

Minutes of the Village Board meeting held at the Highland Mills Firehouse, 455 Route 32, Highland Mills, New York on April 8, 2008 at 7:30PM

Present: Stephanie Berean-Weeks, Mayor  
Neil Crouse, Richard Jackson and Patrick Kinney, Trustees  
Absent: Joann Stabile, Trustee  
Also Present: Richard Golden and Kelly Naughton, Attorneys for the Village; Dennis Lindsay, Engineer for the Village; Stuart Turner, Planner for the Village; George Sewitt, Maria Hunter, Sheila Conroy and Lorraine McNeill, Planning Board; Robert Kwiatkowski, Police Chief

**I. Administering of Oath of Office:**

a. Elected Trustees:

Clerk Potvin administered the Oath of Office to newly elected Trustee Richard Jackson and re-elected Trustee Neil Crouse. Both have a term that will expire April 4, 2010.

b. Fire Department Officers:

The Woodbury Fire Department held its annual election on April 1 and voted for the following officers, wardens and delegates:

|                            | <u>Highland Mills</u> | <u>Term</u> | <u>Central Valley</u> | <u>Term</u> |
|----------------------------|-----------------------|-------------|-----------------------|-------------|
| Captain                    | Pasquale Prozzillo    | 1 year      | Brian Wallace         | 1 year      |
| Lieutenant                 | Doug DeSisto Sr       | 1 year      | Keith Foley           | 1 year      |
| 1 <sup>st</sup> Lieutenant | Dan Ward              | 1 year      | Steven Plot           | 1 year      |
| 2 <sup>nd</sup> Lieutenant | Timothy Ryan          | 1 year      | Edward Smith          | 1 year      |
| Warden                     | Christopher Burke     | 2 years     | Donald Guerrieri      | 2 years     |
|                            | Marc Morean           | 1 year      | Lawrence Amanuel      | 1 year      |
| Delegate                   | Scott Danielson       | 3 years     | Charles Edwards Sr    | 3 years     |
|                            | Peter Prior           | 2 years     | Gregory Hatzis        | 2 years     |
|                            | Ronald Presti         | 1 year      | Kenneth Schmaeger     | 1 year      |

On April 3, the department met and approved the following slate of Fire Chiefs for the Village Boards consideration:

|                                 |                    |        |
|---------------------------------|--------------------|--------|
| Chief                           | Dominick Prozzillo | 1 year |
| 1 <sup>st</sup> Assistant Chief | John Jones         | 1 year |
| 2 <sup>nd</sup> Assistant Chief | Scott McClennan Jr | 1 year |

Clerk Potvin administered the Oath of Office to the newly appointed Chiefs and Officers that were present for the meeting. *NOTE - Village Board action to approve the appoints of the three Chiefs appears on page 95 of this minute book.*

**II. Public Hearing:**

a. FY2008/9 Budget:

Attorney Golden stated the notice was sent to the Times Herald Record on March 25 via electronic mail for publication on April 1. They failed to publish the notice. His office contacted the newspaper and they will be publishing a notice in tomorrow's issue for the hearing to be held on April 15. A motion was offered by Mayor Berean-Weeks, seconded by Trustee Crouse, to schedule a public hearing for April 15, 2008 at 7:30PM for the purpose of entertaining

public comments on the FY2008/9 tentative budget. This will be a special meeting for the budget hearing and any other business that may need to be conducted.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Jackson, Kinney  
NOES 0

### **III. Administrative Business:**

#### a. Acceptance of Minutes:

Motion was offered by Trustee Crouse, seconded by Trustee Kinney, to accept the minutes of the regular meeting held March 25, 2008.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Jackson, Kinney  
NOES 0

#### b. Approval of Abstract:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Jackson, to approve Abstract 18, Vouchers #20070996 - #20071063, totaling \$498,357.76.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Jackson, Kinney  
NOES 0

#### c. Budget Modification:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Jackson, to approve a modification to the General Fund by increasing A1010.100 (VB Personal Service) \$350, A9060.802 (Dental Insurance) \$620 and decreasing A1320.400 (Auditors) \$970.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Jackson, Kinney  
NOES 0

Motion was then offered by Mayor Berean-Weeks, seconded by Trustee Crouse, to approve a modification to the Consolidated Sewer Fund by increasing FC8310.403 (Heating Oil/Gas) \$3000, FC8310.411 (Office Supplies) \$11, FC8310.412 (Postage) \$896, FC8310.415 (Engineer) \$1000, FC8310.453 (Vehicle Repairs) \$137, FC8310.463 (Consult Fee - Computers) \$2700 and decreasing FC1910.400 (Unallocated Insurance) \$4000, FC8310.200 (Equipment) \$3744.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Jackson, Kinney  
NOES 0

Motion was then offered by Trustee Crouse, seconded by Trustee Kinney, to approve a modification to the Water 6 (Amdur Park) Fund by increasing FA8310.200 (Equipment) \$5000, FA8310.463 (Consult Fee - Computers) \$200 and increasing FA1062 (Town Payment to Reduce Tax Levy) \$5200.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Jackson, Kinney  
NOES 0

Motion was then offered by Trustee Kinney, seconded by Trustee Jackson, to approve a modification to the Highland Lake Estates Water Fund by increasing FH8310.412 (Postage) \$50, FH8310.426 (Chemical/Supply) \$750, FH8310.463 (Consult Fee - Computers) \$250 and decreasing FH8310.438 (Operations/Maintenance) \$1050.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Jackson, Kinney  
NOES 0

Motion was then offered by Trustee Crouse, seconded by Trustee Jackson, to approve a

modification to the Consolidated Sewer Fund by increasing GC1930.400 (Judgements/Claims) \$616, GC8110.481 (Sewer Lease) \$80 and decreasing GC1910.400 (Unallocated Insurance) \$696.

**ADOPTED** AYES 4 Borean-Weeks, Crouse, Jackson, Kinney  
NOES 0

Motion was then offered by Trustee Kinney, seconded by Trustee Jackson, to approve a modification to the Sewer 1 (Valley Forge) Fund by increasing GV8110.415 (Engineer) \$500 and decreasing GV8110.438 (Operations/Maintenance) \$500

**ADOPTED** AYES 4 Borean-Weeks, Crouse, Jackson, Kinney  
NOES 0

Motion was then offered by Trustee Jackson, seconded by Trustee Kinney, to approve a modification to the Highland Lake Estates Sewer Fund by increasing GH8110.403 (Heat Oil/Gas) \$46, GH8110.404 (Water Bills) \$118, GH8110.453 (Vehicle Repair) \$700, and decreasing GH8110.414 (Legal) \$864.

**ADOPTED** AYES 4 Borean-Weeks, Crouse, Jackson, Kinney  
NOES 0

**EXTRA ITEM - Schedule Joint Worksession:**

Motion was offered by Mayor Borean-Weeks, seconded by Trustee Crouse, to schedule a joint worksession with the Town Board for April 28, 2008 at 7:30PM at Town Hall to continue discussion on the Workplace Violence program.

**ADOPTED** AYES 4 Borean-Weeks, Crouse, Jackson, Kinney  
NOES 0

**EXTRA ITEM - Advertise for Upcoming Vacancies - Various Boards:**

Motion was offered by Mayor Borean-Weeks, seconded by Trustee Crouse, to advertise on the local public access channel notice that the Village Board will accept letters of interest from residents interested in serving on the Planning and Zoning Boards. Letters will be accepted until close of business on May 5, 2008.

**ADOPTED** AYES 4 Borean-Weeks, Crouse, Jackson, Kinney  
NOES 0

**IV. Old Business:**

a. Installation of Cores/Keyfabs on Various Doors:

Mayor Borean-Weeks stated former Trustee Kling submitted a quote from Mike's Lock Service for the installation of four cores and other work needed for the three doors that will be fabbed (supply closet, conference room door inside and outside). The cost is \$630 plus an additional \$300 to change the locks on the other doors. The Board previously approved the expenditure of up-to \$1000 for this project. There may be additional costs for keys but an update will be given if more money is needed. The work is scheduled to be done on April 11.

b. Update - Audio/Visual Equipment:

Trustee Kinney stated he has been working with the web designer to be sure that the camera purchased can be used to air the meetings on the Internet as well. He added that the website should be operational within the next few weeks.

c. VOTE - Legacy Ridge Local Laws:

Attorney Golden explained the purpose of the two proposed local laws and gave a brief history of the process that the Village has followed to date. Gerald Jacobowitz, the attorney representing the applicant for Legacy Ridge, stated the laws need to be adopted by a quorum of the entire Board (at least three votes). Since a full Board is not present, he suggested the Board table the vote until the next meeting. Trustees Crouse and Kinney both indicated that they were prepared to vote this evening. Trustee Crouse asked Attorney Golden if the Board can opt to postpone the vote until a full Board is present like the Planning Board does and Attorney Golden stated it would be at the discretion of the Board. Trustee Crouse stated he has conducted much research on this issue and has taken all the comments made into consideration. He believes he has educated himself enough to make an informed decision and that the benefits outweigh the negatives. Trustee Kinney stated he has done the same and feels this issue should be finalized this evening.

Motion was then offered by Trustee Crouse, seconded by Trustee Kinney to adopt Local Law 3 of 2008 changing the zoning of an approximately 749 acre parcel of land along Trout Brook Road between Smith Clove Road and Route 32 from R3A to R2A as follows:

**Section I: TITLE**

This law shall be entitled: "A Local Law Changing the Zoning of a 749+/- Acre Parcel of Land Along Trout Brook Road between Smith Clove Road and Route 32 from R-3A to R-2A."

**Section II: PURPOSE AND INTENT**

It is the purpose of this Local Law to change the zoning designation for this 749+/- acre site from R-3A to R-2A to accomplish a preferred plan of developing the below noted properties as a Conservation Cluster Development. The subject properties are located along Trout Brook Road between Smith Clove Road and Route 32 in the Village of Woodbury, New York.

The subject properties (between Smith Clove and Pine Hills Road, east of the Thruway) are within a "low density residential" area and surrounded by R-1A, R-2A, R-3A and C-R zones. The Town of Woodbury Master Plan, adopted on March 3, 1988, noted that there would be continuing needs for new housing in the community and that one or more of the areas designated as "low density residential" could legitimately be re-zoned to a higher density designation. Although the Village has yet to adopt a written Master or Comprehensive Plan for itself, its unwritten comprehensive plan is deemed to include the vision outlined in its zoning, which is based in part on the referenced principle in the 1988 Town of Woodbury Master Plan.

**Section III: ZONING AMENDMENT**

The zoning of the following parcels is hereby changed from R-3A to R-2A, constituting approximately 749 acres.

1. A 292+/- acre parcel presently owned by Mr. Hiromi Shinya, being designated as tax map parcel number 203-1-11.
2. A 416+/- acre parcel presently owned by Mr. Hiromi Shinya, being designated as tax map parcel number 203-1-12.5.
3. A 41+/- acre parcel previously approved for development known as the Foxwood development off Skyline Drive, designated as tax map parcel number 207-3-55.

This change in zoning from R-3A to R-2A for the above noted parcels is contingent upon these parcels being developed as a Conservation Cluster Development in accordance with Village Code § 310-31.1. In the event that these parcels collectively are not developed as a Conservation Cluster Development, then the parcels will revert to R-3A zoning for any other development.

**Section IV: ZONING MAP AMENDMENT**

The Village of Woodbury Zoning Map is hereby amended, rezoning the properties better known as tax map parcels 203-1-11, 203-1-12.5 and 207-3-55 to R-2A, subject to these parcels being developed as a Conservation Cluster Development in accordance with Village Code § 310-31.1. In the event that these parcels collectively are not developed as a Conservation Cluster Development, then the Village of Woodbury Zoning Map for these properties will revert to R-3A zoning for any other development.

**Section V: SAVINGS CLAUSE**

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, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section VI: EFFECTIVE DATE**

This Local Law shall take effect immediately upon its filing with the Secretary of State in Albany.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

|                    |         |
|--------------------|---------|
| Mayor Berean-Weeks | AYES    |
| Trustee Crouse     | AYES    |
| Trustee Jackson    | ABSTAIN |
| Trustee Kinney     | AYES    |
| Trustee Stabile    | ABSENT  |

Motion was then offered by Trustee Crouse, seconded by Trustee Kinney, to adopt Local Law 4 of 2008 designating a 749+/- acre tract of land along Trout Brook Road between Smith Clove Road and Route 32 for Conservation Cluster Development as follows:

**Section I: TITLE**

This law shall be entitled: “A Local Law Designating a 749+/- Acre Tract of Land Along Trout Brook Road Between Smith Clove Road and Route 32 for Conservation Cluster Development.”

**Section II: PURPOSE AND INTENT**

It is the purpose of this Local Law to designate this contiguous 749+/- acre site, referred to as “Legacy Ridge” and located along both sides of Trout Brook Road between Smith Clove Road and Route 32, for a Conservation Cluster Development. Such a designation is a mechanism and incentive for the development of conservation cluster subdivisions, which permanently preserve larger tracts of open space land than would be available under either conventional cluster or other developments, and placing the ownership and control of such tracts of land with the

Village. This is consistent with the purposes of securing critical masses of open space, protecting scenic views, increasing opportunities for passive recreation and enjoyment of natural settings, and as otherwise set forth in Village Code § 310.31.1(B)(1)-(10).

### **Section III: FINDINGS**

In connection with its analysis of the Petition for this Conservation Cluster Development designation the Village Board of Trustees hereby finds that the proposed Legacy Ridge Conservation Cluster Development satisfies the Village Code requirements for such designation:

1. The proposed development is comprised of 749+/- acres of contiguous acres (as defined in Village Code § 310.31.1(C)(1)(a)), far exceeding the minimum required 125 acres.
2. The proposed development does not contain a substantial existing development which would impair the ability to preserve critical masses of open space.
3. The proposed development will be served by a Village approved central water and sewer system.
4. The proposed development is preserving more than 57% of the total gross area of the properties as permanent open space (291.70 acres on parcel 203-1-11, 97 acres on parcel 203-1-12.5, and 40.83 acres on parcel 207-3-55), far exceeding the minimum required 20%. The Village Board of Trustees hereby finds that the proposed open space, and the proposed use and ownership thereof, meets the standards set forth in Village Code § 310-31.1. The open space areas shall be dedicated to the Village, or other public entity so determined by the Village Board of Trustees, together with conservation easements requiring the land to remain forever green and undeveloped in perpetuity, except that the Village Board of Trustees may in its sole discretion authorize limited use of such land consistent with its environmentally sensitive features. Such use may include walking trails, bird watching, fishing, and similar pedestrian activities, but in no case involving the use of motorcycles, ATVs, or other motorized vehicles, and in no case may the use of paved surfaces be permitted in the open space area. The locations in the open space areas designated on the Legacy Ridge plans for project related or public infrastructure are hereby deemed appropriate by the Village Board of Trustees. These open space areas may contain open space or common areas to be owned by a homeowners' association, or other entity specified by the Village Board.

The Village Board of Trustees further finds and confirms that, consistent with the constraints analysis and other requirements of Village Code § 310-31.1(D)(2), and other site specific issues, the maximum number of residential lots and residences, utilizing the R-2A zoning district classification as anticipated in accordance with an accompanying Local Law, shall be 287.

The Village Board of Trustees further finds that the Legacy Ridge project has located and will develop new sources of water on the properties. These sources will provide water in excess of the anticipated demands of the Legacy Ridge development. This excess water will enhance the water supply for the surrounding consolidated water area. Legacy Ridge is also providing water treatment design, water storage and infrastructure connections which will improve water pressure

for both domestic use and for firefighting capabilities for the majority of the existing water system users at no expense to the Village or its residents. Also, the Legacy Ridge project will upgrade the Village's existing wastewater treatment plant in the Valley Forge area at no expense to the Village or its residents.

In conclusion, the Village of Woodbury Board of Trustees does hereby find that designating this 749+/- acre site for a Conservation Cluster Development Overlay District is in the best interests of the Village of Woodbury.

**Section IV: PARCELS DESIGNATED FOR CONSERVATION CLUSTER DEVELOPMENT**

A. The following parcels are hereby designated for Conservation Cluster Development. The land so designated constitutes approximately 749 acres:

1. A 292+/- acre parcel presently owned by Mr. Hiromi Shinya, designated as tax map parcel number 203-1-11.
2. A 416+/- acre parcel presently owned by Mr. Hiromi Shinya, designated as tax map parcel number 203-1-12.5.
3. A 41+/- acre parcel previously approved for development known as the Foxwood development off Skyline Drive, designated as tax map parcel number 207-3-55.

B. The land contained in the above-referenced parcels is contiguous land, divided only by Trout Brook Road, and is in common ownership and control.

**Section V: ZONING MAP AMENDMENT**

The Village of Woodbury Zoning Map is hereby amended to implement the above Conservation Cluster Development designation consistent with this Local Law.

**Section VI: SAVINGS CLAUSE**

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, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section VII: EFFECTIVE DATE**

This Local Law shall take effect immediately upon its filing with the Secretary of State in Albany.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

|                    |         |
|--------------------|---------|
| Mayor Berean-Weeks | AYES    |
| Trustee Crouse     | AYES    |
| Trustee Jackson    | ABSTAIN |
| Trustee Kinney     | AYES    |
| Trustee Stabile    | ABSENT  |

**V. New Business:**

a. Replacement of Thermostats in Firehouse:

A quote was received from Astar to install four thermostats to replace the current ones that are ten-years old. This solution would help with the temperature variances. The total cost would be \$1,873.60. It was decided that the contract that exists with Astar would be reviewed prior to approving this proposal.

b. Request for Property Tax Exemption - Kiryas Joel Water Tank

Attorney Golden stated correspondence was received from the law firm representing the Village of Kiryas Joel requesting the Village Board to adopt a resolution pursuant to Real Property Tax Law Article 4, Section 406, which would grant a parcel of land located at Section 213, Block 1, Lot 64.1 as tax exempt. The parcel has a Village of Kiryas Joel municipal water tank on it. Trustee Crouse asked if the Board is mandated to approve this request and Attorney Golden stated it was at the Boards discretion. Trustee Kinney stated the correspondence received does not have any compelling rational to approve the request. Motion was offered by Trustee Crouse, seconded by Mayor Berean-Weeks, to deny the request for tax exemption.

**ADOPTED** AYES 4      Berean-Weeks, Crouse, Jackson, Kinney  
NOES 0

**EXTRA ITEM – Approval of Fire Chief Elections:**

Motion was offered by Trustee Kinney, seconded by Trustee Crouse, to approve the election of Dominick Prozzillo as Fire Chief (Car 1) of the Woodbury Fire Department for a one-year term.

**ADOPTED** AYES 4      Berean-Weeks, Crouse, Jackson, Kinney  
NOES 0

Motion was then offered by Trustee Jackson, seconded by Trustee Kinney, to approve the election of John Jones as First Assistant Fire Chief (Car 2) of the Woodbury Fire Department for a one-year term.

**ADOPTED** AYES 4      Berean-Weeks, Crouse, Jackson, Kinney  
NOES 0

Motion was then offered by Trustee Kinney, seconded by Trustee Jackson, to approve the election of Scott McClennan Jr as Second Assistant Fire Chief (Car 3) of the Woodbury Fire Department for a one-year term.

**ADOPTED** AYES 4      Berean-Weeks, Crouse, Jackson, Kinney  
NOES 0

**VI. Board Member Comments:**

Trustee Crouse reminded the public that, as they review the tentative budget for FY2008/9, it represents a full-years figures for the Fire Department and Water/Sewer Department. The FY2007/8 budget was only for five months for these departments.

**VII. Public Comment:**

Matthew Higgins stated he was disappointed that the Board approve the two local laws this evening. He then asked the Board to state their opinion of the additional street lighting that the State is installing as part of the improvements to Route 32 being done this summer. He feels that commuters suffer enough with the existing lights. Trustee Crouse stated the project was approved by the State and the Village Board has no say in what occurs, especially this late in the



process. He added that he believes many people will feel the light planned for Estrada Road will a benefit to the infrastructure. Mr. Higgins then stressed the Village Board should be involved in the planned improvements to the Route 32/16/7 corridor as well.

Steven Gunset stated he was curious as too why Trustee Jackson attended the Legacy Ridge site visit that was held on March 31 and then abstained from the vote. He then urged the Village to not accept the land proposed for dedication with the project since it is all swamp and unusable. He inquired about the location of the water tower owned by Kiryas Joel on Village property discussed this evening. Attorney Golden stated the property is owned by Kiryas Joel, not Woodbury, and Engineer Lindsay stated the property is located off of Seven Springs Road.

Anthony Incanno stressed his displeasure with the Board voting in favor of the local laws. He submitted a packet of documents that he gathered supporting his belief that the development will have a negative impact on the Cornwall School District and raise the taxes there by approximately \$2 million.

Robin Crouse stated she appreciated all of the work that was done by former Trustee Michael Kling and thanked Trustee Jackson for running for election.

Jonathan Swiller stated the Cornwall School District is not owned by the residents of Cornwall or Cornwall-on-Hudson. He stated residents of Woodbury and New Windsor also attend the school district and share equal concerns. He feels the residents of Cornwall have close-minded views on this issue.

Brendan Coyne, President of the Cornwall School Board, stated he feels the laws adopted this evening will compromise the level of education currently offered to all students of the school district. He believes the overcrowding that will occur will not be able to be mitigated by the Planning Board. He also takes offense to the comments made by Mr. Swiller.

**VIII. Adjournment:**

With no further comments received or business to discuss, a motion was offered by Trustee Jackson, seconded by Mayor Berean-Weeks, to adjourn the meeting at 8:35PM.

**ADOPTED** AYES 4      Berean-Weeks, Crouse, Jackson, Kinney  
                 NOES 0

Desiree Potvin, Village Clerk