

Minutes of the Village Board Meeting at Town Hall on April 26, 2018 at 7PM

Present: Michael Queenan, Mayor  
Timothy Egan, Thomas Flood and Anthony Mickolajczyk, Trustees  
Absent: Neil Crouse, Trustee  
Also Present: Maria Hunter, Planning Board; Sandra Capriglione, Planning Board; Kelly Naughton, Esq; Scott McClennan, Fire Chief; Christopher Burke, Second Assistant Fire Chief

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Flood, seconded by Trustee Egan, to accept receipt of the minutes of the meeting held April 12, 2018.

**ADOPTED** AYES 4 Queenan, Egan, Flood, Mickolajczyk  
NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Egan, to approve Abstract 22 contains vouchers 17-1968 – 17-2046 and totaling \$ 169,745.71.

**ADOPTED** AYES 4 Queenan, Egan, Flood, Mickolajczyk  
NOES 0

c. Fire Department Equipment Requests:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to approve Fire Department Equipment Request 2018-09 totaling approximately \$136 to purchase a badge and case for the Fire Police.

**ADOPTED** AYES 4 Queenan, Egan, Flood, Mickolajczyk  
NOES 0

**II. Old Business:**

a. VOTE – Introductory Local Law – Wireless Communication Moratorium:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to declare the Village of Woodbury Board of Trustees as Lead Agency and to type this action as a Type 2 under SEQRA.

**ADOPTED** AYES 4 Queenan, Egan, Flood, Mickolajczyk  
NOES 0

Motion was then offered by Trustee Flood, seconded by Trustee Mickolajczyk, to adopt local law 2 of 2018 entitled "Moratorium - Wireless Telecommunication Facilities" to institute a moratorium on certain permits and approvals for wireless telecommunication facilities in the Village of Woodbury.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Mayor Queenan	AYES
Trustee Crouse	ABSENT
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Mickolajczyk	AYES

*A copy of the local law is printed at the end of these minutes.*

**III. New Business:**

a. Acceptance of Slate – Fire Chiefs:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to accept the following slate of officer for the Woodbury Fire Department for one year: Fire Chief/Car 1 - Scott McClennan, Jr.; First Assistant Fire Chief/Car 2 - Pasquale Prozzillo; Second Assistant Fire Chief/Car 3 - Christopher Burke.

**ADOPTED** AYES 4 Queenan, Egan, Flood, Mickolajczyk  
NOES 0

The Oath of Office was administered to Fire Chief/Car 1 - Scott McClennan, Jr.; Second Assistant Fire Chief/Car 3 - Christopher Burke. Pasquale Prozzillo; Second Assistant Fire Chief will take his oath at a later date.

b. Re-Levy – Delinquent Water Bills:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to approve the following resolution for the levy of 694 delinquent water bills from the Consolidated Water Fund that totals \$108,044.08 (complete list on file in Village Clerk’s Office):

**WHEREAS**, the Water/Sewer Administrator, Michael Phillips, prepared a list of delinquent water bills on April 13, 2018 in the Village of Woodbury Consolidated Water Fund which has been submitted to the Village Clerk, 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 2018/2019 Village property tax bill, and

**WHEREAS**, it is necessary for the Village Board adopt such resolution so the County, when printing the 2018/2019 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 2018/2019 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:**

Mayor Queenan	AYES
Trustee Crouse	ABSENT
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Mickolajczyk	AYES

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to approve the following resolution for the levy of 20 delinquent water bills from the Water #6 Fund (Amdur Park) that totals \$2616.12 (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 13, 2018 in the Village of Woodbury Water #6 Fund which has been submitted to the Village Clerk, 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 2018/2019 Village property tax bill, and

**WHEREAS**, it is necessary for the Village Board adopt such resolution so the County, when printing the 2018/2019 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 2018/2019 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:**

Mayor Queenan	AYES
Trustee Crouse	ABSENT
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Mickolajczyk	AYES

c. Schedule Public Hearing – Local Law - Hotel/Motel Moratorium:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to declare the Village of Woodbury Board of Trustee as Lead Agency and to type this action as a TYPE 2 under SEQRA.

**ADOPTED**      AYES            4            Queenan, Egan, Flood, Mickolajczyk  
                     NOES            0

Motion was then offered by Trustee Egan, seconded by Trustee Mickolajczyk, to schedule a public hearing to be held on May 10, 2018 at 7PM to entertain public comments on Introductory Local Law 7 of 2018 instituting a moratorium on the issuance of permits, certificates of occupancy, determinations, decisions and approvals for hotels and/or motels.

**ADOPTED**      AYES            4            Queenan, Egan, Flood, Mickolajczyk  
                     NOES            0

d. Schedule Public Hearing - Local Law - Parking Restrictions in Perrone Circle:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to schedule a public hearing to be held on May 10, 2018 at 7PM to entertain public comment on Introductory Local Law 8 of 2018 to amend Chapter 227 of the Village Code entitled "Parking, Prohibited" to establish parking restrictions on Perrone Circle (at the intersection of Smith Clove Road and Valley Avenue).

**ADOPTED**      AYES            4            Queenan, Egan, Flood, Mickolajczyk  
                     NOES            0

**IV. Extra Items:**

a. Schedule/Re-Schedule Various Meetings-

Motion was offered by Trustee Flood, seconded by Trustee Mickolajczyk, to conduct interviews on May 14, 2018 for vacancies on the Planning Board and Zoning Board of Appeals at 7PM.

**ADOPTED**      AYES            4            Queenan, Egan, Flood, Mickolajczyk  
                     NOES            0

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Egan, to move the May 24, 2018 Village Board Meeting to May 29, 2018 at 7PM.

**ADOPTED**      AYES            4            Queenan, Egan, Flood, Mickolajczyk  
                     NOES            0

**V. Public Comment:**      *There were no public comments received.*

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

Mayor Queenan wanted to thank Dave Mistretta, from the Woodbury Commons for donating park benches to Village Hall. He then congratulated Samantha Armstrong for the great job she did on the Tricky-Tray. Trustee Egan congratulated the Fire Chief and the new officers.

Mayor Queenan then read in a flyer that is going around about Mike Hanson a Woodbury Fire Department Member and stated Mike needs our/ the Village's help. Mike is a great guy and has spent years in service to our community, now let's pay him back in his time of need. "On September 11, 2001 the World Trade Center fell, many lives were lost. In fact many first responders are suffering today as a result of their response to ground zero. Mike Hanson is one of those first responders. Mike, is a retired member of the NYPD and was part of the Elite Emergency Service Squad. Not only did he work hard to help completed strangers on that faithful day; he is also a volunteer fireman with the Woodbury Fire Department where he has continued to serve his community. Mike is suffering from a un-diagnosable neurological disorder linked to 9/11. His treatments are expensive and not completely covered by his medical insurance. Additionally, he requires day to day care due to his limited mobility. He and his family have touched all of our lives in one way or another, whether it was just seeing him at Jay's with his beautiful grandchildren, one of his daughter's teaching your child how to swim or just one of the Hanson clan waving hello. The Woodbury Fire Company is hosting a tee-shirt fund raiser. The shirts are available for \$20.00 and all the proceeds go directly to Mike. If anyone is interested in purchasing a tee-shirt please contact Cliff Ader at [teamhansonfight4mike@gmail.com](mailto:teamhansonfight4mike@gmail.com) any cash donations; please make payable to the Highland Mills Fire Company "Fight 4 Mike" and mail it to HMFC, P.O. Box 162, Highland Mills, NY 10930."

Trustee Mickolajczyk, thanked the Mayor for reading that and making the community aware of what Mike is going through. He then stated the Mike Hanson is one of the finest human beings you will ever meet and

anything the community can do for him would be and amazing way of giving back to a man who has already given so much to his community.

**VII. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Trustee Mickolajczyk, seconded by Trustee Egan, to adjourn the meeting at 7:16 PM.

<b>ADOPTED</b>	AYES	4	Queenan, Egan, Flood, Mickolajczyk
	NOES	0	

Jessica McClennan, Deputy Village Clerk

*After adjournment the Board held a worksession to review Introductory Local Law 6 of 2018 which will amend Chapter 310 of the Code of the Village of Woodbury to clarify and expand uses permitted in the Transit Village Zoning District. Notes taken by Attorney Naughton.*

**WORKSESSION – Review of Transit Orient Development Proposed Local Law**

Village Board Work Session held at Town Hall on April 26, 2018 at 7:15PM

Present: Michael Queenan, Mayor  
Timothy Egan, Thomas Flood and Anthony Mickolajczyk, Trustees  
Absent: Neil Crouse, Trustee; Desiree Potvin, Village Clerk  
Also Present: Kelly Naughton, Esq., Special Counsel to the Village Board

**Discussion of Planning Board Referral and Recommendation: Gardens at Harriman Station Zoning Revisions:**

The Board of Trustees discussed a memorandum from the Planning Board Attorneys, dated April 11, 2018, entitled “Planning Board Referral Report: Gardens at Harriman: Zoning Revisions.” The memorandum recommended various revisions to the Village Code, primarily to § 310-31.3, related to the Transit Village Zoning District (TVZD). The Board discussed the proposed amendments, and the Planning Board’s noted concerns with several provisions. The Board did not have any objections to the proposed definitions for “microbrewery/winery” or “craft production”, but requested minor clarifications be made. Additionally, the Board requested that definitions be created for the TVZD relative to newly proposed uses in the TVZD. The Board discussed the revisions being recommended for the height of the proposed buildings, and determined that they would consider a 60-foot height limit, inclusive of mechanical structures or facilities. The Board considered a memorandum from H2M architects + engineers, Planning Board engineers, dated April 11, 2018, relative to proposed revisions to the parking standards, and agreed to incorporate the changes noted therein. After a lengthy discussion, and various modifications to the recommendations of the Planning Board, the Board of Trustees requested that Attorney Naughton prepare a local law incorporating the Planning Board recommendations, and the modifications made by the Board of Trustees this evening.

**VILLAGE OF WOODBURY  
LOCAL LAW 2 OF 2018**

**A LOCAL LAW INSTITUTING A MORATORIUM ON CERTAIN PERMITS AND APPROVALS FOR WIRELESS TELECOMMUNICATIONS FACILITIES**

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

**SECTION 1      PURPOSE AND INTENT**

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Village of Woodbury and to maintain the *status quo* while the Board of Trustees analyzes and determines potential appropriate revisions and amendments to the Village of Woodbury Code relative to its wireless and wireline telecommunications laws.

**SECTION 2      LEGISLATIVE FINDINGS**

The Village of Woodbury Board of Trustees does hereby find that appropriate measures must be taken to secure a temporary reasonable halt on certain permits and approvals for wireless and wireline telecommunications facilities to protect the public interest while the Board of Trustees completes its review and potential revisions to the Village's Code, including the necessary compliance with the analysis and procedures mandated by the State Environmental Quality Review Act ("SEQRA").

Without a temporary halt on certain permits and approvals for wireless and wireline telecommunications facilities, there is the potential that such facilities could be developed without current and adequate regulations in place, which would have materially adverse and irreversible impacts on the Town.

**SECTION 3      MORATORIUM IMPOSED; APPLICABILITY**

For a period of time of six (6) months following the effective date of the adoption of this Local Law, applications for wireless and wireline facilities may be received and reviewed by relevant Village boards and officials, but no permits, approvals or conditional approvals may be issued or granted, nor any denials, decisions or interpretations issued, by the Village Mayor, Village Board, Planning Board, Zoning Board of Appeals, or any Village official, including, but not limited to the Building Inspector, with the exception of the those listed below.

This Local Law shall be binding on the Board of Trustees, Planning Board, Zoning Board of Appeals, all Village officials and employees, and any applicant or real property owner in the Village desiring a permit or approval in the Village of Woodbury.

This local law shall not apply to the following exceptions:

1. Any wireless or wireline telecommunications facility having received approval from the Planning Board and the site plan has been signed by the Chairperson.
2. Any wireless or wireline telecommunications facility having received a building permit from the Village Building Department.
3. Recertification applications pursuant to Village Code § 310-38(P).
4. Upgrades to or collocations on existing facilities that do not present a substantial change to the facility in accordance with the Middle Class Tax Relief and Job Creation Act.

During the period of the moratorium, the Village Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Village of Woodbury Code.

**SECTION 4      TERM**

This moratorium shall be in effect for a period of six (6) months. This moratorium may be withdrawn or lifted at any time by a resolution of the Village Board.

This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Village Board.

**SECTION 5      EFFECT ON OTHER LAWS**

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 7 of the New York State Village Law, this Local Law shall control.

**SECTION 6      WAIVER**

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Board of Trustees may, but is not obligated to, promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this moratorium if it subsequently determines that a waiver process is necessary and in the best interests of the Village.

**SECTION 7      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 8      EFFECTIVE DATE**

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