

Minutes of the Village Board Meeting held at Town Hall on March 10, 2016 at 7PM

Present: Michael Queenan, Mayor
Neil Crouse, Timothy Egan, Thomas Flood and Anthony Mickolajczyk, Trustees
Absent: None
Also Present: Kelly Naughton, Esq.; Maria Hunter, Planning Board; Robert Hunter, Town Board; Sandy Capriglione, Zoning Board; Michael Phillips, Water and Sewer Superintendent

I. Public Hearings:

a. Introductory Local Law #1 - Tax Cap Override:

A public hearing was held to entertain public comments on Introductory Local Law #1 of 2016 entitled "Tax Cap Override" to authorize the Village Board to override the property tax cap for Fiscal Year 2016/2017, as defined in Section 3-c of General Municipal Law. The public notice was printed in the Times Herald Record on March 3, 2016 and no public comments were received.

Motion was offered by Trustee Flood, seconded by Trustee Crouse, to close the public hearing.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk
NOES 0

Motion was then offered by Trustee Egan, seconded by Trustee Crouse, to adopt Local Law 1 of 2016 entitled "Tax Cap Override" as printed at the end of these minutes.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Queenan	AYE
Trustee Crouse	AYE
Trustee Egan	AYE
Trustee Flood	AYE
Trustee Mickolajczyk	AYE

b. Introductory Local Law #2 - Lot Area Definition:

A public hearing was held to entertain public comments on Introductory Local Law #2 of 2016 entitled "Definition of Lot Area" to amend the definition of "lot area" in the Zoning Code to have the net lot area calculation, presently applied only to residential subdivisions throughout the Village, apply also to all non-residential uses throughout the Village. The public notice was printed in the Times Herald Record on February 29, 2016 and the following comments were received:

Mr. Joe DeVenuto stated he would like to speak in favor of this law, for it holds up the safety and well-being of Woodbury.

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

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk
NOES 0

Motion was then offered by Trustee Egan, seconded by Trustee Crouse, to declare a negative declaration for Introductory Local Law 2 of 2016 entitled "Definition of Lot Area".

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk
NOES 0

Mayor Queenan stated that the board could not adopt the law at this time, they are awaiting the 239 from the county.

c. Introductory Local Law #3 - Hotel/Motel Definition:

A public hearing was held to entertain public comments on Introductory Local Law #3 of 2016 entitled "Definition of Hotel or Motel" to amend the definition of "hotel or motel" in the Zoning Code to

include the requirement that the property have at least 100 feet or frontage along a State or County road that provides actual physical access to the project. The public notice was printed in the Times Herald Record on February 29, 2016 and the following comments were received:

Mr. Joe DeVenuto stated he agrees with the law whole heartedly. He was currently objecting the project that was in front of the planning board since he feels that a hotel should not be placed in a residential area.

Mr. Tom Burke questioned if this law would apply to the current application on Estrada Road? Mayor Queenan answered that it is a possibility.

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

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk
 NOES 0

Motion was then offered by Trustee Egan, seconded by Trustee Crouse, to declare a negative declaration of Introductory Local Law 3 of 2016 entitled "Definition of Hotel or Motel".

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk
 NOES 0

Mayor Queenan stated that the board could not adopt the law at this time, they are awaiting the 239 from the county.

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Flood, seconded by Trustee Egan, to accept the minutes of the regular meeting held February 25, 2016.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk
 NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to approve Abstract 19 containing vouchers 151265 - 151332 and totaling \$234,771.74.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk
 NOES 0

c. Fire Department Equipment Requisition:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to approve Fire Department Equipment Requisition 2016-06 totaling approximately \$853.98 for the purchase of a table saw, hand light chargers and caps for the hydrasist on Truck 525.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk
 NOES 0

III. Old Business:

a. Resolution – Woodbury Junction/Palaggi Offer of Dedication:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to adopt the following resolution authorizing acceptance of offers to dedicate:

WHEREAS, within the Village of Woodbury, New York ("Village") there is a need to have the Village properly acquire infrastructure dedicated for use by the Village to better serve Village residents; and

WHEREAS, the Village Board of Trustees (“Village Board”) had previously undertaken certain agreements with regard to the acceptance of an offer to dedicate certain infrastructure with regard to water and sewerage improvements; and

WHEREAS, in or about March 13, 2007 the Village entered into a “Developer’s Agreement” (the “Agreement”) containing certain provisions including recognition that the Village was incorporated as a municipal entity and had within its boundaries the Woodbury Junction Subdivision (the “Subdivision”); and

WHEREAS, The Agreement also recognized that the Village being so incorporated was a successor in interest to all rights of the Town of Woodbury, New York (“Town”) with regard to the grant of a Final Conditional Major Cluster Subdivision on October 18, 2006 for the said Subdivision; and

WHEREAS, at all times relevant herein, the aforesaid Agreement required the Developer and its successors in interest to complete certain work to the satisfaction and approval of the Village’s Engineer; and

WHEREAS, the Agreement also provided that the Village as the successor in interest to the Town would accept dedication of all sewer system improvements made by the Developer; and

WHEREAS, the Agreement also provided that the Developer and the successor in interest would abide by all orders issued by the duly constituted officials of the Village as may be deemed necessary to protect public health, safety and welfare in this Subdivision; and

WHEREAS, on or about August 15, 2010 the aforementioned Agreement was referenced and supplemented by and between the Village and the Developer confirming inter alia that the Village is a successor in interest to the Town with regard to the Agreement; and

WHEREAS, on or about August 4, 2011 a further Agreement was entered into between the Village and the Developer in which the Developer ratified the Agreement of March 13, 2007; and

WHEREAS, on or about July 18, 2014 the Village and the Developer further supplemented their Agreement by confirming that the Agreement and any modifications thereto remained in full force and effect; and

WHEREAS, on or about July 18, 2014 the Village and the Developer agreed that in the event of any breach of the Agreement or any understandings with relationship to the Agreement that the breaching party shall be responsible for all reasonable attorney’s fees incurred by the non-breaching party; and

WHEREAS, the Developer has represented that all its obligations to the Village have been met and that the dedication as agreed to can be finalized regarding this Subdivision.

NOW, THEREFORE, it is resolved as follows:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.

Section 2. Upon the certification by the Village Engineer and Special Counsel for the Village, Feerick Lynch MacCartney & Nugent, Esqs., that all obligations of the Developer have been complied with regarding this Subdivision and all required documents have been properly prepared and are also in recordable form, the Village Mayor is hereby authorized to execute all such documents accepting transfer of the aforementioned infrastructure and improvements regarding this Subdivision, including but not limited to all transfers of interest from the Palaggi family to the Village again as certified by Special Counsel for the Village that there is clear and marketable title for all such transferred property is also free and clear of any mortgages or encumbrances.

Section 3. This Resolution shall be effective immediately.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk
 NOES 0

IV. New Business:

a. Schedule Public Hearing - OCCD FY2017:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to schedule a public hearing to be held at 7PM on March 24, 2016 to entertain suggestions on projects to be submitted for funding through the Orange County Community Development program for FY2017.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk
 NOES 0

b. Advertise for Upcoming Vacancies - Various Volunteer Board Positions:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to authorize the Village Clerk to advertise for upcoming expiring terms on the Planning Board and Zoning Board of Appeals. Letters of interest will be due by 4PM on April 8, 2016.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk
 NOES 0

c. Liquor License Application Notification:

Notice was received on March 3, 2016 from Ann McGuinness that she is applying for a liquor license from the NYS Division of Alcoholic Beverage Control State Liquor Authority. Mayor Queenan 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 indicating the Village Board has no objection to the application.

V. Public Comment:

Mr. Joe Zalta stated Woodbury Junction has now been sold to a different developer, however Mr. Brodsky still owns twelve parcels of land and no transfers have been issued. He stated he received the deed information from the county. Among the parcels that Mr. Brodsky still owns is the water treatment facilities, and the property that was set aside for the recreational facility. Mayor Queenan stated he appreciates the information however he wants to let the public know that if the developers want to change anything they still need to address the Village of Woodbury's Planning Board.

Mr. Matt Higgins wanted to address the fill that has been coming in from Long Island to a specific parcel that he failed to mention. He also stated that he had a stop work order for this parcel from Mr. Gary Thomasberger. Mayor Queenan stated that Mr. Higgins is confusing everyone and questioned what material from Long Island has to with the law. Mayor Queenan then stated that the criteria is that as long as the applicant gets the soil tested and approved they can bring it in. Trustee Crouse stated that he saw the stop work order that Mr. Higgins is referring to and that nothing has been approved nor will it be until the soil is tested. Mr. Higgins then stated that he wanted to go on record that he opposes anyone bringing in fill from anywhere else, except Woodbury.

Mr. Tom Burke stated that he would like to thank the board and Mrs. Desiree Potvin for informing the public at the Village Board meetings about the scholarships that are offered in his father's name. He then went on to say applications are available online and at Town Hall. The scholarships are open to any graduating senior in Woodbury. Trustee Flood asked how many they will be giving out. Mr. Burke stated four.

VI. Board Member/Department Head Comment:

Mayor Queenan stated he wanted to remind everyone to drive carefully and watch out for children and pedestrians who are out walking, since the weather is becoming more and more beautiful.

VII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Flood, seconded by Trustee Egan, to adjourn the meeting at 7:28 PM.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk
 NOES 0

Jessica McClennan, Deputy Village Clerk

Local Law No. 1 of the year 2016

A local law to override the tax levy limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Woodbury to adopt a budget for the fiscal year commencing June 1, 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Woodbury, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

LOCAL LAW No. 2 OF 2016

A LOCAL LAW AMENDING CHAPTER 310 ("ZONING") OF THE CODE OF THE VILLAGE OF WOODBURY AMENDING THE DEFINITION OF LOT AREA

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

SECTION 1. PURPOSE.

The Board of Trustees of the Village of Woodbury finds that it is reasonable and appropriate to update and amend Chapter 310 ("Zoning") of the Village of Woodbury Code with respect to the calculation of lot area. This local law is determined to be an exercise of the police powers of the Village to protect the public health safety and general welfare of its residents.

SECTION 2. CHAPTER 310 ("ZONING").

The definition of "lot area" contained in Section 310-2 is hereby amended as follows:

The introductory sentence of Subdivision (2) is hereby repealed and replaced with: "For purposes of residential subdivisions and all nonresidential uses, lot area shall be determined as follows:"

Subdivision (1) is hereby repealed.

Subdivisions (2), (3) and (4) shall be renumbered to (1), (2) and (3) respectfully.

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 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.

LOCAL LAW No. 3 OF 2016

A LOCAL LAW AMENDING CHAPTER 310 (“ZONING”) OF THE CODE OF THE VILLAGE OF WOODBURY AMENDING THE DEFINITION OF HOTEL OR MOTEL

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

SECTION 1. PURPOSE.

The Board of Trustees of the Village of Woodbury finds that it is reasonable and appropriate to update and amend Chapter 310 (“Zoning”) of the Village of Woodbury Code with respect to defining hotels and motels to ensure that hotels and motels have adequate and direct physical access to major roadways in the Village. This local law is determined to be an exercise of the police powers of the Village to protect the public health safety and general welfare of its residents and visitors by allowing for more efficient and safe ingress, egress, evacuation and emergency service access for such uses.

SECTION 2. CHAPTER 310 (“ZONING”).

The definition of “hotel or motel” contained in Section 310-2 is hereby amended to add the following sentence at the end of the present definition:

A hotel or motel shall have at least 100 feet of road frontage along a State or County road that provides actual physical access to the property.

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 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.