

Minutes of the Village Board Meeting held at Town Hall on March 8, 2018 at 7PM

Present: Michael Queenan, Mayor  
Neil Crouse, Timothy Egan, Thomas Flood and Anthony Mickolajczyk, Trustees  
Absent: None  
Also Present: Jessica McClennan, Deputy Village Clerk; Dominick Prozzillo, Fire Chief; Maria Hunter, Planning Board

**I. Public Hearings:**

a. Introductory Local Law 2 – Taxation:

A public hearing was held to entertain public comment on Introductory Local Law 2 of 2018 amending Chapter 277 of the Village Code entitled "Taxation" to opt-out of the exemption for solar, wind, farm waste and other energy systems pursuant to §487 of the NYS Real Property Tax Law. The public notice was printed in the Times Herald Record on February 27, 2018. No comments were received.

Motion was offered by Trustee Crouse, 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 Flood, seconded by Trustee Mickolajczyk, to adopt the following resolution of the Village of Woodbury Board of Trustees adopting Local Law 1 of 2018 amending Chapter 277 of the Village Code entitled "Taxation" to opt-out of the exemption for solar, wind, farm waste and other energy systems pursuant to §487 of the NYS Real Property Tax Law:

**WHEREAS**, a resolution was duly adopted by the Board of Trustees on February 22, 2018, scheduling a public hearing to be held by said Governing Body on March 8, 2018 at 7PM, to hear all interested parties on a proposed local law to amend Chapter 277 of the Town Code entitled "Taxation" to opt-out of the exemption for solar, wind, farm waste and other energy systems pursuant to §487 of the NYS Real Property Tax Law; and

**WHEREAS**, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Village, on February 27, 2018 according to law; and

**WHEREAS**, said public hearing was duly held on March 8, 2018, at 7PM at the Town of Woodbury Town Hall, located at 511 Route 32, Highland Mills, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

**WHEREAS**, the Board of Trustees has reviewed the proposed local law and considered the public comment provided at the aforesaid public hearings, and after due deliberation thereon,

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE VILLAGE OF WOODBURY BOARD OF TRUSTEES THAT:**

- 1) the proposed local law constitutes an Unlisted action pursuant to SEQRA;
- 2) the proposed local law has no significant adverse environmental impacts and the Board of Trustees hereby issues a negative declaration thereon;
- 3) the adoption of the proposed local law is in the best interests of the residents of the Village, and the Board of Trustees hereby adopts said Local Law No. 1 of 2018, entitled "Taxation"; and
- 4) the Village Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Woodbury, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Mayor Queenan AYES

Trustee Crouse	AYES
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Mickolajczyk	AYES

b. Introductory Local Law 3 – Tax Cap Override:

A public hearing was held to entertain public comments on Introductory Local Law 3 of 2018 entitled "Tax Cap Override" to authorize the Board of Trustees to override the property tax cap, as defined in Section 3-c of General Municipal Law, for the Fiscal Year 2018/2019, if needed. The public notice was printed in the Times Herald Record on February 27, 2018 and the following comments were received:

Clerk Potvin noted the budget is currently being prepared so figures are not available at this time. She is suggesting the Board hold the hearing, close the hearing but to not vote on the law until preliminary figures are available to determine if the override is necessary.

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

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

Mayor Queenan noted this issue will be placed on the March 22 agenda for a decision.

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to accept receipt of the minutes of the meeting held February 22, 2018.

**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 171696 - 171767 and totaling \$122,997.88.

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

c. Fire Department Equipment Request:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to approve Fire Department Equipment Request 2018-04 totaling approximately \$96.00 to have reflective lettering for the rear of E521 hose cover.

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

d. Use of Meeting Room Request – Woodbury Boy Scouts:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to approve the request to use the meeting room by the Woodbury Boy Scouts on March 25, 10AM-4PM for an Eagle Scout Ceremony.

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

**III. Old Business:**

a. Discussion – Mobilitie Easement Request:

Mayor Queenan noted this issue was last discussed at the January 11, 2018 meeting. Paul Costa, Permitting Manager for Mobilitie, summarized to the Board his company's request to build one small cell site within the Village of Woodbury's right-of-way by attaching it to an existing 45' Orange & Rockland wooden utility pole located at the corner of Turner Road and Corporate Drive. Mr. Costa noted the Planning Board resolution requires approval from the Village Board in order to move forward. Mayor Queenan stated one of the things the Board is looking into is case law and the ability to charge a leasing fee. Later this month the Orange County Associations of Towns/Cities/Villages will be meeting to discuss this topic. He would rather make a decision after he becomes more educated on this issue. Mr. Costa noted Mobilitie has entered into lease agreement with other jurisdiction for larger projects and he can provide some background information to the Village regarding them. Mayor Queenan stated that would be helpful and noted the issue will be discussed again at the April 12 meeting.

b. Discussion – Zone Change Request – Lakeside Affiliates:

Mayor Queenan noted this issue was last discussed at the November 21, 2017 meeting. They have submitted a zone change request for the creation of a Senior Housing Overlay District for their property located at Section 218, Block 2, Lots 7, 9, 10, 11 and 13. At the last meeting the Board chose to not entertain the application. Barry Terach, architect for the applicant, stated the plan is to have two separate buildings, each three stories, with 42 units in each. The units will be for active adults (55+) and be rentals at fair market value. He has worked on several similar projects over the past couples of years and knows there is a demand for these types of units. Each unit will have a typical floor plan arrangement and there will be common areas as well. Trustee Crouse asked if the project will be one or two buildings and Mr. Terach stated it will be two buildings, which could be phased. Mayor Queenan asked what is the façade of the building will be and Mr. Terach stated a combination of masonry and vinyl siding. Mayor Queenan stated he feels the aesthetics will be very important since the building will be on Route 32. Nicholas Rugnetta, engineer for the applicant, stated the project could be phased if necessary. When the first building reaches 75% capacity then the construction of the second building could begin. Trustee Crouse stated he likes the idea of phasing the plan and asked if the full design will be applied for before the Planning Board or just the one building at a time. Mr. Rugnetta stated the full design will be applied for all at once. Trustee Crouse confirmed that the zone change request would be for both buildings and he was told yes. Mayor Queenan noted the Planning Board, not the Village Board, would be in control over the phasing as part of their resolution as one of their conditions. Trustee Egan added the Planning Board would be carrying the workload on development and planning. Mayor Queenan noted the Village Attorney has advised that a joint public hearing will need to be held with the Planning Board if the Village Board decides to move forward with this project.

Motion was then offered by Trustee Egan, seconded by Trustee Mickolajczyk, to authorize the attorney to draft a proposed local law for this application and to empower the Village Clerk to organize the Village Board, Planning Board and consultants for a hearing to be scheduled at a future meeting.

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

c. Various Actions – Timber Trail Dedications:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to declare the Board of Trustees to be the Lead Agency under SEQRA in connection with the acceptance of the Timber Trail Drainage and Snow Removal Easement, Sanitary Sewer Easement, and Parcel B.

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

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Crouse, declaring the acceptance of the Timber Trail Drainage and Snow Removal Easement, Sanitary Sewer Easement, and Parcel B as an unlisted action under SEQRA.

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

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to issue a Negative Declaration to said actions, as they will have no significant adverse environmental impacts, as demonstrated by the Environmental Assessment Form.

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

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Flood, to authorize the Mayor to sign the Drainage and Snow Removal Easement.

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

Motion was offered by Trustee Flood, seconded by Trustee Crouse, to authorize the Mayor to sign the Sanitary Sewer Easement.

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

Motion was offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to authorize the Mayor to sign any and all documentation necessary to transfer Parcel B to the Village, as shown on the Timber Trail plat as conditionally approved by the Village Planning Board.

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

Motion was offered by Trustee Egan, seconded by Trustee Flood, to authorize the Mayor to sign the Offer of Dedication for the road in the Timber Trail subdivision - and noting specifically that this is not accepting the road, but rather allows the offer of the road to be filed with the County Clerk's office.

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

d. Acceptance of Bids – Weygant Hill Water Tank:

Clerk Potvin noted the bid opening was held on February 13, 2018 and the notice was printed in the Times Herald Record on January 18, 2018. The following bids were received:

Dutchland Incorporated, Gap, PA \$994,500.00

After consultation with the Village Attorney, the Village Engineer reached out to Dutchland Incorporated to negotiate their price since the bid was significantly higher than what has been budgeted for this project. The revised bid amount is now \$800,000 and there is a letter on file from Dutchland Incorporated confirming this. The letter states, in short, that the work will be completed in conformance with the contract documents with the following exceptions: (1) the allowance for poor soils on the original bid will be removed from the scope of work; (2) the listed subcontractor(s) in their bid package is subject to change; (3) "or equals" may be submitted for the tank mixing system. Due to the time constraints being faced for this project, and the condition of the existing well, it is recommended by the Village consultants to award the bid to Dutchland Incorporation at the negotiated amount so the project can begin immediately. Motion was offered by Trustee Egan, seconded by Trustee Flood, to award the Weygant Hill Water Tank project to Dutchland Incorporation at project cost of \$800,000.

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

Clerk Potvin noted funding for this project is included in the bonding secured last year.

**IV. New Business:**

a. Discussion – Zone Change Request - Bilah Ahmed:

A letter was received from Steven Esposito, engineer for the applicant, requesting to present to the Board a potential zone change amendments regarding minimum lot area for hotels or motels in the Limited Commercial Zoning District. His client is the contract purchaser for three lots on Turner Road and is an owner/operator of hotels in New York. William Frank, attorney for the applicant, stated Mr. Ahmed is in the process of negotiating the purchase of the property with an interest to erect a hotel. The current zoning does not permit for a hotel in the area proposed and would like to obtain input from the Board to see if there is any interest to change the zoning to permit a hotel, as well as other items they are requesting. Mr. Esposito stated the application consists of three tax parcels totaling approximately 3.1 acres (SBL 226-1-8, 226-1-7 and 226-1-6.1). The application meets one the criteria set in the Village Code - they have the minimum 100' of frontage on a state highway. The hotel will consist of 110-130 rooms with amenities; possible meetings rooms/convention center may reduce the number of room. The building will most likely be four stories with a maximum height of 48', which is a typical model for the motel chain Mr. Ahmed is looking to license with - Marriot Courtyard. However, the areas within the Village Code this application would not be in compliance with are: (1) minimum lot area in the LC District for a hotel; (2) building height; (3) zone change petition requirements. In addition, Section 310-52(B) of the Village Code requires a petition of "the owners of 50% or more of the area in any district requesting" an amendment to the zoning be submitted to the Village Board, which will be impossible for this application. He noted an alternative is for the Village Board to initiate the process or for this section of the Code to be amended to permit an application to submit a petition based on its own merits. Prior to moving forward, the applicant is requesting the Board opinion to determine if there is interest.

Trustee Egan asked if a restaurant would be included in the hotel. Mr. Ahmed stated at this time he is trying to obtain a license from Marriot Courtyard. They have a bistro that serves breakfast and dinner - no lunch. Trustee Egan agreed the Village Board should consider amending the section of the Code pertaining to the petition requirements. Mayor Queenan asked why lot 226-1-6.2 was not part of the proposal and Mr. Esposito replied that his client is only looking at the three lots as proposed at this time. Mayor Queenan stated he does not have a problem with this application and would not mind seeing a hotel at this location. Trustee Crouse suggested the Board take a more comprehensive look at this area and zoning district instead of amending it for one application at a time. Mayor Queenan agreed that would be a good idea. With regards to the building height, he has spoken with the Fire Chief and currently our ladder truck reaches 75'. We will need one that reaches 100' which may need to be addressed to help offset that cost. Trustee Crouse added a worksession should be held with the Planning Board to review the whole zoning district. Mr. Frank stated he felt that would be a good idea and offered to provide input on the possible amendment to be considered to the Code and Comprehensive Plan. The Board, as a whole, agreed it was a good idea to take a closer look at this project. Mayor Queenan stated work will being internally with the Village consultants.

b. Schedule Public Hearing – OCCD FY2019 Grant:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to schedule a public hearing to be held March 22, 2018 at 7PM to entertain public suggestions for projects to be applied for funding through the 2019 Orange County Community Development Grant.

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

c. Authorize Mayor to Sign – Water Easement SBL 214-8-3:

Mayor Queenan noted the Village Engineer and Water/Sewer Administrator have completed a review of a water easement being granted to the Village on property known on the Tax Map as Section 214, Block 8, Lot 3 (on Second Street). The plan, description and survey have found to be accurate and have advised the documents can be signed by the Mayor. Motion was offered by Trustee Egan, seconded by Trustee Flood, to authorize the Mayor to sign the documents for a water easement for property known on the Tax Map as Section 214, Block 8, Lot 3 (Field Map #14-70 Second Street).

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

d. Advertise for Bids – Water/Sewer Pre-Fab Building:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to authorize the Village Clerk to advertise for bids for the construction of a prefabricated building for the Water/Sewer Department. It was noted funds for this building were included in the bonding secured last year.

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

**V. Public Comment:**

Mayor Queenan noted at the last meeting a discussion between the Board and a resident got a bit out of hand and for that he apologizes. This Board has always encouraged individuals to speak at a meeting about any topic they chose to, whether it is on the agenda or not. The Board members will listen to your comments and take them into consideration. If you have questions instead of comments, each Board member always remains after the meeting to speak to any individual one on one and try to answer any questions you may have.

Chief Prozzillo stated he has appointed Father Joseph Tyrell as Chaplain of the Woodbury Fire Department, adding the position has been vacant for some time. Father Joseph will not participate in any firefighting calls but will be there for support and grief counseling for the members as needed. Mayor Queenan noted the Board is all in favor of the department having the position but feels the liaison to the department should meet with the Chief's to discuss it more thoroughly.

**VI. Board Member/Department Comment:**

The Board collectively noted what an outstanding job the Highway Department did during the recent nor'easter events that were experienced over the last two weeks. The Water/Sewer and Fire Departments were recognized as well.

**VII. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Trustee Egan, seconded by Trustee Crouse, to adjourn the meeting at 7:55PM.

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

Desiree Potvin, Village Clerk

**VILLAGE OF WOODBURY  
LOCAL LAW 1 OF 2018**

**A LOCAL LAW AMENDING CHAPTER 277 OF THE VILLAGE CODE OF THE VILLAGE OF WOODBURY, ENTITLED “TAXATION”, TO OPT-OUT OF THE EXEMPTION FOR SOLAR, WIND, FARM WASTE AND OTHER ENERGY SYSTEMS PURSUANT TO §487 OF THE NEW YORK STATE REAL PROPERTY TAX LAW**

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

**Section 1 Title.**

This local law shall be referred to as “A Local Law to Amend Chapter 277 of the Village Code, entitled ‘Taxation’, to Opt-Out of the Exemption for Solar, Wind, Farm Waste and other Energy Systems Pursuant to § 487 of the New York State Real Property Tax Law.”

**Section 2 Amendments.**

Chapter 277 of the Village Code is hereby amended to create new Article VII, with the following text:

**“Article VII. Opt-Out of Exemption for Solar, Wind, Farm Waste and other Energy Systems Pursuant to New York State Real Property Tax Law § 487**

**§277-24 Legislative Findings.**

Section 487 of the state Real Property Law grants a 15-year exemption from real property taxation on the increase in assessed value attributable to the construction or installation of qualifying solar energy systems, wind power systems, farm waste, micro-hydroelectric, fuel cell and other types of energy systems. RPTL § 487 also authorizes a municipality to opt-out of granting that property tax exemption by adoption of a local law. The Village of Woodbury Board of Trustees has determined that it is in the best interest of the village and its residents to exercise the option provided in the Real Property Tax Law, and to prohibit such energy systems from obtaining a tax exemption.

**§277-25 Exemption not permitted.**

The Board of Trustees of the Village of Woodbury shall not permit any exemption within its jurisdiction pursuant to § 487 of the Real Property Tax Law of the State of New York with respect to any solar, wind, farm waste, micro-hydroelectric, fuel cell and other energy systems which began construction subsequent to the effective date of this article.

**§277-26 Severability**

If any word, phrase, sentence, part, section, subsection, or other portion of this article or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this article, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

**§277-27 Conflict with other Laws.**

Where this article differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the county, state or federal government, the more restrictive or protective of the Village and the public shall apply.”

**Section 3      Authority**

This article is enacted pursuant to Subdivision 8 of § 487 of the New York State Real Property Tax Law of the State of New York as well as the Municipal Home Rule Law.

**Section 4      Rules and Regulations**

The Board of Trustees is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this Local Law.

**Section 5      Separability**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Board of Trustees of the Village of Woodbury hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 6      Repeal**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 7      Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.