

Minutes of the Virtual Village Board Meeting held on September 10, 2020 at 7:30PM

Present: Timothy Egan, Mayor
Tara Burek, Andrew Giacomazza, Jesus Gomez and Christopher Graziano, Trustees
Also Present: Kelly Naughton, Attorney for the Village, various members of the public

I. Public Comment on Agenda Items Only:

Mayor Egan reminded those in attendance the public hearings for the laws on the agenda this evening has been closed and the written comment periods have expired. If anyone wants to comment further or paraphrase their submitted written comments he asked that they keep their time to be one minute. He also asked Attorney Naughton to monitor the comments so that a queasy public hearing does not occur.

Steven Barshov stated he will not go over the written comments he submitted on behalf of Woodbury Villas but he wanted to inform the Board of information that became available since the comment period closed. The traffic light at the corner of Nininger and Dunderberg has been installed and it was a prerequisite for more CO's to be able to be issued. The moratorium law would appear to put the issuance of these CO's in jeopardy as it prohibits all determinations of the Building Inspector from being made. His clients has two applications pending before the Planning Board – one for rephasing and one to provide an exemption to the traffic light prerequisite. As the moratorium is drafted, it would create some real problems for both of these applications. He suggested that an exemption be included in the law for this project if the Board plans to move forward.

Howard Protter, representing the Village of Kiryas Joel, stated his client has an application before the Planning Board for its filter plant. Since the Village Board required the Village of Kiryas Joel to go through this process he feels they should be exempt from the moratorium.

Neil Crouse, regarding the Melody Lane road conveyance, stated he hopes the Board has done the research and reviewed the documents from 2015. He asked that consideration be given to allow this small roadway to be conveyed to the Shops of Woodbury. It is a road that goes to nowhere and would save the Highway Department from the need of maintaining it.

II. 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 August 27, 2020.

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

b. Approval of Abstract:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to approve Abstract 7 containing vouchers 200503 – 200576 and totaling \$111,293.60.

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

c. Acceptance of Resignation – J Buglino:

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to accept, with regrets, the resignation of Joseph Buglino from the Planning Board effective September 2, 2020.

ADOPTED	AYES	4	Egan, Giacomazza, Gomez, Graziano
	ABSTAIN	1	Burek

d. Appointment to Planning Board to Fill Vacancy:

Motion was offered by Trustee Graziano, seconded by Trustee Giacomazza, to appoint Richard Cataggio to the vacancy on the Planning Board with a term to expire May 31, 2024.

ADOPTED	AYES	4	Egan, Giacomazza, Gomez, Graziano
	ABSTAIN	1	Burek

III. Old Business:

a. Continued Discussion – Melody Lane Conveyance:

Mayor Egan stated this issue is being tabled pending receipts of documents from the applicant.

b. Continued Discussion – 15 Julien Court Sewer Connection:

Mayor Egan stated this issue is being tabled pending additional research by the Board of Trustees and more data from the engineers.

c. Discussion/Decision – Introductory Local Law 6 – PB/ZBA Term Limits:

Mayor Egan stated this item will be tabled until the spring as to not conflict with the general election in November. Attorney Naughton stated once the Board adopts the law a referendum is required to be held within a specific timeframe which would conflict with the November general election.

d. Discussion/Decision - Introductory Local Law 9 – Parking, Restrictions:

Mayor Egan noted that no written comments were received. Motion was then offered by Trustee Giacomazza, seconded by Trustee Burek, to adopt Local Law 9 entitled “Parking, Prohibited” which will set parking restrictions on a portion of Valley Avenue, as printed at the end of these minutes.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Egan	YES
Trustee Burek	YES
Trustee Giacomazza	YES
Trustee Gomez	YES
Trustee Graziano	YES

e. Discussion/Decision - Introductory Local Law 10 – Building Moratorium:

Mayor Egan noted many written comments were received. The breakdown is as follows:

- Opposing the Proposed Law – Yehuda Salamon, Jerry Freund, Joel Walter, Joseph Waldman, Herman Goldberger, Sam Feder, Joel Teitelbaum, Abraham Joseph, Levy Friedman, Joel Yablonsky, Rachelle Rosenberg (representing 345 Ridge Realty LLC), Feigy Felb, Paul Oliveira (representing Avalon Building Systems), Leibish Jacobowitz (representing Woodbury Palace Inc), Yoel Leifer, Joseph Weiner, Joseph Preira (representing Success Martial Arts), William Frank (representing 154 Route 32, 92 Turner Road and 96 Turner Road), Steven Barshov (representing Woodbury Villas), Howard Protter (representing Catskill Aqueduct Connection Project/Avalon Building Systems)
- Support of the Proposed Law – No written comments received

- Comments received after the deadline – Victor Schlesinger opposing the law, Gerald Casesa (representing HV Realty Service) opposing the law, Jay Myrow (with Bluestein, Shapiro, Rich & Barone LLP) opposing the law and Zev Wiesenfeld (representing the newly formed United Jewish Council of Woodbury) opposing the law.

The County Planning Department also responded to the GML Review stating they “have found no evidence that significant intermunicipal or countywide impacts would result from its approval”. They also had no further advisory comments.

Mayor Egan stated further discussion on this law will be tabled to give the Board time to review all comment received and give them each due consideration.

IV. New Business:

a. Petition for Street Light – Serpi/Schunnemunk:

A petition was received from residents on Serpi Lane/Schunnemunk Road requesting that a streetlight be installed. Clerk Potvin obtained a proposal from Orange & Rockland that would install a 35-watt LED on an eight-foot arm on pole 54787/49502. The cost would be an increase of \$120.84 per year for energy and fuel adjustment charges. Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to authorize the Mayor to sign the proposal from Orange & Rockland to install a new light onto Utility Pole 54787/49502.

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

b. Petition for Street Light – Milval:

A petition was received from residents on Milval Lane requesting that a streetlight be installed. Clerk Potvin obtained a proposal from Orange & Rockland that would install a new underground streetlight pole in front of house 53 by transformer 54808/49364 and install a 35-watt LED on an eight-foot arm. The cost would be an increase of \$120.84 per year for energy and fuel adjustment charges plus a one-time contribution of \$1441 to install the infrastructure. Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to authorize the Mayor to sign the proposal from Orange & Rockland to install a new light on Milval Lane.

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

c. Authorize Mayor to Sign – Snow & Ice Agreement:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to authorize the Mayor to sign the 2020/2021 Snow & Ice Agreement with the County of Orange for the Village to remove snow on 1.23 miles of County roads (County Route 95, Dunderberg Road, beginning at County Route 64, Nininger Road, northeasterly to Gregory Lane, easterly to NYS Route 32, State Highway No 157). The County will pay the Village \$6,027.00.

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

d. Closing of Escrow – 205 Bakertown Road:

Motion was offered by Trustee Graziano, seconded by Trustee Giacomazza, authorize the closing of the escrow account for 205 Bakertown Road as recommended by the Building Department.

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

V. Public Comment:

Joseph Zlata asked if there was a status update on the issue at Woodbury Junction relating to a water moratorium, adding it was put in place due to a pump that burned out. Mayor Egan stated it was not a moratorium, just a restriction. He will get the information from the Water Department tomorrow and respond back to Mr. Zlata with the answer.

Howard Protter, on behalf of Village of Kiryas Joel, asked the Board to consider reducing the escrow payments that are necessary for the review of their application before the Planning Board. The formula that is in the code would require an escrow payment to cover the cost of consultants to total about \$160,000, which he feels is widely excessive. He suggested it be \$30,000 and could then be replenished during the review process when needed. Attorney Naughton stated the Board had already reduced the required posting to be \$80,000 which would need to be replenished when the account reached \$30,000, based on Mr. Protter’s previous request to her. Mr. Protter stated he still feels that to be excessive, adding the Village of Kiryas Joel is a neighboring municipality and it makes no sense to require this amount to be posted just to pay consultants and it have the money “tied up in escrow is insulting”. Attorney Naughton stated the Board is treating this application like any other one and adding it has given the applicant preferential treatment by permitting the reduction that it has. Mr. Protter stated he feels it is unnecessary to have such a large amount and feels this project does not require that level of expense in order to be reviewed. Mayor Egan stated he does not feel this is an appropriate topic to be discussed in this venue and it can be handled through the Village Attorney outside of this meeting. Attorney Naughton stated she agreed and then polled the Board to see if they would be agreeable to reduce the amount of escrow required to be posted further and no member agreed.

Paul Oliveira asked if the letter from the attorney representing Avalon was mentioned under the written comments received on Introductory Local Law 10 and Mayor Egan stated it was.

VI. Board Member/Department Comment:

The Board collectively thanked all that attended the meeting this evening. They each then took the opportunity to share their experiences when the terrorist attack occurred on September 11, 2001. There will be a memorial service on September 11 at 7PM at the 9/11 Memorial Monument in front of Village Hall. All members of the public were invited and urged to attend, while practicing social distancing.

VII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Trustee Graziano, seconded by Trustee Gomez, to adjourn the meeting at 8:10PM.

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

Desiree Potvin, Village Clerk

LOCAL LAW 9 OF 2020

A LOCAL LAW AMENDING CHAPTER 227 OF THE VILLAGE CODE ENTITLED "PARKING, PROHIBITED"
SETTING PARKING RESTRICTIONS FOR A PORTION OF VALLEY AVENUE

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

Section 1

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

227-2(J) Valley Avenue, on the westside from Smith Clove Road to Perrone Lane, is hereby established as a "30 Minutes Parking between the hours of 8AM-5PM, Monday-Friday" 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.