

Minutes of the Village Board Meeting held on May 10, 2018 at 7PM

Present: Michael Queenan, Mayor  
Neil Crouse, Timothy Egan, Thomas Flood and Anthony Mickolajczyk, Trustees  
Absent: None  
Also Present: Sandra Capriglione, Maria Hunter and Chris Scibelli, Planning Board; Joseph Gianzero, Town Parks Director

**I. Public Hearings:**

a. Introductory Local Law 7 of 2018 - Moratorium on Hotels/Motel:

A public hearing was held to entertain public comments on the adoption of a local law instituting a moratorium on the issuance of permits, certificates of occupancy, determinations, decisions and approvals for hotels and/or motels. The public notice was printed in the Times Herald Record on May 3, 2018 and the following comments were received:

Mayor Queenan noted 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 zoning regulations applicable to the location, density, height and other bulk regulations of hotels and motels.

Geroge Lithco (comments printed at the end of these minutes) spoke representing his client, Aeon, which owns property on Estrada Road and has a pending application before the Planning Board. They are scheduled to be on the Planning Board agenda next week after a brief interlude due to litigation. The law states there are five applications pending but he is aware of only three, one of which is his clients. He believes that only his client's property will be effected by the moratorium since the other applications have not begun their process. His client's application process is at the point where they should be receiving conditional approval and feels his clients application should be grandfathered. He then summarized some points that are contained in his letter and he asked the Board to consider these points in its deliberations.

William Frank, representing his client Bilah Ahmed, does not have an application that has been submitted yet but spoke to the Village Board in March about a potential project. His client does not necessarily object to the moratorium and agrees/understands the law needs some adjustments. He understands the moratorium is for a six month period and asked if a draft of new regulations has begun or will it start after the moratorium has been instituted. Mayor Queenan stated the process has started. Mr. Frank asked if the Board believes the six months will be sufficient to finish the process and Mayor Queenan stated he hopes so but is not prepared to commit to an answer at this time. The Board intends to go through the process and take a hard look at amendments that may be proposed.

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

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

Motion was then offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to adopt Local Law 3 of 2018 entitled "Moratorium – Hotel/Motel" as printed at the end of these minutes.

**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 8 of 2018 - Parking, Prohibited:

A public hearing was held to entertain public comments on the adoption of a local law amending Chapter 227 of the Village Code entitled "Parking, Prohibited" by setting parking restrictions on Perrone Circle (intersection of Smith Clove Road/Valley Avenue). The public notice was printed in the Times Herald Record on May 3, 2018 and the following comments were received:

Mayor Queenan noted the purpose of this local law is to enable customers of the businesses and services in this specific area of the Village to park. Currently there are vehicles that are parked in this location all day long which defeats the purpose of having a business area in this part of the Village. He added that residents will not be affected by this proposed law since the restriction will be enforced Monday – Friday, 8AM-5PM only.

Trustee Crouse asked if permits could be issued to the business owners to allow them to park there all day and Mayor Queenan there is no mechanism in place for that. He added this is part of the reason the law has been deemed necessary.

With no further comments 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

Motion was then offered by Trustee Egan, seconded by Trustee Mickolajczyk, to adopt Local Law 4 of 2018 entitled "Parking, Prohibited" as printed at the end of these minutes.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

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

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Flood, seconded by Trustee Mickolajczyk, to accept receipt of the minutes of the meeting held April 26, 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 23 containing vouchers 172047 – 172123 and totaling \$157,000.05

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

c. Approval of Budget Modifications:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Flood, to approve a modification to the budget of the Consolidated Water fund totaling \$3910 by decreasing FC9010.800 (NYS Retirement) by \$3910 and increasing FC1980.400 (MTA Payroll Tax) by \$200, FC8310.442 (Lab Testing) by \$3500, FC8310.467 (Corpro Agreement) by \$210.

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

Motion was then offered by Trustee Flood, seconded by Trustee Egan, to approve a modification to the budget of Consolidated Sewer fund totaling \$6130 by decreasing GC9010.800 (State Retirement) by \$6130 and increasing GC1980.400 (Judgment/Claims) by \$200, GC8110.403 (Heating Oil/Gas) by \$2000, GC8110.404 (Water Bills) by \$160, GC8110.409 (Manhole Riser) by \$840, GC8110.414 (Attorney) by \$2170, GC8110.434 (Contracts/Permits) by \$450, GC8110.453 (Vehicles Repairs) by \$450.

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

Motion was then offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to approve a modification to the General Fund for the Highway Department totaling \$403,950 by increasing A1090 (Interest on Property Tax) by \$23,000, A1120 (Sales Tax) by \$160,000, A2389 (Other Home/Community) by \$22,500, A2401 (Interest & Earnings) by \$24,000, A3001 (State Aid – AIM) by \$27,000, A3089 (State Aid – Grants) by \$79,000, A909 (Fund Balance) by \$68,450 and increasing A5010.416(Uniforms) by \$440, A5010.422 (Drug Testing) by \$720, A5110.407 (Traffic Control) by \$3000, A5110.416 (Uniforms) by \$250, A5110.448 (Miscellaneous Repairs) by \$800, A5110.451 (Tools) by \$3100, A5110.465 (Blacktop) by \$250,000, A5110.469 (Drainage Pipe) by \$32,140, A5110.480 (CHIPS Contingency) by \$25,235, A5130.417 (Flares/Oxygen) by \$360, A5130.447 (Truck Parts/Repairs) by \$15,000, A5130.454 (Oil/Lubrication) by \$1300, A5130.455 (Tires) by \$10,210, A5130.468 (Sweeper Repairs) by \$5160, A5140.425 (Grounds/Weed Cont) by \$7000, A5142.447 (Snow Truck Rep) by \$1240, A5142.466 (Salt/Liquid Calcium) by \$7800, A5410.472 (Sidewalks/Curbs) by \$4075, A5410.480 (OCCD Grant) by \$36,120.

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

Motion was then offered by Trustee Flood, seconded by Trustee Egan, to approve a modification to various departments in the General Fund totaling \$244,485 by decreasing A1010.403 (VB Videographer) by \$330, A1010.412 (VB Awards/Recognition) by \$100, A1410.435 (VC Lawbook Supplements) by \$1570, A1420.420 (Annexation Litigation) by \$40,450, A1610.404 (Gen Real Estates Tax) by \$4115, A1910.400 (Unallocated Insurance) by \$14,000, A3020.400 (Emergency Notification) by \$3400, A3410.453 (FD Vehicle Repairs) by \$3620, A3620.453 (BD Vehicle Repairs) by \$720, A8020.402 (Comp Plan) by \$40,000, A9025.800 (Service Awards) by \$42,000, A9040.800 (Workers Comp) by \$38,000, increasing A1120 (Sales Tax) by \$56,180 and increasing A1010.411 (VB Office Supplies) by \$400, A1010.444 (VB Schools/Dues) by \$30, A1410.201 (VC Equipment) by \$1375, A1410.411 (VC Office Supplies) by \$100, A1410.463 (VC Comp Maintenance) by \$70, A1420.401 (Attorney Contractual) by \$40,000, A1420.404 (Attorney Labor) by \$450, A1440.401 (Engineer Contractual) by \$125,000, A1460.411 (Records Management Supplies) by \$25, A1610.406 (Gen Build/Grounds) by \$20,000, A1610.407 (Gen Heat/Air Use/Rep) by \$6000, A1920.400 (Municipal Dues) by \$290, A1930.400 (Judgments/Claims) by \$3000, A3410.411 (FD Office Supplies) by \$620, A3410.455 (FD Equipment Rep) by \$3000, A3620.200 (BD Equipment) by \$100, A3620.436 (BD Book/Publications) by \$620, A9010.800 (NYS Retirement) by \$43,405.

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

d. Authorize Mayor/Clerk to Sign - FY18/19 Collection Warrant:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to authorize the Mayor and Village Clerk to sign the FY2018/2019 Collecting Officer's Warrant totaling \$6,777,990.00.

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

e. Appointment of Temporary Summer Help - Highway Department:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to approve the appointment of Kirk Villacres as a seasonal laborer with the Highway Department from June 4, 2018 to September 28, 2018. This seasonal position will be 40 hours per week and will be paid \$15/hour.

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

g. Fire Department Equipment Requests:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to approve Fire Department Equipment Request 2018-14 totaling approximately \$26,970.29 for the purchase of various turnout gear and 2018-15 totaling approximately \$9316 for the purchase of upgrading emergency lighting for L503.

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

h. Adoption of FY18/19 Holiday Schedule:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to adopt the FY2018/2019 Holiday schedule as follows: July 4 (Wednesday) Independence Day, September 3 (Monday) Labor Day, October 8 (Monday) Columbus Day, November 12 (Monday) Veterans Day Observed, November 22 (Thursday) Thanksgiving, November 23 (Friday) Day after Thanksgiving, December 24 (Monday) Floating Holiday, December 25 (Tuesday) Christmas Day, January 1 (Tuesday) New Year's Day, January 21 (Monday) Martin Luther Day, February 18 (Monday) President's Day, and May 27 (Monday) Memorial Day.

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

i. Fire Department Membership – Status Change:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to change the status of Ronald Presti from “inactive” to “active” effective immediately as requested by Fire Chief McClennan.

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

**III. Old Business:**

a. Motion to Re-Introduce Law - Transit Village Zoning District:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to introduce Introductory Local Law 6 of 2018 amending Chapter 310 of the Code of the Village of Woodbury to clarify and expand uses permitted in the Transit Village Zoning District.

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

**IV. New Business:**

a. Insurance Policy Renewal - FY2018/2019:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to accept the proposal received from Marshall & Sterling for insurance coverage for the FY2018/2019 totaling \$137,354.69 plus adding “Cyber Breach and Liability Coverage” at a cost of \$693.

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

b. Approval of Filming Permit:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to approve a filming permit to be issued to Community Films for the filming of a commercial at Woodbury Common May 8-11, 2018. It was noted that insurance requirements have been fulfilled and the permit fee has been paid.

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

**c. Road Closure Request - Block Party - Sutherland Drive:**

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Egan, to approve the closure of Sutherland Drive (from Washington to Thayer) on June 23, 2018 from 6PM – 10PM for the residents of this area to hold a block party.

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

**EXTRA ITEM – Road Closure Request – Valley Avenue for Farmers Market:**

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to approve the closure of Valley Lane (from Perrone Circle to Perrone Lane) on Sundays beginning June 3 through November 18 from 9AM – 4PM for the purpose of the Woodbury Chamber of Commerce to hold a farmers market.

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

The Board indicated they are very excited about this proposal. Chamber President Joseph Gianzero thanked the Board for approving this request adding he feels it will be a great benefit to the community.

**V. Public Comment**      *There was no public comment.*

**VI. Board Member/Department Comment**

Trustee Crouse thanked the community for their support while he was in the hospital. There was tremendous public outpour and he greatly appreciates it.

Clerk Potvin announced the upcoming plans for a fundraiser for Michael Hanson that is being held by the Chamber of Commerce, Lions Club, Knights of Columbus, Community Association and Highland Mills Fire Company. Mayor Queenan added the fire company is also selling t-shirts to raise funds as well.

Mayor Queenan noted the Lions Club will be holding a food drive and free breakfast event on May 19 at the CV Methodist Church 8AM-11AM.

**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 7:35PM.

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

Desiree Potvin, Village Clerk



**JACOBOWITZ  
AND GUBITS<sup>LLP</sup>**  
COUNSELORS AT LAW

May 10, 2018

Mayor Michael Queenan and Board of Trustees  
Village of Woodbury  
Village Hall  
PO Box 546  
Central Valley, NY 10917

Re: Proposed Local Law 7-2018  
Moratorium on Hotel and Motel Uses  
Our File No.: 11983-003

Dear Mayor Queenan and Trustees:

This letter is submitted for the public hearing on proposed Local Law 7 of 2018 on behalf of our client Aeonn LLC (Aeonn).

Aeonn is the owner of property at 100 Estrada Road. That property has been zoned in the IB Zoning District since the Village adopted zoning, and before that, it was zoned in the IB Zoning District of the Town. A hotel has been an allowed use in the IB Zoning District since at least 1995, subject to site plan and special use permit approval.

As you know, Aeonn made application to the Planning Board in October, 2014, proposing to develop a hotel on its property. Following modification of the proposed site plan and review by the Planning Board and its consultants, the Planning Board issued a SEQRA negative declaration.

Following a public hearing on the proposed site plan, the applicant addressed every substantive issue raised at the hearing. The Planning Board thereafter reaffirmed its SEQRA determination in December, 2016.

Due to the adoption of Local Law 3 of 2016, Aeonn was compelled to seek a variance from the frontage requirement of that law. The required proceedings before the ZBA to obtain that variance prevented the site plan process from proceeding to a timely conclusion. Local Law 3 was subsequently held to be invalid and annulled by Supreme Court, Orange County, which observed that the law appeared to be "quite obviously" directed at Aeonn's proposed hotel. But for that delay, the Aeonn site plan would already have been approved.

Gerald N. Jacobowitz  
David B. Gubits  
Howard Protter  
J. Benjamin Gailey  
Mark A. Krohn\*  
John C. Cappello  
George W. Lithco  
Michele L. Babcock  
Gary M. Schuster  
Marcia A. Jacobowitz  
William E. Duquette  
Kara J. Cavallo  
Andrea L. Dumais  
Alanna C. Incono\*  
Jennifer S. Echevarria  
Kelly A. Pressler  
Robert M. Leland  
Christopher J. Cardinale  
Allison G. Cappella  
Michael Wagner  
Donald G. Nichol\*\*  
Larry Wolinsky\*\*  
John H. Thomas, Jr.\*\*

\*LLM IN TAXATION  
\*\*OF COUNSEL

**REPLY TO:**  
158 Orange Avenue  
P.O. Box 367  
Walden, NY 12586  
tel. (845) 778-2121  
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548 Broadway  
Monticello, NY 12701  
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JACOBOWITZ.COM



With respect to the proposed moratorium local law, we note the following:

1. The proposed local law recites that a moratorium is needed because the Village has “received notification” that five hotels or motels will be seeking approval for development in the Village. While the Village may benefit from review and revision of its zoning, the alleged need for a moratorium is not supported by the facts.

One of those proposed hotels is presumably the hotel proposed for property seeking approval as a Transit Village Zoning District development, where hotels are allowed by zoning adopted in 2011. The proposed moratorium law specifically excludes that hotel.

Moreover, “notification” is not an application.

Based on the public record, it appears that the Village has no more than three actual applications. One involves the former Cabela’s property and one involves property at the intersection of Route 32 and Turners Road.

The third is the Aeonn property. That application was made in October 2014 and under review at the Planning Board since December, 2014.

The first two of those applications have sought, or will need to seek, relief from the Zoning Board of Appeals. If that relief is granted, they will then need to seek approvals from the Planning Board. Thus, only *one* of those actual applications is able to receive site plan approval during the six-month term of the proposed moratorium: the Aeonn application.

The only conclusion that can be drawn is that the real purpose of Local Law 7 is to prevent the Aeonn application from obtaining approvals that have already been greatly delayed by an invalid law, one that was “quite obviously” directed at Aeonn’s project.

2. When the Village adopted its current zoning law by Local Law 4 of 2011, the Board specifically grandfathered applications which had received a negative declaration from the Planning Board. In doing so, the Board recognized that those applications had undergone significant review and incurred substantial costs, and for those reasons, should be protected from the imposition of the new zoning measures in that law.

It may be appropriate for the Village to consider the need for revisions to its comprehensive plan and zoning law to guide future development applications. However, fundamental fairness and equity dictate that those new rules should apply to new applications, not existing applications that have been fully reviewed, found consistent with the existing zoning and found by the Planning Board not to have any potential for a significant adverse environmental impact on the community.

For the same reasons it did so in 2011, the Board of Trustees should revise proposed Local Law 7 to grandfather the Aeonn application.

3. Aeonn acquired its property in reliance on the longstanding zoning of the property, which was not changed or modified when the Village adopted its Comprehensive Plan and zoning law in 2011. It proceeded to develop a plan for a proposed use expressly permitted by that zoning, and the Planning Board reviewed that plan after a public hearing and concluded the proposed action would not have a significant adverse environmental on any of the environmental factors, including traffic, community character and the comprehensive plan.

It reaffirmed that conclusion after consideration of the issues raised at the public hearing, and review of a pedestrian safety and supplemental traffic report conducted in 2016.

The site plan review process allows for appropriate conditions to address any substantive land use impacts identified in the course of that review. Since the ability to address the impacts of any proposed use – not just hotels – protects the legitimate interests of the Village and its residents, Aeonn’s application should be excluded from the proposed moratorium and allowed to proceed to the conclusion of that process.

4. If the Board adopts a moratorium that is so obviously the result of generalized opposition to a specific project, not a valid public purpose, the Village sends a message to property owners and prospective developers that the uses allowed by the IB zoning district are subject to a de facto referendum.

That message creates significant uncertainty for existing and future property owners. That uncertainty extends to any of the uses allowed in the IB zoning district, not just hotels. That message is fundamentally adverse to the overall economic development goals of the Village and should be rejected.

5. In adopting Local Law 3 of 2016, the articulated purpose of requiring access onto a State highway or County Road was to provide convenient access to the public and customers, ensure access by emergency services and allow evacuation in the event of emergencies.

If the Board believes that the Village’s existing zoning requires a moratorium because it allows hotels in the IB zoning districts of the Village, the Board should extend that moratorium to include other commercial uses with similar characteristics, such as office parks or shopping centers, or explain what factors distinguish a hotel use from the other commercial uses.

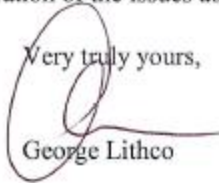
For the reasons above, we believe the Board has no valid need or reason to adopt a moratorium on hotels. If the Board elects to do so, it should include a provision that excludes any application that has already received a negative declaration from the Planning Board.



We note that the proposed moratorium law, as drafted, applies to any permit, certificate of occupancy, determination, decision or approval for hotels or motels, including those by the Building Inspector. Before it takes action on this law, the Board should consider the impact that the moratorium will have on the operation of existing hotel and motel uses in the Village.

We appreciate the Board's consideration of the issues above.

Very truly yours,

A handwritten signature in black ink, appearing to read "George Lithco", written over the typed name.

George Lithco

cc: Client

**VILLAGE OF WOODBURY  
LOCAL LAW No. 3 OF 2018**

**A LOCAL LAW INSTITUTING A MORATORIUM ON THE ISSUANCE OF PERMITS, CERTIFICATES OF OCCUPANCY, DETERMINATIONS, DECISIONS, AND APPROVALS FOR HOTELS AND/OR MOTELS**

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 zoning regulations applicable to the location, density, height and other bulk regulations of hotels and motels.

**SECTION 2: LEGISLATIVE FINDINGS**

Within the past year, the Village of Woodbury has received notification that no less than five hotels and/or motels will be seeking approvals for development in the Village of Woodbury. The Village of Woodbury Board of Trustees does hereby find that appropriate measures must be taken to secure a temporary reasonable halt on the issuance of permits, certificates of occupancy, determinations, decisions, and approvals for hotels and/or motels to protect the public interest, while the Board of Trustees completes its review and consideration of potential revisions to the Village's Code and Comprehensive Plan as to the proper locations, and special permit and bulk table requirements, for hotels and motels. This review will include the necessary compliance with the analysis and procedures mandated by the State Environmental Quality Review Act ("SEQRA").

Without a temporary halt on the issuance of permits, certificates of occupancy and approvals, and any determinations/decisions regarding Code interpretations and variances, for hotels and/or motels, there is the potential that these uses could be located in areas within the Village which would be unsuitable, or where proper dimensional use regulations are not currently in place or may be inadequate. The potential for the unsuitable location of, and lack of proper dimensional and use regulations for, such uses may have materially adverse and irreversible impacts to the Village and its orderly development.

The Village of Woodbury desires to maintain the status quo by prohibiting the issuance of any permit, certificate of occupancy, determination, decision, and/or approval for hotels and/or motels by the Village Mayor, Board of Trustees, Planning Board, Zoning Board of Appeals, or any Village official, including, but not limited to the Building Inspector. The Board of Trustees is in need of the time necessary to perform its review and analysis of the Village's Comprehensive Plan and Zoning Code provisions regarding hotels and/or motels. This analysis and study includes, but is not limited to, studies concerning the propriety of this type of development in the areas where they are currently permitted, and in the manner that they are currently allowed. By maintaining the status quo on such permits, certificates of occupancy, determinations, decisions, and approvals until such time as appropriate consideration and potential amendments to the Village Code and Comprehensive Plan, if any, are adopted, the Board of Trustees can provide for the planned orderly growth and development of the Village.

**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 hotels and/or motels development may be received and reviewed by relevant Village boards and officials, but no permits, certificates of occupancy, approvals or conditional approvals may be issued or

granted, nor any denials, determinations, decisions or interpretations issued, for hotels and/or motels by the Village Mayor, Village Board of Trustees, Planning Board, Zoning Board of Appeals, or any Village official, including, but not limited to the Code Enforcement Officer and/or Building Inspector.

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, certificate of occupancy, determination, decision, or approval in the Village of Woodbury for a hotel and/or motel.

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 or Comprehensive Plan.

This moratorium shall apply to every zoning district and overlay district in the Village, except for the unique singular purpose Transit Village Zoning District (and to the extent any overlay zones are applicable in said District), wherein hotels and/or motels are presently being addressed as a part of an overall amendment of regulations applicable to this District.

#### **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 concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, 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.

**VILLAGE OF WOODBURY  
LOCAL LAW 4 OF 2018**

A LOCAL LAW AMENDING CHAPTER 227 OF THE VILLAGE CODE ENTITLED "PARKING, PROHIBITED"  
SETTING PARKING RESTRICTIONS ON PERRONE CIRCLE (SMITH CLOVE ROAD/VALLEY AVENUE)

Be it enacted by the Village of Woodbury Board of Trustees as follows:

**Section 1**

A new section 227-2(l) is hereby enacted as follows:

227-2(l) Perrone Circle (located at the intersection of Smith Clove Road and Valley Avenue) is hereby established as a "Two Hour Parking between the hours of 8AM-5PM, Monday-Friday" parking area and shall be marked by the signage.

**Section 2 Severability**

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 Town Board of the Town 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 3 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.