

Minutes of the Village Board Meeting held on February 13, 2020 at 7:30PM

Present: Timothy Egan, Mayor
Tara Burek, Andrew Giacomazza, Jesus Gomez, Christopher Graziano
Absent: None
Also Present: Robert Weyant, Village Streets Superintendent; Gary Thomasberger, Building Inspector;
Michael Phillips, Water/Sewer Administrator; Jessica McClennan, Deputy Village Clerk

I. Public Hearing:

a. Continued Public Hearing – Introductory Local Law 5 of 2018 – Senior Housing Zone Change:

A public hearing was continued from the January 23, 2020 meeting to entertain public comment on Introductory Local Law No. 5 of 2018. The purpose of this Introductory Local Law is to change (i) the zoning designation for properties located along New York State Route 32 (Section 218, Block 2, Lots 7, 9, 10, 11 and 13) in the Village of Woodbury from LC (Limited Commercial) and R-2A (Residential) to SH (Senior Housing), (ii) the zoning designation for a portion of the property located along New York State Route 32 (Section 218, Block 2, Lot 6) in the Village of Woodbury from CR (Corridor Residential) to SH (Senior Housing), and (iii) to have the Village’s Zoning Map reflect such change, and to address concerns of having split zoned lots within the Village. No additional comments were received.

Written comment was received from Matthew Higgins that stated he feels this law will set a bad precedent and could be interpreted to “suit applicants in the future at our peril”. He feels this is the epitome of spot zoning. He also made note of traffic concerns, flooding experiences and administrative costs to ensure compliance.

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

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

Mayor Egan noted the attorney for the applicant has requested that a written comment period be established prior to the Board entertaining a vote on the issue. Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to accept written comments until close of business on February 28, 2020.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

II. Public Comment – Agenda Items Only:

Mayor Egan noted one item on the agenda this evening will be tabled. The discussion on the proposed short-term rental law will not be discussed since Village Counsel was unable to attend this evening.

Maria Hunter asked if she could ask questions about the short-term rental law even though it is tabled and she was told comments should not be made on that issue since it is no longer on the agenda. She then asked if the law would include AirBnB’s and that she was confused about the way of portion of the law was written.

III. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to accept receipt of the minutes of the meeting held January 23, 2020.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve Abstract 17 containing vouchers 191353 – 191490, voiding check #18835, and totaling \$188,070.28.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

Trustee Burke asked what the purpose of the Dell Marketing invoice was for and Mayor Egan explained it was to create a server environment in the Clerk’s Office.

c. Fire Department Equipment Request(s):

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to approve Fire Department Equipment Request 2020-05 totaling approximately \$1995.50 for the purchase of fire prevention materials and 2020-06 totaling approximately \$89.00 for a program cradle for a radio.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

d. Fire Department Membership Items:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to accept the application for membership with the Highland Mills Fire Company from Mark Franko and Kieran Hagen.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

Motion was then offered by Trustee Giacomazza, seconded by Trustee Burek, to accept, with regrets, the resignation of Daniel Ward from the Highland Mills Fire Company effective February 1, 2020.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

Mayor Egan recognized Dan for his almost seventeen years of service, noting that he rose to the rank of Captain. He was well liked and respected by the members of the Fire Department.

IV. Old Business:

a. Developers Agreement – AEONN:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to authorize the Mayor to sign the Developers Agreement with AEONN, LLC for the development of property known on the Woodbury Tax Maps as Section 226, Block 1. Lots 21.2 and 39.2.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

V. New Business:

a. Schedule Public Hearing – Introductory Local Law 1 of 2020 – Tax Cap Override:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to adopt the following resolution of the Village of Woodbury Board of Trustees setting a time and place for a public hearing to be held on Introductory Local Law 1 of 2020 entitled “Tax Cap Override”:

WHEREAS, the Village of Woodbury Board of Trustees wishes to set a time and place for a public hearing to consider a proposed local law that would override the property tax cap, as defined in Section 3-c of General Municipal Law, for the Fiscal Year 2020/2021; and

WHEREAS, the Village Board hereby determines that it will be the lead agency with respect to the review of the proposed local law (the “project”) in accord with New York State Environmental Quality Review Act (“SEQRA”) and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the project; and

WHEREAS, the Village Board hereby preliminary classifies the action as an unlisted action under SEQRA;

NOW, THEREFORE, LET IT BE HEREBY

RESOLVED, that a public hearing shall be held by the Village Board in order to receive comments and suggestions regarding the proposed local law and to review any potential adverse environmental impacts of the proposed local law, on February 27, 2020 at 7:30PM at the Village Hall located at 455 Route 32, Highland Mills, New York; and it is further

RESOLVED, that the office of the Village Clerk is authorized and directed to cause public notice of said hearing to be given as provided by law.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

b. Authorize Mayor to Sign – Union/Employment Contract – Highway Department:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to authorize the Mayor to sign the union employment with the Highway Department for a term beginning June 1, 2020 and ending May 31, 2025.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

c. Schedule Public Hearing – Community Development FY2021:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to schedule a public hearing to be held at 7:30M on February 27, 2020 to entertain public suggestions for projects to be considered for funding under the 2021 Orange County Community Development Block Grant Program. Under this Program a variety of physical improvements as listed below are eligible for funding: acquisition and disposition of real property; public works, public facilities or site improvements; code enforcement (housing and health codes); clearance, demolition and rehabilitation for public use or economic development; housing rehabilitation loan and grants; special projects for elderly and handicapped; provision of public services (shelter, clinics, senior nutrition, etc); payment of non-federal shares of other grant programs; relocation payments and assistance.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

d. Discussion – Introductory Local Law 2 of 2020 – Short Term Rentals:

This issue was tabled.

VI. Public Comment:

Joseph Zlata asked for an update on where the litigation stands between the Town and the Village. He noted there was a news report that the court denied the Village’s motion to dismiss and he would also like to know how much has been spent on this issue to date. Clerk Potvin stated she did not have the amount readily available but suggested Mr. Zlata FOIL the information. Mayor Egan stated the case is scheduled to go to trial later this year but there have been discussions between himself and the Supervisor. He has a good degree of confidence that the litigation would be settled prior to the trial. He

then noted the Village's motion to dismiss parts of the case were denied, like the Town's motion to dismiss was prior.

Neil Crouse noted Assemblyman Schmitt recently announced that the Orange County Assembly Delegation passed an assembly bill known as the "Orange County Community Preservation Act". This legislation will authorize Orange County's inclusion in the Hudson Valley Community Preservation Act. Mr. Crouse feels this is something the Village Board should be looking into as they are proposing a Countywide program which he does not believe has been done in several years. He knows that some communities have adopted or are working to create their own preservation plans to preserve green space. He suggested the Village work with the Town on this issue and also a local resolution can be passed which will make Woodbury part of the State Legislature efforts. He also suggested the Board form a small committee to look into this issue to weigh the positives and negatives. Mayor Egan stated he spoke to Councilwoman Hernandez about this issue to have the Town Board work with the Village on this issue. Trustee Burek stated she has been looking into this issue as well and acknowledged that Clerk Potvin obtained a copy of Cornwall's and Warwick's plans for the Board to review. Blooming Grove is in the final stages of their plan. She feels it is something that should be investigated as well for Woodbury and she is concerned the assembly bill only included cities and towns, not villages. Trustee Crouse stated a preservation plan could be made part of the Comprehensive Plan when the Board revisits it as discussed at past meetings.

John Smith commended Mr. Zlata for the work he has been doing relating to the increased rates charged by Cablevision. Last meeting it was stated the PSC approves the rates but he has found out that it is the FCC that does this, not the PSC. Mayor Egan noted he spoke with Mr. Zlata after the last meeting and added the Village will be negotiating the franchise agreement upon its expiration. Mr. Smith asked what the AEONN developer's agreement was for and Mayor Egan stated a hotel that is being constructed on Estrada Road. Mr. Smith asked if the public will be told why the tax cap will be exceeded and Mayor Egan stated it will be justified during the public hearing as the budget is not compiled yet and still in the early stages. Mr. Smith then distributed a copy of an article that was printed in the Times Herald Record on February 7, 2020 written by Chris McKenna entitled "Orange County loses sewer plant appeal". He feels Woodbury needs to join forces with neighboring communities to be sure everyone is paying their fair share. Mayor Egan stated he is already doing so. Informal discussions have been held among the members of the Orange County Sewer District #1 and a committee may be formed to show a united front on this issue.

Maria Hunter asked when the Board will be rendering their decision on Introductory Local Law 5 of 2018 and Mayor Egan stated at a meeting held after the February 28 written comment deadline has passed. He noted that the Board is waiting on the SEQRA standings from the Planning Board before action can be taken. Mrs. Hunter stated she has had two residents ask her about an individual that came to their home conducting a crime survey claiming to be from the DOJ. She finds this very disconcerting and feels the Village needs to publicize their "No Solicitation" law better. Clerk Potvin noted the law only pertains to individuals/businesses peddling their goods/services. It would not pertain to the DOJ conducting a survey nor would they be required to inform the Village of their intent to do so, although it would have been nice if they did. She suggested that any member of the public that may have concerns when someone knock on their door to call the police immediately. Mrs. Hunter then stated years ago a subdivision was approved for eight lots off Timber Trail. Mr. Shapiro was then property owner at the time and it project when through a lengthy approval process. She is hearing now that the proposed senior housing project across from Timber Trail has made promises to fix the sewer

and water runoff issues that occur. She stressed the location of sewer lines were painstakingly decided during the application approval process and if these are going to change as a result of this “promise” then that project may need to be re-examined by the Planning Board and perhaps SEQRA redone. Building Inspector Thomasberger stated the new owners of that project are bound by the Planning Board resolution. Trees that are going to be removed to correct the pipes that are to be laid have been marked it and his office is waiting for certain DEC notifications as they are needed to be transferred to the new owner. Once they are received a sitework permit can be issued. He noted the project will still need to be before the Planning Board for ARB review. If they do not adhere to the plan that was approved, a stop work order will be issued. He added a preconstruction meeting was held so the new owners are familiar with the approvals that were granted. Mrs. Hunter stated again she is concerned about the sewer amendment and if the location of the sewer line is changing then the Planning Board would need to approve that change.

VII. Board Member/Department Head Items

Mayor Egan noted the Board has stated publicly its concerns about our water/sewer resources. This year will see the largest period of growth in the village since the Woodbury Common in 1985. A little over a week ago he met with the Water/Sewer Administrator, Building Inspector, Highway Administrator and Village Engineer and discussed the Board’s concerns water/sewer capacity, usage and future planning for both. He explained the Board’s serious concerns regarding the pace of growth in the village and what must be done in order to ensure current residents continue to enjoy the resources they all expect. He requested the Engineer to review all the current data as it relates to sewer flows, capacity of current wells and the projected GPM of the new well that has a permit application in to the NYSDEC. Engineer Lindsay is currently working on the calculations and will present the Board with a report when complete. Trustee Graziano added several good suggestions for the requested data as it relates to new EPA regulations. He also provided some information which he is sure will be helpful in providing what is needed for future budgeting and planning. Last week he attended the Orange County Sewer District #1 Advisory Committee meeting in Goshen, which had many Mayors and Supervisors in attendance. The discussion centered around their consent order from the NYSDEC, conveyance and capacity in the system, available capacity and other issues. Earlier this week he and Trustee Giacomazza met with Orange County Legislators Tautel, Bonelli and Amo and discussed the Board’s serious concerns, the County meeting he previously mentioned and the County’s efforts in improving services. The options presented by Delaware Engineering to the County were also discussed and how the County might proceed with the options proposed. They were informed of the Board’s plans to determine our usage and needs, and then asked them what can be done about the situation. They responded with “exactly what you are already doing”. They told us we are ahead of the curve in our response to this issue and would appreciate receiving the same data. He also shared with them how he has had various conversations with other Mayors and Supervisors over the past few months on water/sewer issues and will continue to do so. He stressed the efforts of the Board will continue to be centered around protecting resources and doing everything that can and needs to do in order to continue to provide quality water and sewer services.

Trustee Gomez thanked everyone that expressed their concern while he was recovering from this throat surgery. He also thanked all that attended the meeting.

Trustee Burek thanked all that participated in the HGTV “Main Street Makeover” submission and those that organized it as well. She feels it was great to see the community come together to work towards a common goal.

Trustee Giacomazza thanked the County Legislators for meeting with him and Mayor Egan to discuss various issues facing Woodbury – sewer and sales tax distribution. He felt it was a fluid conversation and glad that they came to listen to our concerns. He also thanked Clerk Potvin for organizing the meeting so quickly. He then noted the Village will be hosting a blood drive at Village Hall on March 21, 9AM-3PM – adding there will be one at the Ambulance Corps in August and one at St. Patrick’s Church in November. He then noted the Woodbury Lion’s Club will be participating in a program offered by Trex which involves collection 500 pounds of plastic in exchange for a bench. He then congratulated the Highway Department on their contract and stated he feels they do a wonderful job and should be recognized.

VIII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to adjourn the meeting at 8:15PM.

ADOPTED	AYES	5	Egan, Burek, Giacomazza, Gomez, Graziano
	NOES	0	

Desiree Potvin, Village Clerk

After adjournment, the Board entered an attorney/client meeting with Special Counsel Brian Nugent.