

Minutes of the Village Board Meeting held on June 13, 2019 at 7PM

Present: Michael Queenan, Mayor
Timothy Egan, Thomas Flood and Jesus Gomez, Trustees
Absent: Andrew Giacomazza, Trustee
Also Present: Jessica McClennan, Deputy Village Clerk; Kelly Naughton, Attorney for the Village

I. Re-Organization Meeting:

a. Consultants for the Village:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to appoint the following consultants for the FY2019/2020:

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|----------------------------|--|
| Engineers for the Village: | H2M Architects + Engineering |
| Attorney for the Village: | Feerick MacCartney Nugent Burke, Miele, Golden, Naughton Dennis Lynch, Esq. Kornfeld Rew Newman & Simeone |
| Planner for the Village: | Nelson Pope & Voorhis |
| Attorney for the ZBA: | Robert Dickover |

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
NOES 0

Authorize Engineer to File:

Motion was offered by Trustee Egan, seconded by Trustee Gomez, to authorize H2M Architects + Engineering, as the Engineers for the Village, to file application to all regulatory agencies, as required, on behalf of the Village of Woodbury in FY2019/2020 for those projects authorized by the Village Board.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
NOES 0

b. Deputy Mayor:

Mayor Queenan stated he appoints Timothy Egan as Deputy Mayor.

c. Membership in State Association:

Motion was offered by Trustee Flood, seconded by Trustee Gomez, to authorize the Village Clerk to enroll the Village as members with the New York State Conference of Mayors (NYCOM); the Orange County Association of Towns, Villages and Cities; the Orange County Municipal Planning Federation; Orange County Water Authority (Moodna) and the Woodbury Chamber of Commerce.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
NOES 0

d. Designation of Official Newspaper:

Motion was offered by Trustee Gomez, seconded by Trustee Flood, to designate the Times Herald Record as the official newspaper for the Village.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
NOES 0

e. Investment Policy/Designation of Depository/Audited of Abstract Vouchers:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to adopt the Investment Policy of the Village as follows:

“The objectives of the Investment Policy of the Village of Woodbury are to minimize risk, to insure that investments mature when cash is required, and to insure a competitive rate of return. In accordance with this policy, the Mayor is authorized to invest Village funds which are in excess of current operating needs. Village investments are governed by applicable New York State Laws.

That the Mayor make the following types of investments, for the present, until other types of investments are submitted to the Village Board:

- a. Direct purchase of guaranteed obligations of the United States Government or obligations of the State of New York and its political subdivisions.
- b. Direct purchase of Certificates of Deposit from the designated depositories of the Village. Such Certificates of Deposit are to be collateralized by obligations enumerated in item “a” above.
- c. Direct purchase through Repurchase Agreements of guaranteed obligations of the United States Government. Such Repurchase Agreements should be executed either through the designated depositories of the Village or those brokerage firms which are primary United States Government dealers which report to the Federal Reserve Bank of New York.
- d. Time Deposit Accounts are designated depositories of the Village. Such accounts are to be collateralized by the Federal Deposit Insurance Corporation or by obligations enumerated in item “a” above.

The Mayor shall deposit all monies received and said monies shall be released together with the related sureties from any liabilities for loss of such monies by reason of the default or insolvency of any such depository.

The following bank is to be designated as the official bank for the Village:

Sterling National Bank, Monroe
Lakeland Bank, Highland Mills

The Mayor shall be authorized to invest funds of the Village in this bank during the 2019/2020 Fiscal Year under the following guidelines:

- a. All accounts shall be collateralized at 105% and said collateralization shall be held by a third party bank.
- b. Collateralization shall be in accordance with the Comptroller's guidelines.
- c. All designated banks will be contacted for competitive rates on an ongoing basis.”

The Mayor shall be authorized to deposit any Village monies in this bank during the 2019/2020 fiscal year.

Prior to all invoices being paid, they must be attached to vouchers which must be signed by at least two members of the Board. An “abstract of audited vouchers” will be prepared by the Village Treasurer for action by the Board. After the Board votes to approve payment, a record of the check issued for payment must be attached to the voucher indicating who the check was written too, the date payment was made and the amount of the payment.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
 NOES 0

f. Mileage Reimbursement/Food Stipend:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to reimburse members of the Village Government and its employees, when on official business or duty for the Village:

- 1) the rate established annually by the Internal Revenue Services for the use of their personal vehicle (includes gas and wear/tear). Vouchers are to be completed and filed with the Village Treasurer before reimbursement is made

- 2) not more than \$50 per day for food purchased while attending a Board approved conference/ meeting that is held for an entire day and is for Village related issues, if not included in the registration cost. Alcohol will not be reimbursed. Complete receipts must be submitted with voucher.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
 NOES 0

g. Board Liaisons/Appointed Positions:

Motion was offered by Trustee Flood, seconded by Trustee Gomez, to establish the following liaisons of the Village Board:

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|-----------------------------------|-----------------------------------|
| Liaison to Town Board | Mayor Queenan, Trustee Egan |
| Liaison to Planning Board | Trustees Flood, Gomez |
| Liaison to Zoning Board | Trustees Egan, Giacomazza |
| Liaison to Fire Department | Trustees Egan, Flood |
| Liaison to Water/Sewer Department | Mayor Queenan, Trustee Giacomazza |
| Liaison to Building Department | Mayor Queenan, Trustee Gomez |
| Liaison to Highway Department | Trustees Flood, Gomez |
| Employee Liaisons | Mayor Queenan, Trustee Giacomazza |
| Insurance Liaisons | Trustees Giacomazza, Gomez |

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
 NOES 0

Motion was then offered by Trustee Flood, seconded by Trustee Gomez, to appoint the following individuals to the following positions:

| | |
|----------------------------|-----------------|
| Appeals Officer for FOIL's | Michael Queenan |
| Procurement Officer | Michael Queenan |

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
 NOES 0

h. Meeting Dates and Meeting/Public Comment Procedures:

Motion was offered by Trustee Gomez, seconded by Trustee Egan, to adopt the following meeting procedures:

“That the Village Board hold regular meetings on the second and fourth Thursday of each and every month at 7PM, at Village Hall, 615 Route 32, Highland Mills, New York. If cancelled, notification will be given to the media and posted on the official signboard of the Village Clerk. Special meetings are to be called by the Mayor and all Trustees will be notified by telephone, electronic mail, in person or by postal service by the Village Clerk at least twenty-four hours in advance of the meeting unless in the opinion of the Mayor emergency conditions dictate the necessity of shorter notice. Agendas will be prepared by the Village Mayor and Clerk no later than twenty-four hours prior to all meetings. Items can be added and deleted when needed. Minutes of the meetings will be prepared by the Village Clerk in accordance with the Open Meetings Law. When action is required, a motion, followed by a second, will be asked for by the Mayor. A discussion can then be held and then each member will vote verbally on the issue (one vote per member). When required, the Board will be polled by the Village Clerk. If there is a dispute as to the form or priority of motions or other meeting procedural issues not set forth herein Roberts Rules of Order shall prevail, consistent with New York municipal law, with the Attorney for the Village acting as Parliamentarian. When all business is finalized, the meeting will be adjourned. Any deviation from these procedures must be determined by the Village Board.”

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
 NOES 0

Motion was then offered by Trustee Gomez, seconded by Trustee Egan, to adopt the following procedure to be followed during the public comment segment of the meetings:

- a. The public may speak only during public comment or at any time the Village Board permits, for a period of five minutes. Time cannot be yielded to other members of the public.
- b. Comments are to be made to the Village Board only, not other members of the public or individual Board members.
- c. Speakers will observe commonly accepted rules of courtesy, decorum, dignity and good taste when addressing the Board and making comments.
- d. Written communication will be accepted/presented to the Village Clerk.

Any deviation from these procedures must be determined by the Village Board.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
 NOES 0

j. Procurement Policy:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to adopt a procurement policy as follows:

WHEREAS, General Municipal Law (GML) 104-b requires every municipality to adopt internal policies and procedures governing all procurements of goods and services not subject to the bidding requirements of GML 103 or any other law; and,

NOW, THEREFORE, BE IT

RESOLVED that the Village of Woodbury does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103. "Purchaser" is defined as a Village official, board member, department head or individual assigned by the department head to have purchasing authority. Pursuant to GML 104-b, they are listed as follows:

| | |
|------------------------|---|
| Building Department | Gary Thomasberger, Maria Rubio, Marian Tipaldo, John Hand |
| Highway Department | Robert Weyant, William Woznick, Sheila Beadle |
| Fire Department | Scott McClennan, Pasquale Prozzillo, Christopher Burke, Dan Ward |
| Water/Sewer Department | Michael Phillips, Jason Braghirol, Jean Mundy |
| Mayor/Trustees | Michael Queenan, Desiree Potvin, Jessica McClennan |
| Clerk/Treasurer | Desiree Potvin, Jessica McClennan, Carol Herb |

Guideline 2. All purchases of (a) supplies or equipment which will exceed \$20,000 or (b) public works contracts over \$35,000 shall be formally bid pursuant to GML 103. In 2013 this amendment to GML 103 will sunset and the limits will return to \$10,000 for all purchases of supplies or equipment and \$20,000 for all public works contracts. When/If this occurs, then the limits listed in Guideline 3 exceeding the current limits will be null and void.

Guideline 3. Purchases of supplies or equipment shall require the following:

| | |
|--|---|
| Less than \$20,000 but greater than \$10,000 | Three written quotes with documentation |
| Less than \$10,000 but greater than \$5,000 | Two written quotes with documentation |
| Less than \$5,000 | Left to discretion of Purchaser |

Pursuant to GML 103(1) purchases of "commodities, service or technology" may not be "artificially divided" for the purposes of satisfying the "discretionary buying thresholds". "The reasonably expected

aggregated amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of the purchase” must be considered.

Purchases of public works/service contracts shall require the following:

| | |
|--|---|
| Less than \$35,000 but greater than \$20,000 | Three written quotes with documentation |
| Less than \$20,000 but greater than \$5,000 | Two written quotes with documentation |
| Less than \$5,000 | Left to the discretion of the Purchaser |

Any written request for proposals (RFP) shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors for which quotes have been received by using the form provided by the Village Clerk. All information gathered in complying with the procedures of this policy shall be preserved and attached to the voucher that is submitted for processing of payment to the successful vendor.

In the event that a diagnostic examination results in charges that will fall under a procurement threshold requiring a form of documentation other than initially anticipated, management will determine if the work can proceed without fulfilling the standard requirements of the applicable threshold.

Guideline 4. The lowest responsible proposal/quote shall be awarded unless the Purchaser prepares a written justification providing reasons why it is in the best interested of the Village and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgments shall also be documented.

Guideline 5. A good-faith effort shall be made to obtain the required number of proposals/quotes. If the Purchaser is unable to obtain the required number of proposals/quotes, the Purchaser shall document the attempt(s) made. In no event shall the inability to obtain the proposals/quotes be a bar to the procurement.

Guideline 6. Except when directed by the Village Mayor, no solicitation of proposals/quotes shall be required under the following circumstances:

- a) Acquisition of professional services;
- b) Emergencies;
- c) All purchases made under the emergency exception must meet the following criteria: 1) need arises from an accident or unforeseen occurrence or condition; 2) need affects public buildings/property or life, health and safety; 3) immediate action is needed and cannot await competitive bidding or competitive offering.
- d) Sole-Source situations;
- e) Goods purchased from agencies for the blind or severely handicapped;
- f) Goods purchased from correctional facilities;
- g) Goods purchased from another governmental agency;
- h) Goods purchased at auction;

Guideline 7 This policy shall be reviewed annually by the Village Board of Trustees at its organizational meeting or as soon thereafter as is reasonably practicable.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
 NOES 0

k. Fee Schedule:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to adopt the 2019/2020 fee schedule as follows:

Zoning Board of Appeals:

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|--|-------|
| Special Permit | \$200 |
| Residential Area Variance | \$250 |
| Residential Use Variance | \$300 |
| Commercial Area Variance | \$500 |
| Commercial Use Variance | \$750 |
| ZBA Interpretation of Code | |
| Residential | \$250 |
| Commercial | \$500 |
| Review of Ruling by Code Enforcement Officer | \$250 |

In addition to the fees listed above all residential subdivisions consisting of three or more lots and all commercial applications require the posting of an escrow in the amount of \$2,500.00 prior to an appearance before the Zoning Board to cover the cost of all consulting fees for the application. If the escrow account falls below \$1,000.00 additional funds must be posted to continue the application process. Applicant is responsible for final payment of all consultant fees prior to final decision rendered by the Zoning Board of Appeals. Please contact the Building Department for more information.

Planning Board:

| | |
|---------------------------------|------|
| Special Permit, new and renewal | \$75 |
| Site Plan | \$75 |
| Subdivision | \$75 |

Board of Trustees:

| | |
|----------------|-----------------|
| Towing Permit | \$3000 per year |
| Special Permit | \$75 |

In addition, pursuant to Chapter 65 of the Village Code entitled "Taxpayer Protection" Act, escrow accounts will be required to be posted to cover all consultant costs incurred for an application. Please contact the Village Clerk for more information.

Subdivisions, minor and major, excluding planned unit development:

| | |
|----------------------|--------------|
| Minor | \$100 |
| Major | |
| Sketch Plan Approval | \$25 per lot |
| Preliminary Approval | \$50 per lot |
| Final Approval | \$25 per lot |

This sum shall be refunded by the Village if the Planning Board determines that such amount is not required.

Site Plan Approval:

| | |
|--|-------|
| Existing structures or additions to existing structures | \$100 |
| New development, business or industrial structures | \$500 |
| Mobile home court | \$75 |
| <i>per mobile home, per application and/or renewal of special permit</i> | |
| Site plan and subdivision inspection escrow fee: | |

not less than 4% nor greater than 6% of the amount of the value of construction, which amount is to be estimated by the Village Engineer, to help defray costs of observing the work to provide better assurance to the Village that it is in accordance with approved plans for the construction of roads, water systems, sewer systems and other utilities in the development

Building Department:

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|---|--------------------------------------|
| Floodplain letter | \$20 per letter |
| Building Permit (based on total cost of construction including labor) | |
| Residential | \$10 per thousand |
| Commercial | \$12 per thousand |
| Certificate of occupancy or copies | \$25 |
| Amendment to building permit | \$100 |
| Extension of building permit | \$10 per month (three month minimum) |
| Fire permit | \$100 |
| Blasting permit | \$100 |
| Bungalow permit | \$10 per unit |
| Floodplain development permit | \$500 |
| Fireworks permit: | \$250 |
| Municipal search | \$100 |
| Wireless Communication Recertification | \$250 |

Highway Department:

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|---------------------|-------|
| Road Opening Permit | \$250 |
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Water/Sewer Department:

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|-------------------------|--|
| Water Meter: | |
| 5/8" | \$300 |
| 1" | \$450 |
| 1½" | \$800 |
| 2" | \$1100 |
| Water Inspection | |
| Single Family Residence | \$300 |
| Construction Uses | \$400 |
| | <i>(not within shopping mall or business park)</i> |
| Sewer Inspection | |
| Single Family Residence | \$300 |
| Construction Uses | \$400 |
| | <i>(not within shopping mall or business park)</i> |

For all other fees please see Chapter 143 of the Village Code. NOTE - the fees listed in this schedule supersede what is printed in the Village Code pursuant to Section 143-4 of the Village Code which states the following:

§143-4 Changing of fees

The Village Board, by resolution, may from time to time modify the fees imposed under § 143-3 of this Code, and the resolution shall be on file in the office of the Village Clerk and the Building Department.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez

NOES 0

II. 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 May 29, 2019.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Gomez, seconded by Trustee Egan, to approve Abstract 1 containing vouchers 190001 - 190071 and totaling \$405,906.01.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
NOES 0

c. Create Reserve Fund – Water #6 (Amdur Park):

Motion was offered by Trustee Flood, seconded by Trustee Egan, to adopt the following resolution creating a reserve fund to finance the future cost of repairing equipment needed for the Water #6 (Amdur Park) service area:

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, this Village Board of the Village of Woodbury does hereby establish a Capital Reserve Fund to finance the cost of repairs to equipment for the properties serviced by the Water #6 (Amdur Park) water service area.

BE IT FURTHER RESOLVED that the Mayor or Deputy Mayor is hereby directed to deposit monies of this reserve fund in a separate bank account to be known as the “FA Equipment Repairs Reserve Fund”.

BE IT FURTHER RESOLVED that the Mayor or Deputy Mayor is authorized to invest the monies of this fund pursuant to Section 6-f of the General Municipal Law. No expenditures shall be made from this fund, except upon authorization of the Village Board pursuant to Section 6-c of the General Municipal Law.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
NOES 0

III. Old Business:

a. Reauction Surplus Equipment:

Clerk Potvin stated she was informed by the auction firm that the high bidder for the sale of the Mako Cascade System has failed to make payment and the back-up bidder stated they no longer have an interest in the purchase. Therefore the item will need to be reauctioned for sale. Motion was offered by Trustee Egan, seconded by Trustee Flood, to authorize the reauctioning of the Mako Cascade System previously declared as surplus equipment.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
NOES 0

b. Adoption of Local Law – ILL3 – Comprehensive Plan Amendment:

Mayor Queenan noted no changes were made to Introductory Local Law 3 of 2019 amending the Village of Woodbury Comprehensive Plan. Therefore, a motion was offered by Trustee Egan, seconded by Trustee Flood, to adopt the following resolution adopting Local Law 2 of 2019 entitled "Comprehensive Plan Amendment":

WHEREAS, a resolution was duly adopted by the Village of Woodbury Board of Trustees on October 11, 2018, scheduling a public hearing to be held by said Governing Body on November 8, 2018 at 7PM, to hear all interested parties on a proposed local law entitled "Amendments to Comprehensive Plan" in the Village of Woodbury; and

WHEREAS, notice of said public hearing was duly advertised in the Times Herald Record, the official newspaper of said Village, on October 31, 2018 according to law; and

WHEREAS, said public hearing was duly held on November 8, 2018 at the Village of Woodbury Village Hall, located at 455 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, a resolution was duly adopted by the Village of Woodbury Board of Trustees on April 25, 2019, scheduling a second public hearing to be held by said Governing Body on May 9, 2019 at 7PM, to hear all interested parties on a proposed local law entitled "Amendment to Comprehensive Plan" in the Village of Woodbury; and

WHEREAS, on February 28, 2019, the Board of Trustees designated itself as Lead Agency with respect to the SEQRA review of the foregoing proposed local law, preliminarily classified the proposed action as a Type 1 action under SEQRA, and scheduled a SEQRA public hearing with respect to the action; and

WHEREAS, notice of said second public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Village, on April 29, 2019 according to law; and

WHEREAS, said second public hearing was duly held on May 9, 2019 at 7PM at the Village of Woodbury Village Hall, located at 455 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, the environmental assessment form prepared in connection therewith, and considered the public comment provided at the aforesaid public hearing, and after due deliberation thereon.

NOW, THEREFORE, BE IT HEREBY

RESOLVED by the Board of Trustees of the Village of Woodbury that:

- 1) the proposed local law constitutes a Type 1 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 2 of 2019, entitled "Comprehensive Plan Amendment"; 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:

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|--------------------|--------|
| Mayor Queenan | AYES |
| Trustee Egan | AYES |
| Trustee Flood | AYES |
| Trustee Giacomazza | ABSENT |
| Trustee Gomez | AYES |

c. Adoption of Local Law – ILL4 – Hotel Overlay District:

Mayor Queenan stated based on comments made at the public hearing amendments were made to the law. Attorney Naughton has advised that the amendments were not such that would

require a new public hearing. Therefore, a motion was offered by Trustee Egan, seconded by Trustee Gomez, to adopt the following resolution adopting Local Law 3 of 2019 entitled "Creation of Hotel Overlay Zoning District":

WHEREAS, a resolution was duly adopted by the Village of Woodbury Board of Trustees on April 25, 2019, scheduling a public hearing to be held by said Governing Body on May 9, 2019 at 7PM, to hear all interested parties on a proposed local law entitled "Creation of Hotel Overlay Zoning District" in the Village of Woodbury; and

WHEREAS, on February 28, 2019, the Board of Trustees designated itself as Lead Agency with respect to the SEQRA review of the foregoing proposed local law, preliminarily classified the proposed action as a Type 1 action under SEQRA, and scheduled a SEQRA public hearing with respect to the action; and

WHEREAS, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Village, on April 29, 2019 according to law; and

WHEREAS, said public hearing was duly held on May 9, 2019 at 7PM at the Village of Woodbury Village Hall, located at 455 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, the environmental assessment form prepared in connection therewith, and considered the public comment provided at the aforesaid public hearings, and after due deliberation thereon.

NOW, THEREFORE, BE IT HEREBY

RESOLVED by the Board of Trustees of the Village of Woodbury that:

- 1) the proposed local law constitutes a Type 1 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 3 of 2019, entitled "Creation of Hotel Overlay Zoning District"; 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:

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|--------------------|--------|
| Mayor Queenan | AYES |
| Trustee Egan | AYES |
| Trustee Flood | AYES |
| Trustee Giacomazza | ABSENT |
| Trustee Gomez | AYES |

IV. New Business:

a. Resolution – CFA Grant Application – Well House No. 1:

Motion was offered by Trustee Flood, seconded by Trustee Egan, to adopt the following resolution approving the submission of a grant application and to execute a grant contract for Empire State Development grant funding via the Consolidated Funding Application for Elevating the Village of Woodbury's Well House No. 1:

NOW, THEREFORE, BE IT RESOLVED that the Village of Woodbury Village Board formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Village of Woodbury Board of Trustees does hereby classify this as a Type II action under the State Environmental Quality Review Act inasmuch as the project

involves replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site [6 NYCRR §617.5(c)(2)]. As such, this project is not subject to review under the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED that the Board, the Clerk, and Engineer are hereby authorized to submit an electronic grant application and supporting materials via the Consolidated Funding Application on behalf of the Village of Woodbury.

BE IT FURTHER RESOLVED that Mayor Michael Queenan, and the Clerk are hereby authorized to sign the grant agreement on behalf of the Village of Woodbury and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
 NOES 0

b. Resolution – CFA Grant Application – New Well Supply Trout Brook:

Motion was offered by Trustee Flood, seconded by Trustee Egan, to adopt the following resolution approving the submission of a grant application and to execute a grant contract for Empire State Development grant funding via the Consolidated Funding Application for a New Well Supply Source (Legacy Ridge) along Trout Brook Road:

NOW, THEREFORE, BE IT RESOLVED that the Village of Woodbury Village Board formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Village of Woodbury Board of Trustees does hereby classify this as an Unlisted action under the State Environmental Quality Review Act inasmuch as the project is “not identified as a Type I or Type II action in this Part, or, in the case of a particular agency action, not identified as a Type I or Type II action in the agency’s own SEQRA procedures” [6 NYCRR §617.2(a)]; and

BE IT FURTHER RESOLVED that the proposed project no significant adverse environmental impacts and the Board of Trustees hereby issues a negative declaration thereon; and

BE IT FURTHER RESOLVED that the Village of Woodbury Board of Trustees does hereby issue a Notice of Intent to act as Lead Agency to conduct SEQRA review regarding the development of a New Well Supply Source (Legacy Ridge) along Trout Brook Road; and

BE IT FURTHER RESOLVED that the Board, the Clerk, and Engineer are hereby authorized to submit an electronic grant application and supporting materials via the Consolidated Funding Application on behalf of the Village of Woodbury.

BE IT FURTHER RESOLVED that Mayor Michael Queenan, and the Clerk are hereby authorized to sign the grant agreement on behalf of the Village of Woodbury and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
 NOES 0

c. Application – Transport of Fill – 18 Hudson Point:

A letter was received in January 2019 from Pro Sitework requesting permission to bring fill from outside of Woodbury (280 Nininger Road, Monroe) to back fill a foundation located at 18 Hudson Pointe. All data reports submitted have been reviewed by Building Inspector Thomasberger as well as Attorney Brian Nugent. Inspector Thomasberger recommends the permit be approved with the following conditions:

- 1) The applicant must hire a qualified person to keep track of all manifests, times of delivery and amount of dirt being placed at the site
- 2) Only dirt from the approved area is to be imported

- 3) No dirt shall be left exposed on the lot for more than fourteen days
- 4) All work is to be performed in accordance with the approved plan
- 5) All soil erosion and control measures shall be in place PRIOR to receiving soils
- 6) No off-site runoff is permitted
- 7) All roadways must be kept clean of dirt at all times

Trustee Flood stated the request is to move a lot of dirt and he asked how many truck loads that would be. Doug Finney, field superintendent, stated each truck carries about 20 yards so there would be about 225 truckloads. Trustee Flood asked if there will be any clean-up issues and Mr. Finney stated Inspector Thomasberger is very good at his job and stays on top of this. He added there is gravel at the end of the driveway which will help mitigate the dirt on the tires. He further stated he has already accepted fill from the Route 32/17 improvements and there have been no complaints. Motion was then offered by Trustee Egan, seconded by Trustee Flood, to approve the issuance of the permit by the Building Department subject to the above referenced conditions.

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
 NOES 0

V. Public Comment:

Joe Zlata asked some questions about the fill application and he was told there will be roughly 30 loads per day delivered until completed, Monday - Friday.

Robin Crouse stated it has come to her attention that the Town Board has authorized the town attorney to depose both boards, and others, in regards to the current litigation between the Town and the Village. Attorney Naughton clarified that the depositions had to be scheduled because they were ordered by the court to be completed by the end of the month. Mrs. Crouse asked if there is still communication between the boards to try to resolve the issue out of court. Mayor Queenan stated the Town Board is supposed to come back to the Village Board with a settlement officer. Mrs. Crouse asked for an estimated amount the Village has spent on legal costs and Mayor Queenan stated approximately \$40,000.

VI. Board Member/Department Comment:

Trustee Flood and Trustee Egan thanked Maria Hunter for her dedication and time served on the Planning Board.

Trustee Gomez thanked all for attending the meeting this evening.

Mayor Queenan announced that violations are being issued to those that are not maintaining their properties (mowing lawns). So far 86 violations have been issued and if they are not answered court proceedings will begin. He assured the public these issues are not being ignored and the Village is very aware of it.

VII. Adjournment:

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

ADOPTED AYES 4 Queenan, Egan, Flood, Gomez
 NOES 0

Desiree Potvin, Village Clerk

LOCAL LAW 2 OF 2019

A LOCAL LAW AMENDING THE VILLAGE OF WOODBURY COMPREHENSIVE PLAN

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

SECTION 1 PURPOSE

The Board of Trustees desires to amend the Comprehensive Plan of the Village of Woodbury (hereafter "Comprehensive Plan") to promote orderly hotel growth and development in areas away from the hamlet centers of the Village and to areas which generally host better infrastructure to support such use.

SECTION 2 COMPREHENSIVE PLAN

Section 5.1 ("Goals") of the Comprehensive Plan is hereby amended to include the following additional bullet point:

- To promote orderly hotel growth and uses in specific locations in the Village.

The second paragraph of Section 5.2 ("Summary of Existing Conditions") of the Comprehensive Plan is hereby amended to the following sentence after "implemented.":

"Commercial land uses that are meant for a more regional market such as hotels should be located outside of the hamlet areas."

Section 5.3 ("Recommendations") of the Comprehensive Plan is hereby amended to include the following:

Focus hotel development in areas away from the hamlet centers.

The Village is home to commercial centers/retail complexes such as Woodbury Common that create a regional economic draw and are regional economic drivers. These larger regional commercial centers are primarily located in the southern area of the Village and near the regional road networks of Routes 6, 17, and I-87. The Comprehensive Plan aims to revitalize the smaller commercial hamlets of the Village to provide needed goods and services to the local residents. To retain the small town feel of the hamlets, hotels, which draw from a more regional market that would require larger parking and land area should be located closer to established transportation networks such as highways, rails, and bus routes. The Plan recommends the Village allow hotel uses within the Transit Village Zoning District and to create an overlay that allows hotel uses within areas of the Village that are appropriate for hotel activity such as:

- *The significant commercial centers/retail complexes of Woodbury Common and Harriman Commons.*
- *Properties that front along and have direct vehicular access to State and County highways such as Route 6, Route 17, and I-87; Larkin Drive and the eastern side of Route 32 with the most northern point just south of Rose Place by Turner Road.*
- *Commercial centers/retail complexes.*

SECTION 3 SUPERSEDING PROVISION

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, Article 7 of the New York State Village Law, including, but not limited to, Village Law §§ 7-702, 7-706, 7-708 and 7-722, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4 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 5 EFFECTIVE DATE

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

LOCAL LAW 3 of 2019

A LOCAL LAW AMENDING CHAPTER 310 (“ZONING”) OF THE CODE OF THE VILLAGE OF WOODBURY TO CREATE A HOTEL OVERLAY ZONING DISTRICT

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

SECTION 1 PURPOSE

The purpose of this local law is to amend Chapter 310 (“Zoning”) of the Code of the Village of Woodbury to (i) maintain the character and scale of the existing Village hamlet areas; (ii) provide locations for hotel uses in commercial centers and retail complexes that draw customers from a regional market; and (iii) provide locations for hotel development near regional road networks.

SECTION 2 CHAPTER 310: ZONING.

Section 310-2 (“Definitions”) is amended to repeal the definitions of “hotel or motel” and “motel”, and add the following two definitions:

HOTEL - A facility offering rooms for lodging accommodations for compensation to the general public and wherein all rooms are connected to interior hallways and thereby to interior elevators, lobbies and/or stairways, through which access to the exterior is gained. Motels and motor courts are not included in this definition and are prohibited in all zoning districts.

MOTEL - A facility offering rooms for lodging accommodations for compensation to the general public and which access to the room is gained through exterior stairs or parking areas.

Section 310-3(A) (“Enumeration of districts”) is amended to add the following language:

| Title | Symbol |
|---------------|---------------|
| Hotel Overlay | HO |

Section 310-7 (“Schedule of zoning district regulations”) is hereby amended to repeal “hotels or motels with related dining, conference and/or recreational facilities” from the Limited Commercial (LC) and Industrial Business (IB) zoning tables.

Section 310-7 (“Schedule of zoning district regulations”) is hereby amended to include as an accompanying zoning table the attached Schedule of Zoning District Regulations for the Hotel Overlay District.

Chapter 310 (“Zoning”) is hereby amended to add Section 310-7.1, entitled “Hotel Overlay District” as follows:

§ 310-7.1 HOTEL OVERLAY DISTRICT

A. Boundaries - The Hotel Overlay District includes that property identified on the Village of

Woodbury Zoning Map as being within the designated Hotel Overlay District area.

- B. Special Permit Required. A hotel shall require the issuance of a special permit and site plan approval by the Planning Board, subject to the relevant procedures and required findings set forth within Article VIII of the Zoning Law, and the requirements of this § 310-7.1.
- C. Public Water and Sewer. A hotel shall be serviced by public water and sewer services.
- D. Bulk and development standards. In addition to those provided in the § 310-7, a hotel is subject to the following supplemental bulk and development standards:
 - 1) Density. There shall be no more than one hotel unit for each 700 square feet of lot area, and a maximum of 200 hotel units permitted.
 - 2) Setbacks. All hotel buildings not located in a commercial center under common ownership shall be set back a minimum of fifty (50) feet from all State and County highways and Larkin Drive. Parking areas are permitted to be located within the required setback area. The underlying zoning requirements for setbacks shall apply to hotels located in a commercial center under common ownership.
 - 3) Height Exceptions. The maximum height permitted shall not apply to rooftop bulkheads, elevator penthouses, cooling towers or air-conditioning or heating equipment, provided that such features shall not occupy, in the aggregate, more than 10% of the area of the roof of a building and are set back from the edge of the roof at least one foot for each one foot by which such features exceed the maximum permitted height. All mechanical equipment located on the tops of buildings shall be visually screened to the satisfaction of the Planning Board.
 - 4) Buffer. There shall be a minimum fifteen (15) foot wide landscaped buffer along all boundary lines of the property for all hotels not located in a commercial center under common ownership. Only access drives and sidewalks may traverse the landscaped buffer; no other impervious surfaces may be located in the landscape buffer. The underlying zoning requirements for buffers shall apply to hotels located in a commercial center under common ownership.
 - 5) Frontage. The property shall have frontage of at least 100 feet along Larkin Drive, or on a State or County highway or right-of-way. Said frontage shall permit the ability to directly access these roadways for vehicular ingress and egress to the property. If the hotel is located within a commercial center, the commercial center shall have direct access on Larkin Drive, or on a State or County highway or right-of-way, or the property shall have access through an easement or access agreement to Larkin Drive, or to a State or County highway or right-of-way.
 - 6) Parking. A minimum of 1.25 parking spaces per hotel unit, in addition to the parking requirements contained in §§ 310-40(A)(5), 310-40(B), and 310-40(C) for all accessory uses, shall be provided.
 - 7) Screening. Any parking or garage area, delivery or service yard, or active recreation area shall be screened to adequately protect the view of neighboring properties, as well as to assure an attractive environment within the site. All screening shall be in accordance with the standards and requirements contained in § 310-27(B).
 - 8) Multiple Uses. Where more than one use exists on a lot, uses may be permitted to share parking spaces to meet the number of parking spaces otherwise required if, and only if, the Planning Board conclusively determines based upon objective criteria that one or more of such uses will be generating a demand for parking spaces primarily during periods when the other use(s) will not be operating. If deemed necessary by the Planning Board when such uses are under different ownership, a legal agreement providing for the use, maintenance, and repair of such shared parking shall be provided,

the form of such agreement shall be satisfactory to the attorney for the Planning Board, including whether such agreement must be filed with the Orange County Clerk's office.

- 9) Loading. Hotels shall adhere to the loading regulations provided in § 310-41 ("Off Street Loading Berths").
- 10) Pre-existing, Non-conforming Uses. Any legally pre-existing, non-conforming uses shall adhere to Article VII ("Nonconforming Buildings, Lots and Uses").

E. Design standards. A hotel is subject to the following design standards:

- 1) Hotel units shall not contain kitchen facilities or equipment such as or similar to the following: full refrigerator, oven, stovetops, or hot plates. Coffee machines, mini-fridges, and microwaves are permissible within a hotel unit.
- 2) Hotel units shall not be used as dwellings for non-transient tenants.
- 3) Hotel units shall not contain more than two rooms, exclusive of bathrooms, and shall not be connected by interior doors in groups of more than two.
- 4) All outdoor public address or music systems shall comply with Chapter 208 ("Noise") of the Village Code.

Section 310-40 ("Off-street parking") is hereby amended to repeal the following language:

| Use | Number of Spaces |
|--|--|
| Motel, hotel, bed-and-breakfast or boardinghouse | 1 per guest unit, plus 1 for every two employees per largest shift |

and replace it with the following language:

| Use | Number of Spaces |
|------------------------------------|--|
| Bed-and-breakfast or boardinghouse | 1 per guest unit, plus 1 for every two employees per largest shift |
| Hotel | 1.25 per hotel unit, plus the parking requirements for all proposed accessory uses |

Section 310-41 ("Off-street loading berths") is hereby amended to repeal "or motels".

SECTION 3 ZONING MAP AMENDMENTS

The Zoning Map of the Village of Woodbury is hereby amended to establish the Hotel Overlay District as shown on the attached map.

SECTION 4 SUPERSEDING PROVISION

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, Article 7 of the New York State Village Law, including, but not limited to, Village Law §§ 7-706 and 7-708, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 5 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 6 EXEMPTION

All projects that received Conditional Final Approval or Final Approval for a hotel construction from the Village of Woodbury Planning Board, and have such approvals in effect on the date that this Local Law becomes effective, are exempt from this Local Law and may proceed under the prior applicable zoning laws.

SECTION 7 EFFECTIVE DATE

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

ZONING
310 Attachment 12
Village of Woodbury
§ 310-7

Schedule of Zoning District Regulations

Hotel Overlay District¹

| Zoning District | Accessory Uses Permitted Uses | Minimum Required | | | | | Maximum Permitted | | | | |
|---------------------|---|--------------------------------------|----------------------------|------------------|-------------------|------------------|-------------------|------------------|--------------------|---------------------------------|---|
| | | Board Approval by Planning Site Plan | Lot Area (sq ft) | Lot Width (feet) | Front Yard (feet) | Side Yard (feet) | Both Sides (feet) | Rear Yard (feet) | Coverage (percent) | Building Height | Off-Street Parking |
| HO Hotel Overlay | <p>1. Restaurants, bars, coffee shops, cafeterias providing food and drink</p> <p>2. Lobby area and office, which must be provided for all hotels</p> <p>3. Meeting or conference rooms/facilities</p> <p>4. Banquet facilities</p> <p>5. Recreational areas for the exclusive use of hotel guests, such as a tennis court, children's playground or swimming pool</p> <p>6. Other facilities approved by the Planning Board.</p> <p>(The underlying zoning of the properties within this overlay district remains, and any uses permitted therein continue with the applicable bulk requirements.)</p> <p>Purpose: To allow hotel uses within areas of the Village that are appropriate for hotel activity, such as:</p> <p>(i) the significant commercial centers/retail complexes of Woodbury Commons and Hamman Commons, that front State and County highways, such as Route 6, Route 17, and I-87, Larkin Drive, and the eastern side of Route 32, with the most northern point just south of Rose Place by Turner Road; and (ii) commercial centers/retail complexes.</p> | 1. Hotel | 87,120 sq.ft. (2 acres) | See § 310-7.1 | See § 310-7.1 | See § 310-7.1 | See § 310-7.1 | See § 310-7.1 | 75% ² | The lesser of 5 stories/60 feet | Refer to Section 310.7 for parking requirements |

NOTES:

¹All uses in this district are subject to the provisions of § 310-7.1 of the Zoning Chapter.

² For all hotels not located in a commercial center under common ownership. The underlying zoning requirement for percent coverage shall apply to hotels located in a commercial center under common ownership.

This is the Official Zoning Map of the Village of Woodbury, last amended by Local Law #2 of 2011, adopted 14 June 2011, and certified as accurate on 22 May 2012. Signed copies are on file at the Orange County Department of Planning and the Municipal Clerk's office.

Hotels Overlay District Map

