation since last year. Trustee Burek asked if any notes can be shared from the round table. Ms. Hintz said it was more of a networking atmosphere. She added that with the resolution made today, regarding their solar permit, they are officially a clean energy community task force. Mayor Giacomazza expressed how impressed he's been with her and the staff and how quickly they were able to do an amazing job in such a short time, mentioning a few of the jobs done. There were discussions on types of plants and how to care for them and what pesticides can do to your plants. The Climate Small Task Force has a Facebook account where residents can go and receive advice.

Board Member/Department Comment

Trustee Graziano mentioned the flushing of hydrants has caused some constellation amongst the residents. Flushing the hydrants once a year helps the mains from tuberculation. He gave some suggestions about what to do in your home to help clear the water. He noted the warm weather is here and nobody likes to continue the water restriction. The Water and Sewer department is doing well in moving along with getting the new well but asks that residents be conscience of their water usage so that there is enough for everyone. Ms. Hintz said she would work with the Board on water conservation.

Trustee Ferrarelli announced that there was a decree issued yesterday for St. Patrick's Church and what will take place. There will be one mass a week starting July 1st. They will now have baptisms. He also announced there will be a Wrestling fundraiser from the Knights of Columbus on Saturday, June 10, 2023.

Trustee Burek encouraged all to vote, some people choose not to vote thinking their vote does not count or we are too busy to care or believe it will be someone else's problem. Tuesday, May 16, 2023, is our school board's election and there are three candidates up for election. She continues to say that it doesn't matter if you like or do not like the candidates or whether you agree with the budget or not you must show up. Show you the resident has a voice. All must show up for our community, it is vital for the survival of our community. She encouraged all to educate themselves before voting. She also wanted to mention that her daughter Lily, who is watching, will be turning seven years old next Thursday. She expressed how proud she is of her little girl, those who know her know she is resilient, and tenacious and pities the one who dares tell her she's not able to do something. She is so proud of her. Happy Birthday, Lily.

Mayor Giacomazza mentioned Mother's Day coming up and proceeded to say Happy Mother's Day to all the mothers especially his wife, who has given him four children and who he cannot live without.

Adjournment

With no further business to discuss or comments received, a motion was offered by Trustee Graziano, seconded by Trustee Burek, to adjourn the meeting at 8:32 PM.

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

Claudia Valoy-Romanisin, Deputy Village Clerk

LOCAL LAW 7 OF 2023

A LOCAL LAW AMENDING CHAPTER 310 (“ZONING”) OF THE CODE OF THE VILLAGE OF WOODBURY TO INCLUDE PROVISIONS FOR THE FARM DISTILLERIES

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 310 (“Zoning”) of the Code of the Village of Woodbury to include provisions related to farm distilleries.

SECTION 2 CHAPTER 310: ZONING

Section 310-2 (“Word usage; definitions”), Subsection B is hereby amended to include the following definition:

FARM DISTILLERY - A facility which possesses a New York State Farm Distillery License and produces liquor, where 75% of the ingredients in its products are from New York State. This may include a tasting room where New-York-State-labeled products (beer, cider, wine, mead, and/or liquor) may be tasted and sold and a gift shop.

A new Section 310-39.6 (“Criteria for farm distillery”) is created as follows:

§ 310-39.6 Criteria for farm distillery.

- A. The distillery must possess a New York State license for a farm distillery. Proof of an active application pending with the New York State Liquor Authority must be provided to the Building Department as part of an application for this use. Proof of licensure shall be a condition of special permit approval, and must be provided to the Building Department prior to the issuance of a Certificate of Occupancy.
- B. The distillery must have frontage along and direct access onto New York State Route 32.
- C. The actual distillery production area shall be limited to 4,000 square feet or less. This distillery production area may be separate from the tasting facility and/or gift shop.
- D. Where a structure or structures of local or national historic or architectural significance exist on the site, existing structures shall be utilized, and any additions shall be, to the maximum practical extent, designed to be consistent with said original structures. All applications involving a structure of local or national historic significance shall be referred to the New York State Office of Parks, Recreation and Historic Preservation for review.
- E. A farm distillery shall be permitted to host special events as an accessory use, where the primary use remains the production and consumption of alcoholic spirits. No special event held can exceed the maximum occupancy permitted for the buildings onsite; this shall include any events held outdoors.
- F. A farm distillery and a farm winery may exist on the same property, and shall be exempt from the requirement to meet the bulk requirements for both uses. The more restrictive bulk requirements shall apply.
- G. Applications for farm distillery should discuss and identify on the plans areas reserved for food service provisions.

Section 310-40 (“Off-street parking”), Subsection A(5) is hereby amended to include the following:

Use	Number of Spaces
Farm Distillery	One space per 200 square feet of gross floor area of the farm distillery building(s) or 1 space per 3 attendees permitted on the property, whichever is greater.

The Schedule of Zoning District Regulations for the R-3A district is hereby amended to include a new special permit use as follows:

Special Permit Uses	Minimum Required						Maximum Permitted		Off-Street Parking
	Lot Area (acres)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Both Sides (feet)	Rear Yard (feet)	Coverage (percent)	Building Height	
16. Farm Distillery	10	300	100	100	200	100	10	35	

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, 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 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.