

Minutes of the Virtual Village Board Meeting held on August 26, 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; Michael Panella, Building Inspector Robert Weyant, Village Streets Superintendent; Michael Phillips, Water/Wastewater Administrator; John Kelemen, Revitalization Committee Chairman; Maria Hunter, Town Beautification Committee; Robert Hunter, Town Councilman

I. Presentation of Plaques for Recognition

Mayor Egan stated the Village Board of Trustees would like to take this opportunity to recognize and thank members of the community who have served the Village for many years.

- a. Robert Anzalone - Served on the Village Planning Board from April of 2012- May of 2021
- b. Joseph DeVenuto - Served on the Village Zoning Board of Appeals from June of 2016 – May of 2021
- c. Victor Ferrarelli - Served on the Village Zoning Board of Appeals from June of 2010 – May of 2017
- d. Gary Kestenbaum - Served on the Town Planning Board from January 1998 – December 2002, Village Planning Board from May of 2014- May of 2016, and on the Town Zoning Board of Appeals July of 1996 – December of 1996, and the Village Zoning Board of Appeals from June of 2017-May of 2020
- e. Maria Hunter – Served on the Village Planning Board from February 2001 to December 2019.
- f. Dorothy “Dottie” Morris – Was presented with the “Key to the Village” for going above and beyond and serving the Woodbury community in so many capacities throughout her lifetime. She has been a member of the education community in the area for over 30 years. She was a kindergarten and first grade teacher for children with learning disabilities and a reading specialist, a former principal, and the driving force in the creation of children’s programs at the library. Dottie is a former president of the Lion’s Club, she has served as past president of the Woodbury Historical Society, a former chairperson of the Business and Industrial Commission, a past director of the Woodbury Senior Center, a member of the Centennial Streeting Committee and a Meals on Wheels volunteer. Dorothy continues to serve on the Woodbury Public Library Board of Trustees, as the Woodbury Gatehouse Committee Chairwoman and a member of the Land Preservation Committee. Dottie is also an avid writer who shares many interesting articles and facts about Woodbury on the Gatehouse Facebook page including “Chapters in the memoirs from a Woodbury Resident”. Dottie is a local treasure that is loved by all! Dorothy stated it was a great surprise and that she has done everything and anything that she wanted to do in her 90 years in Woodbury and hopes that there is always a “Woodbury”!

II. Violation Hearings Pursuant to Property Maintenance Law Section 240-9(C)

Mayor Egan stated he would like to remove this from the agenda until the time comes when the board would hold a violation hearing.

III. Public Comment on Agenda Items Only

Maria Hunter thanked everyone for the acknowledgement of the plaque and thanked the board for appreciating what the volunteers do. She then questioned the Pulver Fill Permit, and the negative impacts to the drainage channel as stated on the EAF form. She spoke about tributary 6 and tributary 6A being trout spawning brooks and voiced her concern about additional water coming down after Brigadoon was built out. She stated the original owner as well as the HOA made sure her, and her neighbors didn’t get flooded out. She requested that when the board deliberates that they make sure to take the water discharge into consideration.

Matt Higgins spoke to this issue on prior occasions and found a lot of issues that were not suitable. He doesn't understand the need for the Pulver fill request and doesn't see the benefit of this project. He is also concerned that more traffic, dust, debris will be present and doesn't see an end in sight with the dumping. He stated Icehouse Road would not be safe with the trucks and oversized dumpsters and it has happened in the past on Quaker Road. He stated that SEIS says that it will not increase traffic and that it's consistent with the natural landscape; he disagrees. He believes that board should weigh the benefits verses the risk of this project. He requested that the board go up and look at the site and inform the neighbors that this is going to happen due to the negative impacts on the neighboring properties. He also expressed concern for the rattlesnakes and other wildlife.

IV. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to accept receipt of the minutes of the meeting held August 12, 2021.

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

b. Approval of Abstract:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to approve Abstract 6 containing vouchers 21-0414 – 21-0481 and totaling \$155,930.52.

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

c. EXTRA ITEM – Accept agreement for Future Repair of Project Infrastructure

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to accept a proposed agreement with Woodbury Villas and Woodbury Homeowners Association regarding the future repair of project infrastructure. As discussed, the Village wanted the ability, but not the obligation, to make a contractor repair a road within the WP3 subdivision that gets damaged by the construction of a new home.

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

d. EXTRA ITEM – Discussion on Revitalization Grant from NEW YORK State

Mayor Egan stated the Village Board is working on a Revitalization Grant from New York State. The Board tasked the Revitalization Committee to come up with recommendations on this project.

The Revitalization Committee recommended to the Board the following be included in the Economic Development Grant/State and Municipal Facilities Capital Program that we are seeking funds from:

- The purchase and installation of hardware and banners to be attached to Rt 32 utility poles. This would include 13 lampposts (10 to be placed on both sides of Smith Clove Road from (approx.) route 32 to Perrone Circle, and 3 teardrop posts to be placed by the train tracks), all with LED Street Lights. The estimated cost is \$30,550.
 - 13 Two-way Scroll Arm Lamp Brackets for each lamppost (holds 2 planters on each): Estimated cost \$1,040
 - Installation of electricity (\$5,000 per pole) Estimated cost \$65,000
 - 20 planters (2 per pole, but not including the 3 added teardrop posts by the train tracks) Estimated cost \$800
 - Banners to place on utility poles along route 32 Estimated cost \$4,000
- TOTAL ESTIMATED COST \$101,390**

A motion was made by Trustee Burek, seconded by Trustee Giacomazza to approve the recommendation by the revitalization committee suggestions for the Economic Development Grant.

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

V. Old Business:

a. Discussion – Pulver Fill Permit Request

Mayor Egan stated, SEQRA needs to be completed for this application, but the following should be considered. This application will require a Freshwater Wetlands Permit from the Planning Board, it will require a Water Quality Overlay District review by the Planning Board, and it will need a review by the Environmental Conservation Board, which is also the Planning Board. For those reasons he believes it to be appropriate for the applicant to apply to the Planning Board for these actions, and for the Planning Board to seek lead agency status and perform SEQRA. The Village Board however can and should hire an independent inspector for the fill permit, and an independent forester for the tree harvesting component of this application under Chapters 149 and 286 of the Village Code. These costs would be covered by the escrow account from the applicant. He then stated he would like to afford the opportunity for the applicant to explain the project to the board.

Mr. Justin Kimple the attorney for the applicant stated that ultimately Mr. Pulver is looking to make the property more usable for him in the future, he would like the slope to be less extreme over the whole property. He then addressed the comments raised by the community and he understands their concerns. He stated the goal will be to have it remain an impervious surface with natural vegetation that would not impact the water runoff. He stated there will be a short impact when they do the freshwater wetlands permit with the Planning Board, but they will ensure there is no additional impact and there will be no gains or losses that will increase the water flow or impact the neighboring properties. As far as the impact with traffic and trucks it will only be a short duration and therefore only be a short-term effort with no long-term impact on the neighboring area. The rattlesnake and other endangered species will not be impacted because this project will be returning the site to its natural format and will allow for natural vegetation in the area; the habitat for those animals will be sustained for the future. He then spoke about the winery that was approved for this site, and that the application will be withdrawn.

Trustee Graziano stated that the last report he saw pertaining to this application was dated a year ago and would like to know if anyone has looked at it since. He then stated that the original memo states 7.3 acres of trees were going to be cut down and, on this application, it says 3.6 acres and he feels that is a huge revision without a second memo and anything over 5 acres is a type 1 under SEQRA. Mr. Kimple referred that question to the project Engineer, Mr. Larry Toro. Mr. Toro stated in the original submission there was a significant grading plan, but since the time of the site meeting with the board members the plan was pulled back considerably, hence the reduction. Trustee Graziano stated he would like to see a revised plan with supporting documentation from the Village consultants as well as the Building Inspector. He then stated that anytime the grading is changed it significantly changes the drainage no matter what you do and would like to know the plan that is in place to not have the change in grade flood neighboring properties. Mr. Toro stated that he assumes that they will put a stormwater pond of some type on the property. Trustee Graziano then stated he agrees with Mr. Higgins about the safety of the trucks on narrow roadways. Mr. Toro stated the trucks will go up Icehouse Road. Mayor Egan asked if Mr. Pulver plans on improving the road for the trucks to come in and out of safely. Mr. Kimple stated Mr. Pulver understands the traffic problems that could happen, and his goal is to do this with the least impact on Icehouse Road; however, he will fix improvements if they are needed.

Trustee Gomez asked how long this project will take. Mr. Kimple stated at this point in time he doesn't know, due to the reduction in fill that is needed, they don't have exact numbers yet. Trustee Gomez stated he finds that hard to believe since Mr. Pulver is filling in and not giving any reason as to why. Trustee Gomez asked what is the benefit that Woodbury and its residents will receive from this project. He stated he understands that its Mr. Pulver's property and he has every right to develop it but not when there are multiple negative impacts to neighboring properties. Mr. Kimple stated Mr. Pulver stated he has general ideas on the development of his property.

Trustee Burek asked if there was going to be a full-blown environmental assessment done at some point, because what she has in front of her was not enough in her opinion. Attorney Naughton stated that it is required that a full environmental impact study be done on the project and that would be in the Planning Boards hands due to the Planning Board having to issue permits and referrals. The applicant would submit an application in front of the Planning Board, and they would declare their intent to be lead agency and at that point review all of the Village Board's concerns. Trustee Burek stated she has concerns on the water overlay, protection of the wetlands and endangered species. She then stated she doesn't understand how the applicant would be maintaining a habitat

when acres of trees are being cut down unless the plan is to replace the trees and then asked if a tree survey would be done. Mr. Kimple stated it seems like the Board will require an independent forester to watch the activity. Trustee Burek stated she would like the trees to be marked so the board could get a better sense of the magnitude of the clear cutting of the land. She then asked if any of the trees would be used in timber harvesting and Mr. Kimple stated no. Attorney Naughton stated that there are two different definitions in the Village code, there is the commercial timber harvesting and then there's non-commercial operations and if Mr. Pulver is not selling then it would constitute as non-commercial timber harvesting which is why you would have a forester there. Trustee Burek then stated when Brigadoon was being built there were concessions that the developers had to make to ensure that certain areas were designated open space, specifically for the rattlesnake population. Attorney Naughton stated when the Planning Board declares its intent to be lead agency the DEC will have to be notified not just for the rattlesnakes, but for the northern long-eared bat and the chestnut oak squirrels. Mr. Kimple stated Mr. Pulver has artistic ideas about this property and wants to make a beautified forest one that is attractive with less undergrowth, he wants to plant trees and he will pay attention to native species and the preservation of as much natural space as possible. Trustee Burek then stated when this was first in front of the board Mrs. Hunter spoke out about changing the entire landscape of the property and she along with Mrs. Hunter are concerned because there will be an impact on the neighbors especially when all the trees will be cut down. Mr. Toro stated the runoff will be the same as it is now, the only thing that will change is the provisions, the grading and the slope of the property that fall under the stormwater protection plan. Trustee Burek then asked who would be responsible to oversee the fill that is being brought in. Attorney Naughton stated an independent inspector would be paid out of an escrow that Mr. Pulver would set up with the Village Clerk. Trustee Burek then asked if there was a potential plan to subdivide the lot because if that were to happen that is a lot more disruption. Mr. Toro stated that would be a plan monitored by the Building Department and independent inspectors in which Mr. Pulver would have to comply. Mr. Kimple stated he doesn't foresee that ever being Mr. Pulver's plan; due to the limitations of the Village and the cost of a project like that.

Trustee Giacomazza asked if the applicant has had much involvement with the HOA of Brigadoon. Mr. Kimple stated due to this going through Icehouse Road, there is no need to inform Brigadoon; there is a large piece of open space property between Brigadoon and Mr. Pulver's property. The only application that would have had an impact on Icehouse Road would be the winery and unfortunately the winery had some issues with requirements and due to town ordinances and the current moratorium, Mr. Pulver has decided to not follow through with it. Trustee Giacomazza then asked what he is looking to do with the property. Mr. Kimple stated that Mr. Pulver is looking to create a natural park for himself and his family. He then stated that in the future he may want to build an additional home on the property but now the intention is a natural park.

Trustee Graziano then asked about the fill - where it comes from, when it gets tested, if its clean and who would be responsible for that information. Attorney Naughton stated it would be the independent inspector that is appointed by the board, and they would make sure the fill is clean and coming from a reputable source. The inspector would provide the board with reviews and lab tests, there are very specific standards put in place when fill is brought from one location to the other.

Mayor Egan stated the board received an email from resident Matthew Higgins stating he is against the Pulver fill operation and stated details as to why.

b. EXTRA ITEM: Update on the Annexation Request

Update on the Annexation request: As stated at the last meeting the public hearing will not be held on August 31st. The Town of Palm Tree and Village of KJ are still reviewing the application and will not be ready by next week. The process is being worked on by our consultants. As we get more information, we will pass it along.

VI. New Business:

- a. Authorize Mayor to Sign Agreement – 2021/2022 Snow and Ice with County

Motion was offered by Trustee Graziano seconded by Trustee Gomez, to authorize the Mayor to sign an agreement with Orange County for the contract of snow and ice removal on certain County roads for the 2021/2022 season at a rate of \$4,950.00 per mile.

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

VII. Public Comment

Orange County Legislator of District 14, Laurie Tautel, stated after the last meeting she spoke to Erik Denega, Commissioner of Public Works as well as James Burpoe, General Services Commissioner regarding the sewer pump station and the bids that were going to go out. She then stated that there have been some issues and they are reviewing documents for permanent meters. The bids should go out by the end of September or the first week in October. The draft documents are expected from their consultant by mid-September with revisions made and final documents completed by the end of September. She also asked them about temporary meters, and they indicated that they were currently using portable meters to evaluate the interceptor capacity with a requisition in for five new meters that they expect to receive by the end of the year. She has also requested that they review the capacity especially with the sudden boom in Palm Tree for our current users and what they are doing to protect the current users. She then stated she is waiting to hear back and once she knows she will reach out to the Mayor.

Maria Hunter asked about the new development that is being built across from the trooper barracks in Monroe and was just inquiring as to what they are doing digging under the road. She expressed concern because Monroe doesn't have control over it nor does Woodbury and she feels that it could potentially become hazardous. She stated she saw a bus coming off Bakertown Road that almost hit a truck and she is concerned with the traffic going forward. She would like to know why the County is allowing this to happen. She thanked the board for its many concerns on the Pulver application and added that the last time fill was brought in for another application, it was disaster, the dirt was everywhere and there was no policing of the area. Icehouse Road is basically a dirt road that Mr. Pulver owns, when the original traffic study was done it was for the winery, not for dump trucks she foresees trouble in the future if this is allowed.

VIII. Board Member/Department Comment

Mayor Egan once again congratulated the honorees this evening and thanked them again for their many years of service to the Woodbury community. He then stated the new well project is continuing to move along, earlier in the week he met virtually with the consultants and the Water Administrator. The Hydrogeologists water study should be back by the middle of September.

Trustee Graziano thanked everyone for their service. He wanted to congratulate the next generation of children growing up, especially his son, whom he stated is his and his wife's whole world. He as well as Trustee Giacomazza dropped their children off at college this past weekend, as college freshmen. He then went on to say due to the pending storm, freshmen and upperclassman arrived all together and through the five hours of traffic and 10,000 people he stepped back and noticed an amazing display of working together and showing what people can do when everything else is put aside and people just work together. The reason it worked was because nobody got heated or yelled or got angry. The anger that is in the world nowadays was put aside and everybody worked together for the common good. He then stated if we can take a little piece of that back to our normal lives and remember to follow the children – and follow their example the world could be a better place.

Trustee Gomez thanked those who put their blood sweat and tears into Woodbury by volunteering. He informed everyone of the intense situation he had trying to get back home from vacation and despite getting frustrated at times its always better to try to remember to be peaceful, kind and patient to people because you never know if they could be going through something worse. He then wished everyone to stay safe and healthy.

Trustee Burek thanked the honorees and stated she has had the pleasure of working along side of many of them and stated how herself as well as many others look up to the people who have given so much to Woodbury, stating they left big shoes to fill. She went on to say she hopes her generation is able do half of what has been done for the community by the volunteers of the past. She then informed everyone that it was National

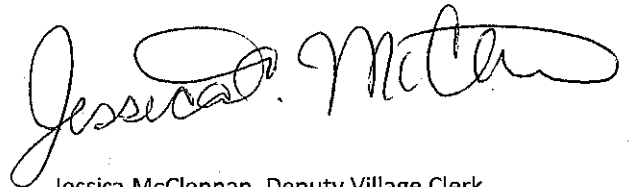
Dog Day, she stated it is a day to celebrate our most loyal friends and companions and reflect on how much joy these companions bring into our daily lives. She stated she loves dogs, maybe more than most people and has had a rescue dog since she was 11 years old. She always tries to educate people on the importance of adopting or fostering animals that are in shelters and it's one of the most rewarding experiences someone could ever have. She then stated there is nothing more rewarding than looking into the eyes of your rescue and seeing nothing but love and gratitude, and there is no greater earthly privilege than to have been loved by a dog. She then encouraged anyone who is looking for a furry friend to consider adoption – she ended by saying you may not be able to change the horrific events of a dog's past, but you can rewrite its future. She also asked that everyone keep our service men and women overseas in our prayers and wanted to personally thank them for their sacrifice and service.

Trustee Giacomazza stated he served on the Zoning Board of Appeals and there is a great need in Woodbury to find people to volunteer. He wanted to personally thank Vic Ferrarelli, Maria Hunter, Gary Kestenbaum, Joe DeVenuto, and Robert Anzalone for all their time, energy and knowledge while serving on the boards. He then went on to say that it is a pain and pleasure to go around knocking on doors during election time; however, the pleasure comes when knocking on doors and meeting with neighbors who you wouldn't normally talk to. He met Dorothy Morris that way and he is truly blessed that he did and has been trying to have her adopt him ever since. He stated she is a true treasure in Woodbury and is so happy to have been able to honor her. He then thanked the department heads and their crews for everything they did over the weekend to ensure the safety of all of Woodbury's residents through the storm. He ended thanking his wife and all his friends and neighbors for reaching out and offering assistance before and after his surgery.

IX. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Gomez, seconded by Trustee Burek, to adjourn the meeting at 8:35 PM.

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



Jessica McClennan, Deputy Village Clerk

X. Attorney/Client Session with Village Attorney