

Minute of the Village Board Meeting held at Town Hall on March 24, 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 Weyant, Highway Superintendent; Sandy Capriglione, Zoning Board; Michael Phillips, Water and Sewer Superintendent

I. Public Hearing:

a. Orange County Community Development Grant FY2017:

A public hearing was held to entertain suggestions for projects to be applied for funding through the 2017 Orange County Community Development Grant program. The public notice was printed in the Times Herald Record on March 17, 2016 and the following comments were received:

Maria Hunter suggested with the grant money the village look into assisting the Highway, Water and Sewer and Building departments with anything that would be helpful to them. Trustee Crouse stated that those departments usually get Federal HUD monies which are federally funded, however he did ask the Highway Superintendent Robert Weyant if there was anything he needed to fix in Central Valley. Superintendent Weyant stated that the curb cuts on the sidewalks were going in already and the wall that they were going to fix was owned by the MTA so they could not do anything with it.

Mayor Queenan suggested that the Village and Town apply jointly for funds to offset the cost of the Senior Center being located in the proposed joint municipal center being discussed.

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

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

Mayor Queenan noted a certified copy of the minutes of this public hearing will be forwarded to the Village Engineer for the application process.

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to accept the minutes of the regular meeting held March 10, 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 20 containing vouchers 151333 – 151423 and totaling \$234,344.17.

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

EXTRA ITEM – Fire Department Equipment Requisition:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to approve Fire Department Equipment Requisition 2016-07 totaling approximately \$8569.40 for the purchase of radio equipment and the lettering of the repair Fire Chief's vehicle (Car2).

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

III. Old Business:

a. Adoption of Introductory Local Law #2 – Lot Area Definition:

Mayor Queenan stated the GML239 review was received from the County stating they have "found no evidence that significant inter-municipal or countywide impacts would result from its approval" and their recommendation is local determination. Motion was then offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to adopt Local Law 2 of 2016 entitled "Lot Area Definition" 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. Adoption of Introductory Local Law #3 – Hotel or Motel Definition:

Mayor Queenan stated the GML239 review was received from the County stating they have "found no evidence that significant inter-municipal or countywide impacts would result from its approval". They did suggest that "for practical and legal reasons, zoning standards should not be included in zoning definitions" and they "recommend leaving the definition and adding a section for Criteria for Hotel and Motel" and their recommendation is local determination. Motion was then offered by Trustee Crouse, seconded by Trustee Flood, to adopt Local Law 2 of 2016 entitled "Hotel or Motel Definition" 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

Extra Item: Presentation – Pilgrim Pipeline Updates

Last Monday, March 15, 2016 a meeting was held of local elected officials from municipalities in the pathway of the proposed Pilgrim Pipeline and Village Trustee Neil Crouse attended, representing Woodbury, along with 15 other municipalities. Thus far 18 of the 31 municipalities in New York have adopted resolutions opposing the pipeline and all the affected municipalities in New Jersey have as well. The proposed construction will be from the Port of Albany to Linden, New Jersey, and the pipeline will transport crude oil south and refined oil north (both lines will have a capacity of 200,000bpd) but at any time this can be reversed. It will be about 117 miles in length and proposed to be constructed within the NYS Thruway right-of-way. Access will be through a network of roads, not from the Thruway, which will be constructed every mile along the pipeline. Approximately six will be constructed in Woodbury. There will be four pump stations constructed along the pipeline and one is planned in Woodbury near Harriman. If one of the pump stations fails to close down if a leak is detected, it is estimated that an 8500bph spill could occur. A minimum of 168 private properties could be subject to eminent domain. Some possible impacts in Woodbury would be to our water aquifer, private wells, municipal wells, wetlands, private property values and roads. Trustee Crouse added that Villages and Cities have more control with this issue and if the Village adopts a resolution of opposition by super majority it could cause the pipeline not to be able to be constructed within their boundaries (Section 87, Article 7 of NY

Transportations Corporation Law). The Board asked Trustee Crouse some questions regarding the pipeline and it was noted that each received a packet via e-mail that contained a lot of information.

Trustee Egan questioned the capacity and asked if this project would be replacing rail traffic. Trustee Crouse stated this would be a third alternative to the transportation of oil, and it would be transported by two parallel pipes each with the capacity of 200,000 barrels per day.

Mayor Queenan noted that the DEIS with appendixes has been posted on the Town and Village website for the public to view.

C. Resolution - Opposition of Pilgrim Pipeline:

Motion was then offered by Trustee Crouse, seconded by Trustee Egan, to adopt the following resolution opposing the Pilgrim Pipeline:

WHEREAS, Pilgrim Pipeline Holdings, LLC, is proposing to build two pipelines and/or related infrastructure and access roads through the Village of Woodbury that would transport crude oil and refined petroleum products between Albany, New York and Linden, New Jersey; and

WHEREAS, the pipelines would carry oil from the Bakken Shale region of North Dakota extracted through a process that includes hydraulic fracturing, or “fracking,” and this process has been found to contaminate clean water resources, create toxic air emissions and radioactive waste, and release large quantities of methane gas into the atmosphere; and

WHEREAS, data collected by the Capline Pipeline in Louisiana, which tested crude from 86 locations worldwide, indicates that crude oil from Bakken Shale has a far higher vapor pressure than crude from dozens of other locations, making it much more likely to release combustible gases; and

WHEREAS, the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a safety alert on January 2, 2014, to the general public, emergency first responders, and shippers and carriers regarding the particular flammability of Bakken crude oil; and

WHEREAS, the Pipeline would carry a large volume of Bakken crude oil through residential areas in the Village of Woodbury, which would place residents in harm’s way should an explosion or spill occur; and

WHEREAS, according to PHMSA, pipeline operators reported 1,880 crude oil spills incidents nationwide between 2003 and 2013, or nearly one incident every other day, resulting in over 44,265,438 gallons of oil being spilled; and

WHEREAS, 80 percent of these incidents were the result of corrosion, equipment failure, incorrect operation or material and weld failures; and

WHEREAS, according to Public Employees for Environmental Responsibility, PHMSA only has 135 inspectors to oversee 2.6 million miles of pipeline, and only a fifth of that pipeline system has been inspected by PHMSA or its state partners since 2006; and

WHEREAS, any rupture or compromise of the pipelines, even without an explosion or fire, would require extraordinary cleanup efforts, could force residents from their homes, and place a large number of residents in close proximity to hazardous materials; and

WHEREAS, most Village of Woodbury residents depend on ground water and public community water systems for potable water supplies, the integrity and safety of which may be jeopardized by construction and operation of the pipelines; and

WHEREAS, the Pilgrim pipelines also threaten important surface water resources, including Woodbury Creek; and

WHEREAS, the Village of Woodbury Board of Trustees finds that the proposed Pilgrim pipelines potentially threatens the health, safety, and welfare of the community; could decrease the values of homes located along its route and in surrounding neighborhoods; and could negatively impact potential future development in the Village of Woodbury; and

WHEREAS, the Mid-Hudson Regional Sustainability Plan calls for becoming less energy and fossil fuel intensive while strengthening the regional economy, expanding renewable energy generation exponentially across the Region, and improving the resilience of the energy delivery system; and

WHEREAS, the New York State Energy Plan sets clean energy targets of a 40% reduction in greenhouse gas emissions from 1990 levels, 50% of energy generation from renewable resources, and 600 trillion Btu increase in energy efficiency, all by 2030, and also provides a comprehensive roadmap for building a clean, resilient, and affordable energy system for all New Yorkers; and

WHEREAS, construction of the Pilgrim pipelines to support and expand markets for fossil fuels is directly contrary to these regional and statewide clean energy plans and goals.

NOW THEREFORE BE IT RESOLVED that the Village of Woodbury Board of Trustees:

1. Calls upon the New York State Thruway Authority, the New York State Department of Transportation (DOT) and the Federal Highway Authority to reject use of the Thruway's right-of-way for the purpose of transporting oil or gas by pipeline; and
2. Urges Governor Cuomo to reject construction of the Pilgrim pipelines in New York as inconsistent with the ambitious clean energy goals he has set for the State; and
3. Directs the Village Clerk to forward copies of this resolution to the NYS Thruway Authority Executive Director Robert Megna, NYS DOT Commissioner Matt Driscoll, the Federal Highway Administration Division Administrator; U.S. Senators Charles Schumer and Kirsten Gillibrand, Governor Andrew Cuomo, State Senator William Larkin, State Assemblyman James Skoufis, and NYS DEC Commissioner Basil Seggos.

ADOPTED BY ROLL CALL AS FOLLOWS:

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

e. Request to Transport Fill into Village – Revised:

A memorandum was received from the Building Department dated March 21, 2016 stating that David Clarke, representing Mr. Flair Bank, has decided to import fill from a different location other than Long Island. The Board discussed this issue at their January 14 and February 25, 2016 meeting. Mayor Queenan then stated he is not comfortable with this application, nor is he in favor of it. He does not understand the expense to transport that here, and it does not make any sense to him. He then stated that they had a lot of problems in Long Island with fill that had come from there. He then asked the board if anyone would make a motion to authorize the Building Inspector to issue a permit for the importing of soil from Queens, NY (Fluton Square) into the Village of Woodbury to 8 Evans Drive, Highland Mills. Pursuant to the Building Inspector, the material has already been tested and the DEC will be onsite during soil removal. No motion was offered to approve this request.

IV. New Business:

a. Schedule Public Hearing – FY16/17 Budget:

Motion was offered by Trustee Flood, seconded by Trustee Egan, to schedule a public hearing to be held on April 14, 2016 at 7PM on the Fiscal Year 2016/2017 preliminary budget. Copies of the budget will be available as of April 7, 2016 for public inspection.

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

b. Advertise for Bids - Water/Sewer Vehicle:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to authorize the Village Clerk to advertise for bids for the purchase of a 2016 Dodge RAM for the Water/Sewer Department.

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

V. Public Comment:

Sandy Capriglione stated that her property is extremely close to NYS thruway and she would like to thank the board for being proactive, and for taking the lead when it came to this pipeline.

Steve Brander stated he wrote a letter in the Times Herald Record and has attended many meetings regarding the pipeline. He then stated this project would only serve the oil industries and would have a serious negative impact on the towns that it went through. He then went on to say he thanks the Village for forming a coalition resolution, however a resolution is more or less an opinion. He suggests that the Village set up ordinances, which are essentially local laws. He then stated that he sent information to Trustee Crouse about Parsippany, New Jersey and the two model ordinances that they set up. Mayor Queenan thanked him for the information and requested that Trustee Crouse forward the information to the Deputy Village Clerk, so that we can have the information on file. He then went on to say that the board needs to look into passing some local laws that would protect the residences of Woodbury.

David Clark, was at the meeting speaking on behalf of his wife Flair Banke. He stated that in the past they had made mistakes and they are so thankful the contamination was caught and removed from their property. He then stated that he wants to fill the property and plant trees, but he can't do that until he gets the fill he needs. He stated his prior application fell through because Kiryas Joel would not bring him the fill unless he paid for it, and he is not willing to do that, if he can get it for free. The soil that he is now interested in has been tested and it is free from contamination. He would be receiving this fill from 2 Fulton Square 133-31 39th Avenue in Flushing, NY. Roux Associates Engineer will be on the job site regulating all fill material to be removed as unrestricted residential clean fill with a manifest which states exactly where the fill comes from on which job site via grids and lifts (depths). Jim Wade PE is the NYS DEC contact for the job and his office number is 631-444-0381. When the fill arrives he along with one other person will be the flagmen as the trucks enter through an entrance way off of Route 32. The estimated amount of soil that will be transported will be 50,000 yards. Mayor Queenan stated that he is still concerned. And questioned why this would be beneficial to transport the fill all the way here, and then stated he does not understand the economics of it. Mr. Clark stated it is cost beneficial to everyone involved, he would be getting clean fill free of charge and the trucks coming up from Long Island could dump the fill before they loaded in the stone that they come up here for. Superintendent Weyant stated that 1600 trucks would be transporting this fill up and down Route 32, he then questioned where these trucks would be staging and that his concern is that he was thinking of doing something on that road, but he does not want to waste tax payer's money if overweight trucks will be driving on it all summer. Mr. Clark stated he understands Mr. Weyants concerns, however he just wants to beautify his property. Mayor Queenan stated that they will look into it further, and he will speak to Mr. Weyant about it, and let Mr. Clark know what they decide.

VI. Board Member/Department Comment:

Superintendent Weyant stated that May 21st at Smith Clove Elementary from 9:30 to 1PM Woodbury will be hosting cleanup day. He also stated that he is looking into another company for

electronic pickup. Apparently the company that they use, is overstocked so he will have a company by the next Village Board meeting to let the public know when they will be offering the pick up again.

Trustee Mickolajczyk wanted to thank Trustee Crouse for informing himself and the public about the pipeline. He stated that it is important that we all stay unified.

Trustee Crouse stated that the Woodbury Historical Society is hosting an event on April 2nd discussing dairy farming in Orange County. He also stated that on April 3rd there will be an expo at the High School and urges the residents to attend.

Mayor Queenan just wanted to reiterate to the residents to drive safe and be careful on the roads. He then stated that the Woodbury Lions Club is hosting a free pancake breakfast and food drive to benefit Highland Mills food pantry. This will be held on Saturday, April 16th from 8am to 11am at Central Valley United Methodist Church.

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 7:58 PM.

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

Jessica McClennan, Deputy Town Clerk

**LOCAL LAW No. 2 OF 2016
VILLAGE OF WOODBURY**

**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:

- i. 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:”
- ii. Subdivision (1) is hereby repealed.
- iii. 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
VILLAGE OF WOODBURY**

**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.