

Minutes of the Village Board Meeting held at Town Hall on April 28, 2016 at 7PM

Present: Michael Queenan, Mayor
Neil Crouse, Timothy Egan, Thomas Flood and Anthony Mickolajczyk, Trustees
Absent: None
Also Present: Sandy Capriglione, Zoning Board; Maria Hunter, Planning Board

I. 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 April 14, 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 22 containing vouchers 151543 - 151665 and totaling \$169,005.49.

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

c. Fire Department Equipment Requisition:

Trustee Mickolajczyk questioned the equipment request, it appeared that there was a typo and that it should have only been one pole for \$150.00, not two poles for \$150.00. Mayor Queenan agreed and it was stated that they could purchase the one pole, instead of the two that was written on the spreadsheet. Motion was then offered by Trustee Egan, seconded by Trustee Flood, to approve Fire Department Equipment Requisition 2016-09 totaling approximately \$800 for the purchase of poles to replace broken/weakened hooks.

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

d. Use of Building Request:

Trustee Crouse stated that the building will be used for the friendly visitors program to train volunteers for the program. Motion was then offered by Trustee Crouse, seconded by Trustee Flood, to approve a request received from the Friendly Visitors Program to use the meeting room on May 5 and May 12, 10AM-Noon, for a training seminar.

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

II. Old Business:

a. Resolution – Reaffirming Adoption of Comprehensive Plan:

Motion was offered by Egan, seconded by Trustee Crouse, to adopt the following resolution regarding applicable zoning law:

WHEREAS, the Village of Woodbury, New York (“Village”) previously adopted a Local Laws concerning the Comprehensive Master Plan and certain Zoning Amendments (collectively the “CMP”) with regard to appropriate zoning in the Village; and

WHEREAS, the CMP was adopted by the Village Board of Trustees (“Village Board”) after considerable efforts to review all issues and properly comply with all lawful requirements; and

WHEREAS, subsequent to the enactment of the CMP certain litigation was filed by the Village of Kiryas Joel and others (collectively “KJ”) against the Village and others in Orange County Supreme Court bearing Index No. 9655-2011 (the “Orange County Action”); and

WHEREAS, by a prior Decision of the now retired Judge Nicolai in the Orange County Action the Village enactment of the CMP was declared to be illegal, null and void; and

WHEREAS, the Village Board after the Judge Nicolai Decision by Resolution and other appropriate action determined that the Zoning Code then in effect prior to enactment of the CMP would be applied because of the invalidity of the CMP as determined in the Orange County Action; and

WHEREAS, the Village Board pursued an appeal of that Judge Nicolai Decision in the Orange County Action and in that appeal by Decision dated April 20, 2016 the Appellate Division, Second Department (“Appellate Division Decision”) determined that Judge Nicolai committed reversible error by declaring the CMP to be null, void and otherwise invalid; and

WHEREAS, based upon the Appellate Division Decision the Village Board has been advised by Special Counsel, Feerick Lynch MacCartney & Nugent, that the CMP remains valid and enforceable pursuant to the terms of the CMP; and

WHEREAS, the Village Board wishes to determine by Resolution that can be relied upon by all Village Employees, Officials and others that the CMP is currently in full force and effect.

NOW THEREFORE, it is resolved by the Village Board as follows:

- 1) All “WHEREAS” paragraphs are incorporated herein by reference as though set forth in full herein.
- 2) The CMP shall be deemed in full force and effect and all applications pending with the Village or to be filed with the Village hereinafter shall comply with all provisions of the CMP as previously enacted by the Village.
- 3) Notwithstanding the foregoing, the Village Board hereby in this Resolution expressly grants and reserves all rights to the Village Board to waive the application of the CMP in specific cases and apply the Zoning Code in effect on April 19, 2016 before the CMP was reinstated so as to alleviate any hardship upon an applicant. The Village Board in granting any waiver shall consider the following factors:
 - a) studies, reports, resolutions of preliminary and/or final approval, issued with or without conditions;
 - b) any SEQRA documents and findings statement, Negative Declaration with or without conditions, including generic or supplemental environmental impact statements which may have cumulatively evaluated the impacts associated with certain land use applications;
 - c) any special exception permit plan, site plan or subdivision plan, and map notes; all representations of the developer/applicant with regard to the dimensional standards of the zoning district within which the development is located, including but not limited to lot coverage, impervious surface coverage, residential building size, occupancy and other design parameters which served as the basis for SEQRA review, Storm water Pollution Prevention Plan (SWPPP) review, and infrastructure approval and design, including methods of water supply, wastewater disposal, storm water control, drainage, and transportation approvals;
 - d) any violations which have been issued, and the status of same;
 - e) any other related documents upon which the Planning Board or Zoning Board of Appeals relied in issuing an approval, and whether a waiver issued will be issued consistent with all resolutions of approval and SEQRA findings;

BE IT FURTHER RESOLVED, that a copy of this resolution with the delinquent water statements shall be immediately transmitted to the County's Real Property Tax Department.

ADOPTED BY ROLL CALL AS FOLLOWS:

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

Delinquent Water Bills - Water #6 Fund (Amdur Park):

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to approve the following resolution for the levy of 18 delinquent water bills from the Water #6 Fund (Amdur Park) that totals \$2,316.82 (complete list on file in Village Clerk's Office):

WHEREAS, the Water/Sewer Administrator, Michael Phillips, prepared a list of delinquent water bills for April 14, 2016 in the Village of Woodbury Water #6 Fund which has been submitted to the Village Clerk and who, in turn, has prepared and filed with the Village Board a statement showing all water rents and charges and amounts due as of April 14, 2016, and

WHEREAS, the State Law allows the Village Board to adopt a resolution that the aforesaid delinquent water bills shall become liens against the property of the individual property owners which liens shall then be taxed as part of the 2016/2017 Village property tax bill, and

WHEREAS, it is necessary for the Village Board adopt such resolution so the County, when printing the 2016/2017 Village property tax bills, may levy the delinquent water bills against the property.

NOW, THEREFORE BE IT RESOLVED, that the delinquent water statements submitted to the Village Board by the Village Clerk pursuant to State Law shall be forward to the Orange County Real Property Tax Department by the Mayor so that they shall levy such sums against the property which is liable for said delinquent water statements and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2016/2017 Village property taxes; and

BE IT FURTHER RESOLVED, that a copy of this resolution with the delinquent water statements shall be immediately transmitted to the County's Real Property Tax Department.

ADOPTED BY ROLL CALL AS FOLLOWS:

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

IV. Public Comment:

Mr. Matt Higgins wanted to thank everyone in Woodbury who was a part of the Comprehensive Plan and getting it resolved. He then wanted the Village Board to look into the pump house on Ridge Road. He stated that they are way above the noise limits, and the frontage is not enough. He requested that the Village of Woodbury Water Department perform checks to make sure everything is up to code. He then spoke regarding the fill that is being brought in on Quaker Road. He thanked Trustee Flood for denying the application, and asked how it is going to be a sound barrier as the property owner says it is going to be.

V. Board Member/Department Comment:

Trustee Mickolajczyk stated he was a board member on the Zoning Board of Appeals when they started reconstructing the comprehensive plan. He stated he knows how much time and effort, and long months and hours went into making this a good sound plan. He wanted to thank everyone who was part of it for standing up for the people of Woodbury.

Trustee Flood inquired as to the age of which a person could volunteer for the Friendly Visitors Program, and Trustee Crouse stated he believes it is 21.

Trustee Crouse stated that he just received an email about the pilgrim pipeline and a bill that was proposed at the state assembly to have municipalities write letters of rejection to not allow the pipeline to be built along the thruway. Mayor Queenan requested that Trustee Crouse get more information about this, and he would be happy to write a letter.

VI. Adjournment

With no further business to discuss or comments received, a motion was offered by Trustee Egan, seconded by Trustee Flood, to adjourn the meeting at 7:30 PM.

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

Jessica McClennan, Deputy Village Clerk