

Minutes of the Virtual Village Board Meeting held on March 11, 2021 at 7:30PM

Present: Timothy Egan, Mayor
Tara Burek, Andrew Giacomazza, Jesus Gomez and Christopher Graziano, Trustees
Absent: None
Also Present: Kelly Naughton, Attorney for the Village; Robert Weyant, Village Streets Superintendent;
Michael Phillips, Water/Wastewater Superintendent; Pasquale Prozzillo, Fire Chief;
Christopher Burke, First Assistant Chief

I. Public Hearings:

a. Orange County Community Development Grant Program – FY2022:

A public hearing was held to entertain suggestions on projects to be applied for grant funding through the Orange County Community Development Grant Program for their fiscal year 2022. The public notice was printed in the Times Herald Record on March 2, 2021 and no comments were received. Motion was then offered by Trustee Giacomazza, seconded by Trustee Burek, to close the public hearing.

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

Mayor Egan stated a transcript of this hearing would be forward to the grant writer to determine if any projects suggested would qualify for funding through this program. Since none were received this will not be done.

b. Introductory Local Law 3 of 2021 – Property Maintenance:

Mayor Egan stated this public hearing is continued from the February 25 meeting. Amendments to the law have been made based on the discussions held at that meeting. The hearing was opened and no additional comments were received. Motion was then offered by Trustee Giacomazza, seconded by Trustee Graziano, to close the public hearing.

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

Motion was then offered by Trustee Graziano, seconded by Trustee Burek, to adopt Local Law 5 of 2021 which amends Chapter 240 of the Village Code entitled “Property Maintenance”) 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

c. Introductory Local Law 4 of 2021 – Environmental Conservation Commission:

A public hearing was held to entertain public comment on Introductory Local Law 4 of 2021 which would amend Chapter 36 of the Village Code entitled “Environmental Conservation Commission”. The public notice was printed in the Times Herald Record on March 2, 2021 and no comments were received. Motion was then offered by Trustee Burek, seconded by Trustee Giacomazza, to close the public hearing.

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

Motion was then offered by Trustee Giacomazza, seconded by Trustee Gomez, to adopt Local Law 6 of 2021 which amends Chapter 240 of the Village Code entitled “Property Maintenance”) 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

II. Public Comment on Agenda Items Only *No public comments were received.*

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 February 25, 2021.

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

b. Approval of Abstract:

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to approve Abstract 19 containing vouchers 201529 – 201619 and totaling \$269,863.21.

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

c. Fire Department Equipment Requests:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to approve Fire Department Equipment Request 2021-08 totaling approximately \$3924.00 for the purchase of a forcible entry training station and parts and Request 2021-09 totaling approximately \$6366.94 for the purchase of cleaning supplies, medical gloves and department sweatshirts/patches.

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

d. Resolution – Expend Funds from Building Reserve for Salt Shed Improvements:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to resolve, pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York, that the Clerk of the Village be and hereby is authorized and directed to expend from the Building Reserve Capital Reserve Fund of the Village of Woodbury the amount not to exceed \$50,000 for the purpose of repairs to the Highway Salt Shed. This resolution shall be subject to a permissive referendum, as permitted by law.

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

e. Budget Modification – Highway CHIPS Funds:

Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to approve a modification to the budget of the Highway Fund by increasing A5112.400 (Permanent Improvement Highway – CHIPS) by \$107,685 and decreasing A5110.465 (HD – Blacktop) by \$107,685. Mayor Egan

noted this modification is necessary to recognize the spending of the CHIPS revenue the Village receives from the State.

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

IV. Old Business: *There was no old business to discuss.*

V. New Business:

a. Schedule FY2021/2022 Budget Worksession – March 16:

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to schedule a budget worksession meeting to be held virtually on March 16, 2021 starting at 6:30PM.

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

b. Schedule Public Hearing – FY2021/2022 Preliminary Budget – April 8, 2021:

Motion was offered by Trustee Graziano, seconded by Councilwoman Hernandez, to schedule a public hearing to be held at 7:30PM on April 8, 2021 to entertain public comment on the FY2021/2022 Preliminary Budget.

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

c. Renewal of Service Agreement – Millennium Strategies:

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to authorize the Mayor to sign a one-year renewal agreement with Millennium Strategies for grant writing services at a cost of \$3000 per month.

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

d. Modification of Turner Road Geometry/ROW – Courtyard by Marriot:

Mayor Egan stated a request was received from Steven Esposito, engineer representing Courtyard by Marriot (Turner Road), to appear before the Village Board to discuss preliminary site plans for his client. At the February 3, 2021 Planning Board meeting he was directed to discuss the current plans with the Village Board. The plans have been developed in conjunction with NYSDOT and the Village’s traffic consultant with regards to site access, Turner Road right-of-way and NYS Route 32 right-of-way. The plans call for a modification of Turner Road geometry and right-of-way, which is under the jurisdiction of the Village Board. Mayor Egan noted no escrow has been posted as of yet pursuant to the Taxpayer’s Protection Law so if the Board wants to involve consultants that will need to be in place prior to moving further.

Steve Esposito stated his client owns three parcels that total 3.2 acres with frontage on Turner Road and Route 32. He presented a map that shows the property line, according to the deed, goes to the center of Route 32, which he noted was not uncommon when lots were drawn. The Planning Board has asked that the applicant gratuitously dedicate a strip of land that would allow for the continuance of a right-of-way for the municipality. He has been working with the Planning Board, its traffic consultant and engineer and the NYSDOT. He added there is another project that abuts this area which is also another hotel that has made application to the Planning Board and they have been working together in terms of coordinating information.

Carlito Holt, Traffic Consultant for the Applicant, explained the proposal – which was a result of a traffic study conducted – with two access alternatives. One includes a full movement access to Route 32 with a left turn lane to be provided at the intersection of Turner Road for traffic traveling southbound with emergency alternative access out to Turner Road. The other alternative considered was right in/right out access to Route 32 with full movement access to Turner Road but that does not include the left turn lane on Route 32 southbound. The team came back saying they liked a hybrid of these alternatives which included a right in/right out on Route 32 with full movement out to Turner Road but also providing the southbound left turn lane along Route 32. Part of the southbound left turn lane along Route 32 at Turner Road will also include teeing up and realigning the intersection. Right now, it is a wide-open swath of pavement in that area and it is very uncontrolled. This will channelize the traffic and bring it in to a more conventional ninety-degree alignment opposite the motel driveway. They are in the process of putting together the design drawings for these improvements and should be submitting them to the NYSDOT within a few weeks. As part of that there will be a right-of-way dedication by the applicant to both the NYDOT and the Village to true-up what the right-of-way should be along this corridor. The one caveat is there would be a swap of land between the Village and the applicant due to the offset of the curb line that will allow things like signage and other maintenance. The thought is this would be a benefit to the Village as it will be less for them to own and maintain. The applicant will undertake any beautification that would need to be occurring at this corner and will maintain the landscaping. He added the applicant is indifferent as to whether the land swap occurs or not it is just that is kind of the way that the right-of-way is typically laid out conventionally.

Mayor Egan asked if this is the same project that is being coordinated with the other project across the street facing access to Route 32. Mr. Holt stated that is correct (the Dugout) and there is an application that was recently submitted to the Village where there would be a new driveway that would align directly opposite the right in/right out. Mayor Egan asked for confirmation that this application is also coordinating with the adjacent hotel project for shared access. Mr. Holt stated that is correct but he does not want to speak too much on their application. There was a meeting recently with the NYSDOT and they want the applicant to stand on their own since you do not know if the other application would be realized. The other application is looking into an access across from Oakland Avenue and that would perhaps incur additional signalization because there is acknowledgment that there are some delays there currently.

Trustee Graziano asked how the property line ended up being in the middle of Route 32. Mr. Esposito stated it was not uncommon when lots were created to use the centerline of the traveled way. They are usually “cleaned-up” when an application is made to Planning Boards. Attorney Naughton stated a lot of times the roads are not specifically by transfer but basically by use, so it becomes a municipal road and then the deeds have not been changed to reflect that. Trustee Graziano asked how it is known for sure the State has not already claimed it as theirs and Attorney Naughton stated the State would need to be brought in for those discussions. She noted she is aware that there already have been some meetings held with the State and in her experience, where the State is trying to clean up these things, they prefer the municipality or the applicant do the heavy lifting and they just have final review/approval. Mr. Esposito stated everyone involved agrees this is something that needs to be cleaned up and there is a process involved to do that. He will be doing an extremely detailed survey along the Route 32 right-of-way and will produce the documents that will be needed to convey the land to the State, which will take a little time. They are moving forward to produce the maps and descriptions and other documents necessary. Trustee Graziano asked what is being asked of the Village now. Mr. Esposito stated the Planning Board does not have jurisdiction over rights-of-way or lands administered by the Village Board. At the recommendation of the Village’s traffic consultant and the NYSDOT, this plan suggests the applicant clean up Turner Road and realign it with the existing hotel

across the street at their cost. Trustee Graziano asked if any comments were solicited from the Police Department. Mr. Esposito stated ESO meetings have been held (for this application and Avalon) on these plans. Trustee Graziano asked if they had any comments or concerns and Mr. Esposito stated this plan was chosen due to the positive reaction from the ESOs, the Village consultants and the NYSDOT.

Trustee Burek stated Mr. Holt mentioned there was potentially going to be a traffic light at Oakland Avenue due to both projects being proposed in this location (she added she does not feel they can be looked at independently because of the traffic impacts). With this project – Courtyard – was there ever any talk about putting a traffic signal at this location. She noted current at rush hour this intersection is nightmarish and, even with an upgraded intersection, she is not sure how this will be okay without a traffic light as it is a bad area. She also stated Turner Road houses residential properties which are not being sold to either project. She asked how if feedback from those residential owners would need to be sought. She understands it falls under the jurisdiction of the Village but feels it may not be right to make all of these changes to someone's street. Attorney Naughton stated depending on what the final way you are proposing to do this – whether it is this plan or a different way – it would potentially require a public hearing. Mr. Esposito added both plans are being reviewed by the Planning Board and consultants and each will have a public hearing with that Board for site planning purposes. This will allow opportunities for the public to weigh in on whatever the ultimate design is. There has been coordination for well over a year now between the two applicants. Mayor Egan added when a public hearing is held by the Village Board an escrow would need to be posted by the applicant pursuant to the Taxpayer Protection Act and a formal application would need to be submitted.

Trustee Giacomazza asked how this plan will affect the emergency access road for Woodbury Common that is in this location. Mr. Holt stated emergency vehicles will have a benefit since there would be a dedicated turn lane to turn onto Turner Road from the north and everything is being designed to accommodate the large vehicles turning radius (firetruck). Mayor Egan asked if the emergency gate at the back of Turner Road will be affected. Mr. Holt stated once you get past where the right-of-way line juts out the most then Turner Road will remain the same. The modifications proposed are only immediately at the intersection with Route 32.

Attorney Naughton suggested the Village's traffic consultant weigh-in on this issue with the Board and address any concerns he may have. She added she knows there had been some potential concerns with the location of the light being at Oakland Avenue rather than at the end of Turner Road. She added that the location of the light will be something the State will decide though but feels they will take into consideration the concerns of the Village Board.

e. Tax Exemption Request – Various Village of Kiryas Joel Properties:

Mayor Egan stated a request has been received from Daniel Hubbell, attorney representing Village of Kiryas Joel, requesting the Village Board consider an application for exemption from taxation on certain properties used for water supply purposes that are owned by the Village of Kiryas Joel in the Village of Woodbury. This request was received in previous years as well (last discussed at the May 20, 2020 meeting) and the Board denied the request citing "the reason for this denial is that the Village could have acquired property within its own Village, through negotiation or eminent domain, to locate their water supply facilities but chose instead to allow such lands to be developed for residential and commercial purposes to the benefit of the Kiryas Joel tax base". He asked the Board how they wish to proceed. The Board stated they still feel the same way as they did in 2020. Therefore, a motion was offered by Trustee Graziano, seconded by Trustee Burek, to deny the request received from the Village of Kiryas Joel to exempt certain properties they own in Woodbury, noting the reason for this denial is that the Village of Kiryas Joel could have acquired property within its own Village, through negotiation or

eminent domain, to locate their water supply facilities but chose instead to allow such lands to be developed for residential and commercial purposes to the benefit of the Kiryas Joel tax base.

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

f. Agreement – Thruway Coverage for Monroe Joint Fire District:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to authorize the Mayor to sign an agreement with the Joint Monroe Fire District for the Village Fire Department to furnish fire protection on a portion of the NYS Thruway between milepost 44.38 and milepost 44.76, as amended by Attorney Naughton. This agreement is for the term January 1, 2021 thru December 31, 2025.

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

g. Review/Approval – Shops at Woodbury Developers Agreement:

Mayor Egan stated this item is being tabled on the next meeting.

h. Advertise for Bids – Amdur Park Water System Repairs/Upgrades/Enhancements:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to authorize the receipt of bids for the capital improvement project “Amdur Park Water System Filter Replacement, Treatment Plant Upgrades and Water Supply Enhancement”.

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

VI. Public Comment: *There was no public comment received.*

VII. Board Member/Department Comment:

Mayor Egan thanked Boy Scouts Woodbury Troop 4 for having him as their guest on March 2. They were working on their “Citizen in the Community” merit badge and asked him to visit with them to discuss the workings of local government. He gave them an overview of how local government works in Woodbury, and then spent an hour answering well-crafted questions. Their questions were intelligent, detailed and well thought out. He thoroughly enjoyed his time discussing local government with them. He then noted the Village Board continues to be very busy putting together committees to better the community. There are currently interviews being held for the Revitalization Committee and second interviews with final candidates for the Fire Department recruitment position have been schedule. He then notes as winter leaves multiple projects will be starting up - hotel projects and other new business construction will begin again soon. One of these projects will be a new transfer station by Orange and Rockland. They will be adding a station to Woodbury to improve service to our community and surrounding areas. Their goal is to improve reliability and decrease time to service in the event of outages.

Trustee Graziano thanked everyone for attending the meeting. He then thanked County Executive Steven Neuhaus for setting the gold standard for community and service throughout the pandemic. He feels the County Executive has done an absolutely amazing job of keeping everyone informed on a daily basis and continuing to advocate for Orange County to receive more vaccines. He also thanked Assemblyman Schmitt and Senator Skoufis for fighting to increase vaccine distribution in our area. It proves that by working together towards a common goal, things can and will get done. He

then stated the weather has been getting warmer and seeing children playing outside has brought him a lot of joy. He then noted we need to accept tolerance and empathy, which are traits that are fading.

Trustee Gomez thanked all for attending the meeting this evening. He noted there are new vaccines available, and many have had the opportunity to get vaccinated but there are a lot more that have not. He asked all to remain mindful of others, wear masks when appropriate and until clearance from the CDC and other health professionals is given. Since the numbers continue to improve a lot of restrictions have been lifted or modified.

Trustee Burek thanked everyone for watching the meeting tonight. She noted it was one year ago this week when the COVID hit and everything changed. She stated she has seen firsthand how resilient the Village departments are and it was amazing how creative they got with new and safer ways to continue to work and serve the public with constant and reliable service. Next week the Board will hold a worksession to prepare the preliminary budget for FY2021/2022 and over the last two weeks the departments have been meeting to prepare their budgets for review. She thanked everyone that was involved in the process and each for spending an enormous amount of time preparing plans for today and the future. Each department has always looked for ways to improve and expand upon the services offered to the residents, while being fiscally responsible.

Trustee Giacomazza stated on March 7 he celebrated his wedding anniversary. He told the story of how he met his wife and some anecdotes from their life together. He then noted March is Women's History Month which acknowledges the contribution of women in our society, their influence in our history and how they will continue to contribute moving forward.

Chief Prozzillo announced that in-person training will resume on Monday. Membership will be broken up into two groups to limit the size of attendance at drills.

VIII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to adjourn the meeting at 8:20PM.

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

Desiree Potvin, Village Clerk

Attorney/Client Session with Village Attorney

LOCAL LAW 3 OF 2021

A LOCAL LAW AMENDING CHAPTER 240 (“PROPERTY MAINTENANCE”) OF THE CODE OF THE VILLAGE OF WOODBURY

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 of the Village of Woodbury finds that it is reasonable and appropriate to update and amend Chapter 240 (“Property Maintenance”) of the Village of Woodbury Code. The Board of Trustees recognizes the needs of the community for an effective and well-regulated procedure for the disposal of garbage and rubbish, and for the maintenance of residential and business premises, whether improved or vacant. This local law is determined to be an exercise of the police powers of the Village to protect the public health safety and general welfare of its residents.

SECTION 2 CHAPTER 240 (“PROPERTY MAINTENANCE”)

A. Chapter 240 is hereby amended to include a new Article I, entitled “Brush, Grass and Weeds” as follows:

§240-1 Definitions

As used in this Article, the following terms shall have the meanings indicated:

PERSONS *Includes one or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of owning properties.*

CODE ENFORCEMENT OFFICER *The Code Enforcement Officer or his duly authorized representative.*

§240-2 Restricted growth

It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any occupied or unoccupied building lot or plot of land or any part thereof in any developed section of the Village of Woodbury to permit or maintain on any such plot or plot of land or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or the middle of the alley or for 10 feet outside of such property line, if there be no curb, any growth of weeds, grass or noxious vegetation to a height greater than 10 inches, on the average, or any accumulation of dead grass, weeds or brush. It shall also be unlawful for any such person to cause, suffer or allow poison ivy, ragweed or other poisonous plants or plants detrimental to health to be grown on any such lot or plot of land in such manner that any part of such ivy, ragweed or other poisonous weed shall extend upon, overhang or border any public place.

§240-3 Duty of owner, lessee or occupant to cut or remove

It shall be the duty of any owner, lessee or occupant of any such lot or plot of land in the Village of Woodbury to cut and remove or cause to be cut and removed all such weeds, grass or noxious, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of § 240-2, provided that cutting and removing such weeds, grass or vegetation at least once in every

two weeks between May 1 and September 15 shall be deemed to be in compliance with this section.

§240-4 Depositing of materials on vacant land

It shall be unlawful for any person, either as owner, lessee, agent, tenant or otherwise, to throw, cast, deposit or cause to be thrown, cast or deposited in or upon any vacant lot of land or vacant place, upon the surface of any lot of land enclosed or otherwise, within the Village of Woodbury, New York not owned by such person, any waste, leaves, brush, hay, weeds, straw, litter, wastepaper, boxes, shavings or any filthy, combustible or flammable materials, rubbish, garbage or dirt, whereby a fire hazard, danger or risk is or may be endangered or injuriously effected or whereby the premises of another or the enjoyment of the premises of another are or may be injured, damaged, interfered with or prejudiced, excepting such place or places designated or provided by the Board of Trustees of the Village of Woodbury, New York. Nothing in this section shall be construed as to prohibit the depositing of manure upon any private property for the cultivation of the same.

B. Existing Sections 240-1 through 240-5 shall be located in a new Article II, entitled “Property Standards” and renumbered as Sections 240-5 through 240-9 accordingly.

C. Newly renumbered Section 240-7 is hereby repealed and replaced with the following language:

§240-5 Purposes and application

In order to prevent blight and the spread thereof, it is hereby declared that all residential and non-residential structures, including accessory structures, whether occupied or vacant, shall be maintained in conformity with the standards set out in this Article. This will ensure that none of these structures or properties will adversely affect their neighborhood or the larger community. It is found and declared that, by reason of lack of maintenance and progressive deterioration, blighting conditions may develop that may necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same. By reason of the regulations and restrictions, the growth of blight may be prevented, the neighborhood and property values may be maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods may be enhanced, and the public health, safety and welfare of the Village will be protected and fostered.

D. Newly renumbered Section 240-6 (“Definitions”) is hereby amended to include the following additional definitions:

ABANDONED PROPERTY *A building, structure, dwelling unit or lot that is vacant for a period in excess of 30 consecutive days.*

BLIGHT *Something that impairs or destroys; an impaired condition; to cause to deteriorate, ruin.*

FORECLOSED PROPERTY *A building, structure, dwelling unit or lot that is vacant for a period in excess of 30 consecutive days as a result of a foreclosure action.*

OWNER *Any record owner, mortgagee, vendee in possession, assignee of rents, receiver, executor, trustee, administrator, lessee, agent or other person having control, directly or indirectly, of property or a building, structure or area.*

PERSON A natural person, corporation, partnership, limited liability company, unincorporated association, or any other business organization of two or more persons.

PROPERTY MANAGER Any person who is authorized by the owner to repair, maintain, oversee, sell, or lease property or otherwise act on behalf of the owner of property.

PROPERTY or PREMISES Land, buildings and other permanent attachments to the land.

TENANT or LESSEE Any person who uses or occupies property, other than the owner, and who occupies the same pursuant to a written or oral lease agreement or otherwise with the consent and permission of the owner thereof.

VACANT COMMERCIAL SPACE OR STORE The space within a building used by a business or commercial establishment where the business has ceased or suspended operations. Such building or store space shall be deemed vacant even if fixtures, furniture, equipment or other property remains in the space.

VACANT RESIDENTIAL BUILDING A building containing one or more dwelling units in which no occupant(s) has(have) resided for 30 or more consecutive days. Vacancy of some of the dwelling units within a two-family or multiple-dwelling building shall not be considered to be a vacant residential building.

E. Newly renumbered Section 240-8 is hereby repealed and replaced with the following:

§240-8 Maintenance standards

A. Open areas; parking spaces.

- 1) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, stormwater sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural safety or health hazard by reason of construction, maintenance or manner of discharge.
- 2) Fences or other accessory structures shall be maintained in a safe and non-deteriorated condition. All fences and planting areas installed on the premises shall be maintained by the person responsible for the property, which shall include the Owner and Property Manager. Such maintenance shall include but not be limited to painting, as needed, the maintenance and cutting of lawns and the replacement and/or repair of fences which may be in disrepair.
- 3) All planting areas and landscaping on the premises shall be maintained so that lawns, hedges, bushes, and trees shall be kept neat and free from becoming overgrown and unsightly where exposed to public view and where the same may constitute a blighting factor, and shall be maintained by the person responsible for the property, which shall include the owner and property manager. Such maintenance shall include but not be limited to the replacement of trees and shrubs which may die and/or otherwise be destroyed, the maintenance and cutting of lawns.
- 4) The planting strip fronting the property shall be maintained in a safe condition, neat, mowed, as necessary, and free of litter, poison ivy, ragweed and any other noxious plant.

- 5) *Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled, and necessary repairs or replacement shall be made. Moreover, sidewalks, curbs, aprons, ramps and driveway approaches shall be constructed in accordance with the specifications set forth in Chapter 269, Article V, of the Village Code. All off-street parking facilities shall be swept as often as necessary in the determination of the Code Enforcement Officer.*
- 6) *Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation and debris. They shall be maintained in a manner that will prevent dust or other particles from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public.*
- 7) *A junked vehicle may not be parked, stored or left in the open so as to be visible from any street or neighboring properties.*
- 8) *Restaurants and other eating facilities shall have garbage containers sufficient in number for all of their solid waste and shall maintain them in satisfactory condition.*
- 9) *No shopping baskets, carts or wagons shall be left unattended or standing, and such baskets, carts or wagons shall be collected as often as necessary and removed to the interior of the building or buildings from which they were taken by the person responsible for said building or buildings.*
- 10) *All signs exposed to public view shall be maintained in good repair. Excessively weathered or faded signs shall be removed or put into good repair. Any nonoperative or broken electrical or other sign shall be repaired or removed.*
- 11) *All unused tires shall be removed from all yards and lots and shall be properly disposed.*

B. Buildings and structures.

- 1) *All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering. Said surfaces having once been coated with any finish, such as paint, varnish, lacquer, etc., must be maintained.*
- 2) *Every exterior wall, roof and porch or appurtenance thereto shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the building or to the public. Floors, walls, ceilings, stairs, furnishings and fixtures of buildings shall be maintained in a clean, safe and sanitary condition.*
- 3) *The foundation walls of every building shall be maintained in good repair and shall be structurally sound.*
- 4) *Exterior walls, roofs and all openings, doors and windows, including glass, chimneys and other parts of a building, shall be so maintained as to keep water from entering the building. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and material and improperly secured objects and materials. Such objects or materials shall be removed or replaced.*
- 5) *The owner of a vacated building shall take such steps and perform such acts as may be required of him from time to time by the Code Enforcement Officer to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or the public. All openings shall be provided with painted exterior-grade plywood closures, securely fastened.*

- 6) *Buildings and structures shall be maintained in such condition so that they shall not become an unoccupied hazard as defined in this chapter. All graffiti or defacing shall be removed and the surface finish restored within a five-day period.*
- 7) *Any building or structure, including, but not limited to, residential dwellings, commercial tenant space and stores, that is vacant and abandoned, or is deemed by the Building Inspector or Code Enforcement Officer to be dangerous or likely to attract trespassers or squatters shall be boarded up, at least to the second-floor level, and the responsible person for such structure shall conform to this article such structure and all of its adjoining yards, courts or open spaces.*
- 8) *Buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.*
- 9) *All signs, awnings and lighting systems shall be maintained in a completely operable, clean, sightly, non-deteriorated and safe condition.*
- 10) *All decorative pools and similar devices shall be maintained free of litter and operated as intended. Should the maintenance costs of such devices prove unacceptable, the device shall be converted to landscaped planting beds or removed.*
- 11) *All inground swimming pools on vacant and/or abandoned property shall be completely emptied of water. All above-ground swimming pools on vacant and/or abandoned property shall be emptied of water to the extent that does not cause the pool to collapse.*
- 12) *Fuel-burning, heat-producing equipment shall be installed or maintained so that the emission or discharge into the atmosphere of smoke, dust particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, comfort, safety or property of any person. Where a NYSDEC burning permit is required, a copy shall be filed with the Building Department.*
- 13) *Chimneys, flues and their supports shall be installed and maintained so as to be structurally safe, durable, smoke-tight, noncombustible and capable of withstanding the action of flue gases without softening, cracking, corroding or spalling.*
- 14) *Air-conditioning units which are over any public opening shall have condensation piped away from the entranceway of the same.*
- 15) *Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition so as not to be a potential source of ignition of combustible material or an electric hazard or shock and shall be properly connected to a reasonable, adequate source of electrical power.*
- 16) *If a sign is removed from the exterior of a building or structure, the area that was covered by the removed sign and now left exposed, even if a new sign is installed, shall be cleaned and maintained so that the exterior of the building or structure shall have a uniform color and texture.*

C. Vacant commercial space or store.

- 1) *Whenever a building or store is vacant for a period in excess of 30 days, which period of days need not be successive, the property owner, lessee, occupant and other responsible persons shall place a covering in the storefront to block public view of the interior of the premises. The covering shall be flame retardant or meet with the Code Enforcement Officer's approval regarding fire safety. The covering shall not consist of any substance sprayed onto storefront windows but shall consist of plain, earth-tone, venetian or similar blinds, drapes, curtains or shades.*

- 2) *All show windows and glazed doors shall be periodically washed and maintained in a clean and sanitary condition.*
- 3) *All cracked or broken show windows and glazed doors shall be repaired or replaced as necessary.*
- 4) *All debris shall be removed from a vacant building or store. Such premises shall be maintained broom clean at all times.*
- 5) *All storefronts shall be kept in good repair, painted where required, and shall not be permitted to become a safety hazard or nuisance. In the event that repairs to a storefront become necessary, such repairs shall be made so as to repair permanently the damaged area or areas. Any cornice visible above a storefront shall be kept painted and otherwise in good condition and in good repair.*
- 6) *If windows are removed, they shall be replaced with a permanent building material which is in harmony with the rest of the building. Plywood may be used only in an emergency and for a period not to exceed 45 days.*
- 7) *The Owner of a vacant building shall take such steps and perform such acts as may be required from time to time to ensure that the building and any adjoining yard remain safe and secure and do not present a hazard to the adjoining property or to the public. Owners shall be responsible for maintaining the building and any accessory structures such that they do not become an unoccupied hazard. The building and each floor area shall maintain at least one means of access which complies with the New York State Fire Prevention and Building Code.*
- 8) *The Building Inspector shall be authorized to conduct an inspection every six months of any vacant building and vacant store.*
- 9) *The owner of any residential building or commercial space/store that is vacant for more than 30 consecutive days shall notify the Building Department or the Village Clerk of the name, address, phone number and emergency contact phone number of the owner and/or the property manager of the property.*

D. Vehicle parking. The parking of motor vehicles shall not be permitted across or within pedestrian sidewalks or walkways.

E. Dumpsters. All dumpsters shall be enclosed with fencing and shrubs and other screening as approved by the Code Enforcement Officer.

F. Unoccupied hazard. Unoccupied hazards shall be subject to condemnation in accordance with the laws of the State of New York and this Village.

G. Vacant structures and their adjoining yards. Vacant structures and their adjoining yards shall be maintained in compliance with all provisions of this chapter.

F. Newly renumbered Section 240-9 (“Penalties for offenses”) is hereby repealed and replaced with the following:

ARTICLE III - ENFORCEMENT AND PENALTIES

§240-9 Enforcement

- A. *This chapter may be enforced by the Building Inspector, Code Enforcement Officer and/or any police officer of the Village of Woodbury.*

- B. *Notice to cut or remove; Village to do work; lien. If there is a violation of the provisions of the foregoing sections relative to the maintenance of lawns and/or landscaping, the Code Enforcement Officer shall serve written notice, either personally or by mail, upon the owner, lessee, occupant aged 18 years or older (Occupant) or any person having the care or control of any such lot of land to comply with the provisions of this chapter. Any such notice on the owner, lessee, Occupant or person having care or control shall be constructive notice on all such persons. If the person upon whom the notice is served fails, neglects or refuses to cut, or cause to be cut, such weeds, grass, or vegetation, or remove, or cause to be removed, rubbish, within five days after receipt of such notice, or if no person can be found in the Village of Woodbury who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the Code Enforcement Officer shall cause such weeds, grass, or vegetation to be cut and/or rubbish on such land to be removed. If the Code Enforcement Officer so cuts or causes to be cut, or removes or causes such removal, the actual cost of such cutting or removal, plus \$50 or 10% of the actual cost thereof, whichever is greater, for inspection and other additional administrative or other costs in connection therewith, shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.*
- C. *Notice of violation and order to remedy for violations other than the maintenance of lawns and/or landscaping.*
- 1) *Any enforcement official above noted in subsection A shall have the authority to issue a notice of violation and order to remedy directing an owner or Occupant or other person having control, directly or indirectly, of any property to bring such property into compliance with the provisions of this chapter within a period of time deemed adequate under the circumstances then known by the enforcement official and set forth in the notice of violation and order to remedy. Such notice and order may be served personally or mailed to an owner's last known address as shown on the real property tax records of the Village or other record and posted on the property.*
 - 2) *Appearance before the Village Board of Trustees. The notice of violation and order to remedy may specify a date and time of a hearing to be held before the Village Board of Trustees. If the hearing date and time is not specified in the notice of violation and order to remedy, then a subsequent notice may specify the date and time of a hearing to be held before the Village Board of Trustees. Except in the event of an emergency, the date of the hearing before the Village Board of Trustees specified on the notice of violation and order to remedy shall be at least five days after the date of issuance of the notice of violation and order to remedy.*
 - 3) *At the hearing held before the Village Board of Trustees, the property Owner and/or any Owner, as defined in § 240-5, and/or an attorney or other representative of such Owner shall have the opportunity to contest the enforcement official's notice of violation and order to remedy. After the hearing is closed, the Village Board of Trustees shall adopt an order to affirm, modify or rescind the enforcement official's order to remedy.*
- D. *Appearance ticket. If the violation is not remedied within the time set forth in the notice of violation and order to remedy, as may be modified by the Village Board of Trustees upon the hearing as above referenced, the enforcement official may issue an appearance*

ticket requiring the person, owner, lessee, property manager, tenant, occupant or other person having charge of any property to appear in Justice Court for a determination by the Justice Court of claimed violations and to impose penalties as set forth in § 240-10 below.

- E. Compliance with this Chapter is required in the interest of the public safety, health and welfare. In addition to or in lieu of the remedy noted in § 240-9(D), if the Owner(s) served with a notice of violation and order to remedy fails to comply with the order to remedy, as affirmed or modified by the Village Board of Trustees pursuant to § 240-9(C)(3), the Village, through its officers, employees, contractors or agents, may enter upon the property and correct and remedy the violation. All costs incurred by the Village, including the cost of correction and remedy and the cost of the proceeding, including but not limited to reasonable attorneys' fees, plus any surcharge amount as established in § 240-9(G), shall be billed to the property owner. The Village shall bill the property owner for said costs by mailing the bill to the owner's last known address as shown on the real property tax records of the Village. If the property owner does not pay said costs within 30 days after the mailing date of the bill, then the amount of said costs, together with interest charged at the rate of 9% per annum, shall become a lien on the property and shall be assessed against such property, and shall be levied and collected in the same manner as a real property tax. The provisions of this subsection are in addition to, not in lieu of, the penalties set forth in § 240-10.*
- F. In addition to or in lieu of establishing a property lien to enforce unpaid costs and expenses as elsewhere provided herein, the Village may recover such costs and expenses by bringing an action against the Owner(s) of the property. The institution of such action shall be in any court of appropriate jurisdiction and shall not suspend or bar the right to pursue any other remedy provided by law for the recovery of such costs and expenses.*
- G. Remedies available. Enforcement of an order to remedy by order of the Village Board of Trustees and enforcement of the order to remedy by the Justice Court are cumulative remedies and are not alternative remedies. The enforcement official and the Village may pursue either or both of the remedies, provided that no duplicative costs and expenses shall be recovered. In addition, nothing contained herein shall be construed to restrict the authority of any enforcement officer or the Village to compel compliance with this chapter or abate a public nuisance by any other lawful process or provision of law.*
- H. Emergency measures. To the greatest extent permitted by law, if the Code Enforcement Officer determines that a violation of this chapter causes or may cause imminent danger to occupants of a building, neighboring person(s) or property(ies) or the public, then the Village has authority to and may immediately enter upon the property and take any emergency measures necessary to safeguard the occupants, persons or properties without providing prior notice to an owner. The Village shall provide such written notice and an opportunity for hearing before the Village Board of Trustees as soon as practicable. The owner shall be subject to the payment of all costs incurred by the Village and to all other requirements and provisions of this Chapter.*

§240-10 Penalties for offenses

- A. In addition to and not in lieu of any other remedies, any person who violates any provision of this chapter or who violates or fails to comply with any lawful order promulgated hereunder shall be guilty of a violation and, for a first conviction thereof, shall be subject to a fine in an amount not less than \$300 nor more than \$500 per day of*

violation or a maximum of 15 days' imprisonment, or both; for conviction of a second violation committed within 12 months of the first violation, such person shall be subject to a fine in an amount not less than \$400 and not more than \$800 per day of violation or a maximum of 15 days' imprisonment, or both; for conviction of a third violation committed within 12 months of the first violation, such person shall be subject to a fine in an amount not less than \$600 and not more than \$1,500 per day of violation or a maximum of 15 days' imprisonment, or both; for conviction of a fourth violation and for each subsequent violation committed within 12 months of any prior violation, such person shall be subject to a fine in an amount not less than \$1,000 and not more than \$2,500 per day of violation or a maximum of 15 days' imprisonment, or both.

- B. Civil penalties and injunction. In addition to and not in lieu of any other remedies, the Village Board of Trustees may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to obtain civil monetary penalties and compel compliance with or to restrain, by injunction, the violation of this chapter or any order promulgated hereunder. The civil monetary penalties shall be in accordance with and not exceed the monetary penalties set forth in § 240-10(A) of this Chapter.*
- C. Each calendar day a violation occurs or continues shall constitute and be deemed a separate and distinct violation.*

§240-11 Inspections and investigations; report

The Code Enforcement Officer shall initiate inspections and investigations and shall receive information and complaints concerning compliance with this Chapter. The Code Enforcement Officer shall submit a written report to the Village Board of Trustees, not later than 12:00 noon of the day on which the first monthly meeting is held, for the period covering the prior month, containing not less than the address of and date of each investigation or inspection initiated by him; address of each alleged violation concerning which information or complaints have been received by him; date of such receipt; nature of each violation found or complained of, if any; date of correction notice issued; date(s) of each reinspection; date of filing of a request for arrest warrant with the prosecutor having jurisdiction; disposition of each case closed; and status report of each case. Such report shall also include cumulative annual totals of inspections and investigations initiated, information or complaints received, violations noticed for correction with breakdown of such violations by appropriate category, corrections confirmed upon reinspection, warrant requests filed and convictions obtained.

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 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 6 of 2021

A LOCAL LAW AMENDING CHAPTER 36 (“ENVIRONMENTAL CONSERVATION COMMISSION”) OF THE CODE OF THE VILLAGE OF WOODBURY

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 of the Village of Woodbury finds that it is reasonable and appropriate to update and amend Chapter 36 (“Environmental Conservation Commission”) and of the Village of Woodbury Code with respect to the members of the Environmental Conservation Commission. This local law is determined to be an exercise of the police powers of the Village to protect the public health safety and general welfare of its residents.

SECTION 2 CHAPTER 36 (“ENVIRONMENTAL CONSERVATION COMMISSION”).

Section 36-2 (“Membership; eligibility; compensation”) is hereby repealed and replaced with the following:

The Planning Board of the Village of Woodbury is hereby designated as the Environmental Conservation Commission.

Section 36-3 (“Chairman and Deputy Chairman; general procedure”) is hereby repealed and replaced with the following:

The Chairperson and Deputy Chairperson of the Planning Board shall serve as the Chairperson and Deputy Chairperson of the Environmental Conservation Commission. The Commission may adopt rules and procedures for its meetings, and shall keep minutes for such meetings, which shall be filed with the Village Clerk.

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 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.