

Minutes of the Virtual Village Board Meeting held on October 14, 2021 at 7:30PM

Present: Timothy Egan, Mayor
Andrew Giacomazza, Jesus Gomez and Christopher Graziano, Trustees
Absent: Tara Burek, Trustee
Also Present: Kelly Naughton, Attorney for the Village; Robert Weyant, Village Streets Superintendent;
Michael Panella, Building Inspector; Michael Phillips, Water/Wastewater
Superintendent; Laurie Tautel, County Legislator

Public Hearings:

a. Introductory Local Law 11 – ARB/Zoning/ARB Rules:

A public hearing was held to entertain public comment on Introductory Local Law 11 of 2021 which would amend Chapter 8 (“Architectural Review Board”) and A314 (“Architectural Review Board Rules”) of the Village Code to revise and clarify the guidelines and standards of the Architectural Review Board. The public notice was printed in the Times Herald Record on October 1, 2021 and the following comments were received:

Mayor Egan stated no comments have been received from the Planning Board but a copy of a memo from Engineer Barber to the Planning Board was received containing the following recommendations:

- 1) *To Chapter 8 “Architectural Review Board”:*
 - a) *(§8-4.B) We recommend the introductory paragraph of this section be changed to read “...that change its outside physical appearance in any respect...”. The law uses “dimension” which seems to indicate changes to color, materials, etc. would not be regulated. For example, if a home in Woodbury Villas seeking a building permit for an approved model with proposed alternate color scheme, is this something the Planning Board wishes to regulate?*
 - b) *(§8-4.C.4.) We recommend you consider eliminating this section that excludes review of deck additions that are less than 10% of the existing gross square footage and modify subpart Section 3 to indicate “New decks, and additions to decks resulting in, less than 500 gross square feet total deck area”.*
 - c) *(§8-4.C.7.) We recommend this be revised to indicate “Retaining walls less than 4-feet in height”. All retaining walls 4-feet and taller require design by a Professional Engineer per the requirements of the Building Department and State Residential and Building Codes.*
 - d) *(§8-7) You may wish to consider whether the title to this section should be changed to “Building Permit & Certificate of Occupancy”.*
- 2) *To Chapter 310 “Zoning”:*
 - a) *(§310-45.E.2) We recommend the number of copies for site plan application materials be amended to 15. This number is consistent with the proposed number of ARB applications and procedure for the Building Department.*
 - b) *(§310-45.E.3) This section requires the Planning Board decide on site plan applications within 62-days of a public hearing where they are required. Subsections a. and b. of this section authorize waivers for the public hearing requirement under certain circumstances. We recommend you discuss with Counsel if a decision for applications not requiring a public hearing is required to be rendered within 62-days and if so, what starts the time clock if not a public hearing. Perhaps this could be 62-days from the date the waiver for public hearing was authorized?*
- 3) *To Chapter A314 “Architectural Review Board Rules”:*

- a) (§A314-8.A.) *This section has been amended to allow a waiver for public hearings associated with ARB applications where previously none existed. We recommend you consider specific criteria for granting a waiver or for which a public hearing is required for example the following could be appropriate:*
- *Public hearings shall be required for all new buildings subject to review by ARB,*
 - *Waivers for hearings may be granted if alterations to existing buildings:*
 - *are not likely to be visible to neighbors or from the street, or;*
 - *are an extension of the existing architectural features (same materials, colors, aesthetic) and are less than 500 gross square feet in area.*
- b) (§A314-9.A.) *Similar to our comments on decisions for site plans not requiring a public hearing, we recommend you consider what initiates the 62-day decision on ARB applications if it is not the close of a public hearing.*

Mayor Egan also noted the Orange County Planning GML-239 response has been received in which they stated they have “found no evidence that significant intermunicipal or countywide impacts would result from its approval”. Comments also have been received from the Building Department as follows:

- 1) *Page 2, C (4), “Deck additions that are less than 10% of the existing gross square footage of the deck.” Can deck percentage be transformed to gross square feet and/or be combined with # C3? The 10 % seem arbitrary and can vary from an additional 10 sq. ft. in upwards to several hundred sq. ft.*
- 2) *Page 3, Section 3(a) regarding, “New York State unified solar permit in addition to or as an alternative to the existing Village law in order to accomplish the stated purposes of the Village Board.” Why two applications? The Village’s solar application is actually more stringent and the ones filling out the permits are the solar company, not the homeowner.*
- 3) *Page 4, Section 310-45 (E)(2), “10 copies” and Page 6 A314-7(2) requests, “15 Copies”.*

The following additional comments were received:

Al Lei (username on screen - when stating his name, it was unclear) stated he lives in Woodbury Villas and is a contractor with clients. He has served on an ARB, but he did not say where. He appreciates the Board trying to keep the Village nice. For minor improvements to a home, it is costing his clients about \$10,000 and it takes approximately four to five months to get approvals. He feels the Board could find a way to balance that would permit the Building Inspector to grant approvals for the minor projects – perhaps basing it on square footage. He asked that the law be eliminated, or some balance be determined so it can be better for the community.

Zev Wiesenfeld, Chairman of the United Jewish Council which represents hundreds of Jewish families living in Woodbury, thanked the Board for taking another look at these laws that were passed earlier this year. When they were initially passed, the Council reached out to the Board members and expressed their concern with how the laws will affect all residents and how it will overwhelm the Planning Board with applications. They were told that the law would be reviewed again and amended as needed. They feel the law affects their community disproportionately, noting that over 50% of the pending applications are from their community. Since there are a lot of issues that have not been addressed, they ask the Board to add more exemptions. He suggested limiting the law to only the construction that will have an adverse impact on the visual of the Village and all other applications should revert to how they were handled previously (with the Building Department). He appreciates the volunteer members of the Planning Board and feels the workload should be limited, not added to. Regarding the requirement to have the ridge preservation set at a 600 elevation will affect 75% of the properties in the Village. The proposed law requires an appearance before the Planning Board, incurring costs and time, for an application to simply enlarge a window. He added further that since the Planning

Board has much work as part of the ARB process, getting on the agenda can take several months, or longer, and could cost about \$6000. He feels saddling the property owners with extra costs, without an overwhelming benefit, is not appropriate. He then cited some specific examples where this would occur (vinyl siding vs. natural material, requiring the use of fiber cement board).

Joel Gold stated he greatly appreciates all the Board does. He recently went through the process of doing indoor renovations (adding windows) and he had to appear before the Planning Board for a few months. He felt this was something that could have been handled by the Building Department. He appreciates the Board taking another look at the law.

With no further comments received, a motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to table the public hearing until to the October 28, 2021 to give the Planning Board more time to submit comments.

ADOPTED	AYES	3	Egan, Giacomazza, Gomez
	NOES	1	Graziano

b. Introductory Local Law 12 – Ridge Preservation Review:

A public hearing was held to entertain public comments on Introductory Local Law 12 of 2021 which would amend Chapter 310 (“Zoning”) of the Village Code to clarify the guidelines and standards of Ridge Preservation Review. The public notice was printed in the Times Herald Record on October 1, 2021 and the following comments were received:

Mayor Egan stated no comments have been received from the Planning Board but a copy of a memo from Engineer Barber to the Planning Board was received containing the following recommendations:

- 1) *B.(2) – We recommend you consider visibility in the winter months and whether a demonstration of blending on a hillside with or without tree cover might be appropriate.*
- 2) *B.(8).4. We recommend you consider eliminating this section that excludes review of deck additions that are less than 10% of the existing gross square footage, and modify subpart Section 3 to indicate “New decks, and additions to decks resulting in, less than 500 gross square feet total deck area”.*
- 3) *B.(8).7. We recommend this be revised to indicate “Retaining walls less than 4-feet in height”. All retaining walls 4-feet and taller require design by a Professional Engineer per the requirements of the Building Department and State Residential and Building Codes.*

Mayor Egan also noted the Orange County Planning GML-239 response has been received in which they stated they have “found no evidence that significant intermunicipal or countywide impacts would result from its approval”. They further stated that they “appreciate the Village’s continued diligence in protecting the natural qualities of the viewshed within the defined Ridge Preservation Area”. Comments have also been received by the Building Department as follows: “Last page #4. “Deck additions that are less than 10% of the existing gross square footage of the deck.”

With no further comments received, a motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to table the public hearing until to the October 28, 2021 to give the Planning Board more time to submit comments.

ADOPTED	AYES	3	Egan, Giacomazza, Gomez
	NOES	1	Graziano

c. Cable Franchise Agreement – continued from September 23:

A public hearing was continued from the September 23 meeting to entertain public comments on a proposed non-exclusive television franchise agreement between the Village and Cablevision of

Wappingers Falls, Inc., a wholly owned subsidiary of Altice USA, Inc. The following additional comments were received:

Robert Hoch, Attorney for Cablevision, stated the Village requested a waiver of some procedures that are necessary for an initial franchise from the PSC. The request was noticed for 60 days, as required, and no comments were received. The likelihood of it being approved is nearly certain by the PSC. He believes all things are on course for the Village to assume the authority of the local franchise.

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

ADOPTED AYES 4 Egan, Giacomazza, Gomez, Graziano
 NOES 0

Motion was then offered by Trustee Giacomazza, seconded by Trustee Gomez, to adopt the following resolution authorizing the Village of Woodbury to enter into a Cable Franchise Agreement with Cablevision of Wappingers Falls, Inc., to operate a cable system in the Village of Woodbury:

WHEREAS, the Village of Woodbury (the “Village”) is a “franchising authority” in accordance with Title VI of the Communications Act of 1934, (the “Communications Act”), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the “Cable Laws”);

WHEREAS, Franchisee was previously authorized to construct a cable system and provide cable service along the public rights of way within the territorial limits of the Village pursuant to a cable franchise with the Town of Woodbury; and

WHEREAS, said cable franchise between Franchise and the Town expired on June 28, 2021; and

WHEREAS, prior to the expiration of Franchisee’s cable franchise with the Town, Franchisee and the Village determined that the Village is now the appropriate local franchising authority for the territorial limits of the Village for purposes of Title VI of the Communications Act and the Cable Laws; and

WHEREAS, on or about May 11, 2021 the Village submitted a request to the New York State Public Service Commission (“Commission”) for a waiver of certain requirements of the Cable Law relating to the granting of an initial cable franchise, for which the Village believes there is good cause shown, since Franchisee is seeking the Village’s authorization to continue operating and maintaining an existing cable system; and

WHEREAS, said request by the Village to the Commission for a waiver of the rules, which constitutes a rule making under the laws of the State of New York, was published in the New York State Register on August 4, 2021 (I.D. No. PSC-31-21-00009-P) (the “Waiver”), and

WHEREAS, Franchisee has submitted to the Village a proposed franchise agreement (the “Franchise Agreement”) to continue operating said system within the Village; and

WHEREAS, The Village and Franchisee have mutually agreed to the terms of said Franchise Agreement; and

WHEREAS, the Village has determined that Franchisee has the requisite legal, technical and financial capabilities to operate cable systems within the Village and that Franchisee’s proposals for renewal of the franchises meet the cable related needs of the Community; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties within the Village to be heard on the proposed Franchise Agreement was held before the Village on commencing on June 10, 2021 and continuing on June 24, 2021, July 8, 2021, August 12, 2021, September 23, 2021 and October 14, 2021 at which time the Public Hearing was closed.

NOW, THEREFORE, BE IT RESOLVED THAT:

- Section 1. The above "WHEREAS" clauses are incorporated herein as if set forth in full.
- Section 2. The Village Board determines that it is in the best interest of the public to award the Franchise Agreement to the Franchisee; and be it
- Section 3. Subject to and upon the Commission granting the Waiver, the Village Board hereby authorizes the Mayor to execute the Franchise Agreement with Cablevision of Wappingers Falls, Inc., and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Village of Woodbury.
- Section 4. The Mayor, and any officer, employee or consultant as directed by the Mayor, shall take any and all actions necessary to carry out the provisions of this Resolution.
- Section 5. This Resolution shall be effective immediately.

ADOPTED AYES 4 Egan, Giacomazza, Gomez, Graziano
 NOES 0

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

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 September 23, 2021.

ADOPTED AYES 4 Egan, Giacomazza, Gomez, Graziano
 NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve Abstract 9 containing vouchers 210667 – 210805, and totaling \$263,158.24.

ADOPTED AYES 4 Egan, Giacomazza, Gomez, Graziano
 NOES 0

c. Fire Department Equipment Requests:

Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to approve Fire Department Equipment Request 2021-21 totaling approximately \$929.99 for the purchase of a leaf blower and gear lights.

ADOPTED AYES 4 Egan, Giacomazza, Gomez, Graziano
 NOES 0

d. Relevy of Previously Exempt Properties:

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to adopt the following resolution to re-levy a prorated tax amount due on property(ies) located at various locations that was/were previously eligible for an exemption:

WHEREAS, the owner(s) of property was/were eligible for an exemption on property taxes and upon the sale/death this exemption must be removed; and

WHEREAS, notification was received by the Village Clerk from the Woodbury Assessor that prorated amount(s) need to be re-levied onto the FY2022/2023 taxes for this/these property(ies).

NOW THEREFORE, BE IT

RESOLVED that the Village Board directs the Village Clerk, Village Tax Collector and any other Village official, employee or agent of the Village to take any and all necessary actions to levy and collect the following amounts on the following affected land(s) in the same manner as all other Village Charges and to take any necessary actions to execute and record a lien upon such land:

237-3-31	3 Cherry Ct HM	\$124.48
236-8-2	6 Cranberry Dr HM	\$48.74
237-4-2	49 Linden Dr HM	\$47.7

ADOPTED AYES 4 Egan, Giacomazza, Gomez, Graziano
NOES 0

e. Acceptance of Resignation – Christopher Reilly:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to accept, with regrets, the resignation of Christopher Reilly from the position of MEO effective October 22, 2021.

ADOPTED AYES 4 Egan, Giacomazza, Gomez, Graziano
NOES 0

Old Business:

a. Appointment to Planning Board Vacancy:

Motion was offered by Trustee Graziano, seconded by Trustee Giacomazza, to appoint Evan Yan to the vacancy on the Planning Board with a term to expire May 31, 2022.

ADOPTED AYES 4 Egan, Giacomazza, Gomez, Graziano
NOES 0

New Business:

a. Approve Proposal – Water Supply Assessment for Amdur Park Well Field:

Mayor Egan stated this item has been tabled at the request of Superintendent Phillips and Engineer Barber.

Public Comment:

Legislator Tautel stated people have mentioned to her, at various times while she has been walking around Woodbury, their concerns about the condition of the bridge on Park Avenue. She spoke to the Town and County and she feels the bridge seems to fall under the Village’s purview. She asked if the Board could confirm that this is the Village’s responsibility. Superintendent Weyant stated the bridge is the responsibility of the County and earlier this year confirmation was received from the OCDPW stating they plans to replace it. He suggested Legislator Tautel speak with OCDPW Commissioner Denega regarding her concerns. Legislator stated the Town informed her it was a Village bridge and Superintendent Weyant stated that would be misinformation.

Joshua Schoen asked, since there seemed to be no objections to the exemptions that were discussed at a previous Planning Board meeting, if there was any reason those could be approved and the other issues brought up at a later date. Mayor Egan stated the Board opted to not move forward on the laws this evening as it would like to give the Planning Board more time to submit their written comments. Mr. Schoen stated the Planning Board discussed the issues at a previous meeting and issued approvals then. Attorney Naughton clarified the approvals were for resolutions and the Board was supposed to discuss the two local at their meeting of October 6, but that meeting was canceled. It is on their agenda for the meeting next to consider and provide a report. Mr. Schoen asked what the process would be next, adding his application for a solar project has been waiting four-five months. Mayor Egan

stated the hearing was continued to the October 28 meeting and the Board should be able to adopt at that time. Attorney Naughton stated that could happen as long as there are no substantive changes to the law being made be the Board based on the comments received. Mr. Schoen stated he feels he is caught in political nonsense for these projects, which were previously approved. The delay may cause him to lose out on state benefits and is costing him hundreds of dollars per month in electrical. Mayor Egan noted the issue has nothing to do with politics and procedure dictated by the State for the adoption of local laws need to be followed. Mr. Schoen asked when the law will be adopted. Mayor Egan stated the earliest will be October 28 and if there are substantive changes, then November 16. He also stated he understands Mr. Schoen's frustration on the issue.

Board Member/Department Comment:

The Board and Superintendent Weyant collectively wished Christopher Reilly the best in his future endeavors. The Board also collectively acknowledging the passing of John Smith.

Trustee Graziano thanked all for attending the meeting this evening and those that participated. He would like to see more people participate in their government.

Trustee Gomez thanked all for attending the meeting this evening. He noted comments are good as it is how the process is supposed to be. He recognizes the answer is not always what an individual wants to hear but, due to bureaucracy, the law must be followed. The board is trying to stay on top of things, and it has great consultants and employees working for the Village.

Trustee Giacomazza also thanked everyone that provided comments this evening. He noted it is an important part of the process and he fully believes this Board has tried to remain as transparent as possible. It decided to return to virtual meeting as it garners more participation from the public and enables live streaming on social media. He encouraged all to continue attending and participating.

Adjournment:

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

ADOPTED	AYES	4	Egan, Giacomazza, Gomez, Graziano
	NOES	0	

Desiree Potvin, Village Clerk