

Minutes of the Village Board Meeting held at Town Hall on March 22, 2018 at 7PM

Present: Michael Queenan, Mayor
Neil Crouse, Timothy Egan, Thomas Flood and Anthony Mickolajczyk, Trustees
Absent: Desiree Potvin, Village Clerk
Also Present: Robert Weyant, Village Streets Superintendent; Maria Hunter, Planning Board; Sandra Capriglione, Planning Board; Karen Ungerer, Zoning Board of Appeals; Robert Hunter, Town Board; Michael Essig, Town Board; Jacqueline Hernandez, Town Board

I. Public Hearing:

a. FY2019 Orange County Community Development Grant:

Mayor Michael Queenan stated a public hearing is being held to solicit suggestions for projects to be submitted for funding through the Orange County Community Development program for 2019. The public notice was printed in the Times Herald Record on March 13, 2018. The following project suggestions were received:

Maria Hunter suggested extra parking behind Village Hall/Highland Mills Firehouse since it is becoming a community building and being used for various activities within the community. She also suggested a possible sign in front of Village Hall like the ambulance and police departments have, to display events that are happening within Woodbury. Her final suggestion was a new salt shed.

With no further suggestions received, a 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

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 Crouse, seconded by Trustee Egan, to accept receipt of the minutes of the meeting held March 8, 2018.

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

b. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to approve Abstract 20 containing vouchers 171768 - 171847 and totaling \$204,005.52.

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

c. Fire Department Equipment Request(s):

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to approve Fire Department Equipment Request 2018-05 totaling approximately \$471.27 for the purchase of two iPad mounts for Truck 521.

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

III. Old Business:

a. Vote – Tax Cap Override Local Law:

Mayor Queenan noted the budget appears to be under the tax cap so there is no reason to adopt a tax cap override law. Motion was then offered by Trustee Crouse, seconded by Trustee Egan, to not adopt Introductory Local Law 3 as it has been deemed unnecessary.

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

EXTRA ITEM - Revocable License - Timber Trail:

Motion was offered by Trustee Flood, seconded by Trustee Mickolajczyk, to authorize the Mayor to sign a "Revocable License" with Timber Trail to allow the cutting of the trees and installing the storm-water infrastructure facilities as proposed on the approved plan on Parcel B (that the Village has accepted).

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

IV. New Business:

a. Schedule Public Hearing – Fiscal Year 2018/2019 Budget:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to schedule a public hearing to be held on April 12, 2018 at 7PM on the Fiscal Year 2018/2019 preliminary budget. Copies of the budget will be available no later than April 4, 2018 for public inspection.

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

b. Resolution – Re-levy Previously Exempt Property:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to adopt the following resolution to re-levy a prorated tax amount due on property(ies) located at various locations that was/were previously eligible for a veteran exemption:

WHEREAS, the owner(s) of property was/were eligible for a veteran exemption on property taxes and upon the sale/death this exemption must be removed; and

WHEREAS, notification was received by the Village Clerk on March 16, 2018 from the Woodbury Assessor that prorated amount(s) need to be re-levied onto the FY18/19 taxes for this/these property(ies).

NOW THEREFORE, BE IT

RESOLVED that the Village Board directs the Village Clerk, Village Tax Collector and any other Village official, employee or agent of the Village to take any and all necessary actions to levy and collect the following amounts on the following affected land(s) in the same manner as all other Village Charges and to take any necessary actions to execute and record a lien upon such land:

208-3-14	15 Elmwood Drive	\$31.75
207-2-1	59 Highland Drive	\$56.66
251-1-7	6 Braemar Way	\$40.74

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

c. Acceptance of Proposal – Engineering Code of Services:

A proposal was received stating a request was made to obtain a proposal from Henningson, Durham & Richardson to do a technical review and update of the existing Wireless Telecommunications section of the Village Code (Chapter 310-38). They will review all sections of the existing law and identify items to be updated or modified, resulting in a proposed local law for the Village Board to

consider. The cost for this work is estimated to be \$7500. Motion was then offered by Trustee Mickolajczyk, seconded by Trustee Flood, to accept this proposal.

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

EXTRA ITEM - Schedule Public Hearing - Wireless Moratorium Local Law:

Motion was offered by Mayor Queenan, seconded by Trustee Mickolajczyk, to schedule a public hearing to be held April 12, 2018 at 7PM to entertain public comments on Introductory Local Law 4 of 2018. This local law will institute a Moratorium on certain permits and approvals for wireless telecommunication facilities.

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

d. Advertising for Expiring Seats – Planning/Zoning Board:

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 20, 2018.

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

Trustee Egan asked if there are any vacant seats. Mayor Queenan replied possibly three; two on the ZBA and one on the Planning Board.

e. Zone Change Request Presentation – Z Brach:

A request was received for a zone change on 12.83 acres of property located on Seven Springs Road (Tax Map ID# 213-1-64.2), which borders Village of Kiryas Joel and is owned by Zigmond Brach. They property is currently zoned R2A and is vacant. He wishes to subdivide and develop property consistent with the surrounding lands, which are developed with single- and multi-family housing. The request is to rezone the property from R2A to R0.25A. The property could then be developed as single-family housing on a minimum of 10,000 square feet per lot or two-family housing on a minimum of 15,000 square feet per lot. In a letter from Mr. Brach’s attorney dated December 18, 2017, it was noted that should the Village Board decline the “reasonable” request for a rezone, his client reserves all rights to seek annexation of the property into the Village of Kiryas Joel to “enforce his rights to develop the property in court”.

Mr. Robert Rosborough Mr. Brach’s lawyer stated his client is the owner of a 13 acre property on Seven Springs Road that borders the Village of Kiryas Joel. The property is in the R-2A zoning district and is currently vacant. His client wishes to subdivide and develop the property consistent with the surrounding lands, which are developed with single- and multi- family housing. His client requests that the Village Board rezone his property from R-2A to R-0.25A to permit the subdivision and development of the property. Under the R-0.25A zoning, his client's property could be developed as single-family housing on a minimum of 10,000 square feet per lot or two-family housing on a minimum of 15,000 square feet per lot. The requested re-zoning of the property is consistent with the Village's Comprehensive Plan, which encourages smart growth development in the areas of the Village most suited for it. The applicant’s property has moderate slopes, and could easily be provided access to a municipal water supply and sewer services by contract with Kiryas Joel, and no environmental constraints to development, such as floodplains and wetlands, unlike most other areas of the Village.

Mr. Brach stated he is a 38 year resident of Woodbury and has been trying to develop this property since he purchased it. He then stated that the soil is to wet and the septic would leak all over

the road, Kiryas Joel has offered to give him water and wastewater, which would be a perfect opportunity for him. He then stated if he is not allowed to do what he wants he will ask to get annexed in to the Village of Palm Tree and Kiryas Joel. He wants to live among nice homes, not within KJ where houses are right on top of each other.

Mr. Rosborough passed out a tax parcel map overlay and asked the board to reference it. He then stated his intent is to schedule a public hearing and would like to answer any questions the board may have.

Trustee Flood asked if Mr. Rosborough was aware of the letter the Village received December 4, 2017. This letter was part of a litigation between Kiryas Joel and Woodbury, within the letter it is stated that Kiryas Joel was stopping the litigation that was challenging the Village's comprehensive plan. Trustee Flood stated it seems silly that at the time that KJ was sending a letter to us, about the previous statement they were telling your client that they would send water. Second, he stated he understands the clustered housing, however through our comprehensive plan and the time and effort it took creating it, a different area was designated for that type of housing in the trans-oriented village down by the Harriman train station. Mr. Rosborough stated he is here on behalf of Mr. Brach and he is no way representing the Village of Kiryas Joel. He is a property owner who has no ties with Kiryas Joel, he is only trying to do a rezone of his property, he reached out to the Village of KJ to see if they would provide water and wastewater services, which has nothing to do with the litigation. Trustee Flood then stated by what Mr. Rosborough is saying is that there seems to be a conflict with the Orange County Comprehensive Plan. On one hand they say they like our comprehensive plan and on another they say they want the cluster housing.

Trustee Mickolajczyk asked how one would walk from this parcel to the open space, there is no road from this parcel to Gonzaga Park, nor does it border it. Mr. Rosborough stated there are no specific development plans, but to create a community you have to take the first step. The first step being a re-zone of this property. The second step being a subdivision and an application in front of the planning board.

Trustee Egan, stated the applicant mentioned the comprehensive plan multiple times, the comprehensive plan has been created with the input of the Village Board, Town Board, Planning Board, Zoning Board of Appeals, the Building Inspector, and most of all the citizens of Woodbury. The comprehensive plan was passed and ratified a couple of times, partly because of litigation that involved Mr. Brach and the Village of Kiryas Joel. Mr. Brach and the Village of Kiryas Joel have been joined on numerous issues in the past, even though the Mr. Rosborough stated before they have not. He then stated the lawyer is talking about smart growth, but what we are really talking about is having Mr. Brach develop that parcel with the most profit he could get out of it based on the higher number of units. Trustee Egan then stated before anything he would like to see a proper application, SEQRA, EAF's and a lot more information than they currently have before them. He then stated as it stands right now, he disagrees with it.

Trustee Crouse, Trustee Egan, and Trustee Flood all voiced their opinion and stated that they all have a problem with the applicant making a request with a threat at the end. Trustee Crouse stated that Mr. Brach bought this property knowing it was zoned as a two acre lot. NYS annexation law states you can't take one property out of one municipality and put it into another.

Trustee Mickolajczyk stated he finds it hard to believe that there are no environmental concerns or environmental constraints; however Mr. Brach states he can only build three houses on a two acre zone on a thirteen acre parcel. Mr. Rosborough stated they don't have a plan yet and when they come back they will have a more solid plan that shows what they are asking for. Trustee Mickolajczyk asked why six beautiful homes surrounding his property wouldn't be sufficient and make him a profit?

Mayor Queenan stated that bringing in water and wastewater keeps getting brought up, with good planning at least six houses could be put up on this parcel, Mr. Brach could drill for a well, and

there would be plenty of room for a septic system. Also, most of the board members perceived your letter as a threat, for future reference it would be in your best interest to state that your client reserves his legal rights, and simply leave it at that. The Mayor then went on to say two acre lots down to a quarter of an acre is a lot to ask for, if the applicant went in front of the Village of Woodbury ZBA or any ZBA in the country the relief that is being requested would never be allowed or received. The Mayor then asked the board what they would like to do. Trustee Flood and Trustee Crouse and Trustee Mickolajczyk stated they don't see any reason to go forward with this and are sticking to what the comprehensive plan says. Trustee Egan stated he agrees with the rest of the board members however he would like to see a more complete plan, Mayor Queenan also agreed with Trustee Egan and stated he would like a plan drawn up and presented to the board, and allow the public to speak as well.

V. Public Comment:

Samantha Armstrong stated she is running a "Tricky Tray" in conjunction with the Woodbury Animal Shelter and the Knights of Columbus to help alleviate the costs of the Woodbury Animal Shelter. All proceeds benefit the Woodbury Animal Shelter and the enhancement of the Woodbury cat program. The "Tricky Tray" will be held on Friday April 6, 2018 at St. Patrick's Gym, doors open at 7pm.

Councilman Mike Essig stated he would like to commend the Village of Woodbury Highway Department for the excellent job they did all winter when the weather was very overwhelming. He also stated he as well as the supervisor and the rest of the board are on top of the Route 32 pot-hole problem and are hoping it will be fixed soon.

Councilman Jacqueline Hernandez stated she was curious about discussions regarding the impact of these wireless satellites that may be installed in the community if it is approved. Mayor Queenan stated that is one of the Village's concerns and that is why the Village is hiring this firm, they work with our Planning Board and the firm knows what they are doing and the questions to ask. Trustee Egan stated he has talked to a lot of engineers over the past 25 years and it's his understanding that people get more less radiation traversing their bodies with these cell towers than they do with the use of their personal cell phones. Councilman Hernandez then stated she wanted to commend the Village Board for standing firm in regards to the comprehensive plan.

VI. Board Member/Department Comment:

Maria Hunter stated the Planning Board have had three cancelled meeting because of the snow storms. April 4, 2018 in their next meeting and there is a great deal on that agenda. She wanted to thank the board for moving forward with the wireless moratorium.

Trustee Mickolajczyk wanted to thank all of the Highway and Water/Sewer employees for working hard and keeping the roads safe. He also stated it is an excellent move bringing in this firm to help the Village with the cell tower laws.

Trustee Crouse thanked the Highway, Water/Sewer, Fire, Buildings and Grounds, Police, Ambulance, all Emergency services, volunteers and all Town and Village employees for the amazing job they did during the snow storms and throughout the year.

Trustee Flood stated he respects and has great admiration for the great community we live in.

Trustee Egan stated the state budget will probably be passed in the next few weeks and there are a lot of things happening in Albany, decisions that happen in Albany affect people all throughout the state. Keep an eye on things and speak up!

Mayor Queenan thanked all of the employees of the Village and Town and wished everyone a Happy Spring!

VII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Trustee Egan, seconded by Trustee Flood, to adjourn the meeting at 8:11 PM.

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

Jessica McClennan, Deputy Village Clerk