

Minutes of the Virtual Village Board Meeting held on December 23, 2021 at 7:30PM

Present: Timothy Egan, Mayor  
Andrew Giacomazza, Trustee/Mayor-Elect  
Tara Burek, Jesus Gomez and Christopher Graziano, Trustees  
Also Present: Kelly Naughton, Attorney for the Village; Robert Weyant, Village Streets Superintendent;  
Michael Phillips, Water/Wastewater Administrator; Michael Panella, Building Inspector;  
Christopher Burke, Fire Chief; Christopher Gerver, Planning Board

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

**Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to accept receipt of the minutes of the meeting held December 9, 2021.

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

b. Approval of Abstract:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve Abstract 13 containing vouchers 211150 – 211224 and totaling \$319,401.82.

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

c. Fire Department Equipment Requests:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to approve Fire Department Equipment Request 2021-26 totaling approximately \$36,971 for the purchase of five SCBA face masks, four hydrant wrenches, three CO gas detectors and seven trainer belts; and Equipment Request 2021-27 totaling approximately \$1470 for the purchase of one pallet of speedy dry and to have the fit test machine calibrated.

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

**Old Business:**

a. Change Order 2 – CDBG Hydrant Replacement Project:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to approve and authorize the Mayor to sign Change Order 2 for the project “Improvements to Water District System Hydrant Replacement” through the CDBG FY2020 grant program totaling \$5664.26. This modification for the change order was due to excavation done at an anticipated hydrant site that was deemed not possible due to the curb valve not holding.

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

**New Business:**

a. Resolution – Moratorium Hardship Waiver Process:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to adopt the following resolution promulgating regulations authorizing a hardship waiver process to the local law instituting a moratorium on certain permits, certificates of occupancy and approvals (Local Law 9 of 2021):

**WHEREAS** the Village of Woodbury adopted Local Law No. 9 of 2021 entitled “A Local Law Instituting a Moratorium on Certain Permits, Certificates of Occupancy and Approvals” (the “Moratorium”), after having received reports that the Village’s water supply is at a critical juncture; and

**WHEREAS** the purpose of the Moratorium is to protect the public health, safety and welfare of the residents of the Village and to maintain the status quo of residential and nonresidential development in the Village; and

**WHEREAS** the Moratorium does not provide for any waivers to its applicability, beyond the exemptions listed therein, but permits the Board of Trustees to promulgate regulations by Resolution authorizing a hardship waiver process if it subsequently determines that a waiver process is necessary and in the best interest of the Village.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Village of Woodbury Board of Trustees hereby determines that a waiver process is necessary and in the best interest of the Village, and promulgates the following regulations authorizing a hardship waiver process:

- A. Should any owner of property affected by Local Law No. 9 of 2021 (“the Moratorium”) suffer an unnecessary and extraordinary hardship due to the enactment and application of the Moratorium, then the owner of said property may petition the Board of Trustees in writing for a waiver from strict compliance with the Moratorium upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary or extraordinary hardship shall not be:
  - 1) A concern or objection that the present regulations may be changed by the Village; or
  - 2) The delay necessarily incurred in making an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.
- B. A petition for an exception based upon unnecessary or extraordinary hardship shall be filed with the Village Clerk, including an escrow fee of one thousand and 00/100 Dollars (\$1,000.00) for each tax map parcel claimed to be subject to unnecessary or extraordinary hardship, by the owner or the applicant, upon the consent of the owner. This escrow fee shall be provided in accordance with Chapter 65 (“Taxpayer Protection”) of the Village Code. The petition shall provide a recitation of the specific facts that are alleged to support the claim of unnecessary or extraordinary hardship and shall contain such other information and/or documentation as the Board of Trustees shall prescribe as necessary for the Board to be fully informed with respect to the petition.
- C. Procedure. Upon submission of a written petition to the Village Clerk by the property owner seeking a waiver from the Moratorium, the Board of Trustees shall, within forty-five (45) days of receipt of a completed petition, schedule a Public Hearing on said petition upon five (5) days’ written notice in the official newspaper of the Village of Woodbury. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the petition shall have an opportunity to be heard, and the Board of Trustees shall, within thirty (30) days of the close of said Public Hearing, or such further time as the Board of Trustees needs to adequately assess the impact of the petition, render its decision either granting, denying, granting in part or denying in part, the petition for a variation from the strict requirements of this Local Law. If the Board of Trustees determines that a property owner will suffer an unnecessary or extraordinary hardship if this Local Law is strictly applied to a particular

property, then the Board of Trustees may waive the application of the Moratorium to the minimum extent necessary to provide the property owner relief from strict compliance with the Moratorium.

- D. Standard of Review/Substantive requirements: In reviewing a petition for a waiver based upon a claim of unnecessary or extraordinary hardship, the Board of Trustees shall consider the criteria listed below. No Waiver seeking relief or partial relief from the requirements and restrictions of this moratorium shall be granted unless the Board of Trustees shall specifically find and determine, and set forth in its resolution granting such Waiver in whole or in part, that:
- 1) The failure to grant a waiver will cause the petitioner extraordinary hardship, substantially unique to its property and circumstances, and such hardship is substantially greater than the hardship, including, but not limited to, financial hardship, necessarily experienced by other applicants having their or its application decisions delayed.
  - 2) The granting of a waiver will have no clear, adverse effect upon the goals or objectives being now undertaken by the efforts of the Board of Trustees to protect and preserve the water resources of the Village.
  - 3) The waiver is sought for an action that is, or which by imposition of conditions or voluntary land covenants and restrictions can be, harmonious with neighboring uses and the community planning efforts currently underway.
  - 4) The extraordinary hardship is not the result of any delay, action, or inaction by the applicant, the property owner, or any predecessors-in-interest, and that such alleged hardship has not been self-created. In considering this factor, the Board may consider whether the need for a waiver is based in whole or in part upon a lack of maintenance or repair of the property or improvements thereupon, including consideration of the extent to which the existing improvements are aged, decrepit, obsolete, run-down, outmoded, or in a state of disrepair, and further including whether financial hardship has been materially promoted by such lack of maintenance, repair, or the property condition and causes thereof.
  - 5) The impact of granting a waiver will not be outweighed by the benefit to the community in preserving the status quo pending completion of review of water resources, and in considering this factor the Board may consider the applicant's or land owner's vested rights and monetary investment "in the ground", but such rights or investments shall be only one factor in the balancing test of hardships and harms undertaken by the Board of Trustees in consideration of this finding and factor. The costs and expenses of a Waiver application shall not be considered as, or be a part of, any monetary investment arguments, calculations, harms, or hardships.
  - 6) No relief granted in respect of the Waiver is greater than the relief requested by the applicant in the petition, and no such relief is greater than the minimum amount of relief necessary to alleviate any extraordinary hardship, should a Waiver be granted in whole or in part.

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

Mayor Egan noted this waiver was requested by Trustee Graziano and he is glad to see that it was adopted.

b. Appointment of Fire Police Captain – Scott Danielson:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to appoint Scott Danielson to the position of Fire Police Captain, as requested by Fire Chief Burke.

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

EXTRA ITEM – SEQRA for DASNY Grant:

Motion was offered by Trustee Burek, seconded by Trustee Gomez, to adopt the following resolution concerning SEQRA actions for improvements to the downtown area:

**WHEREAS**, the Village of Woodbury is the recipient of a State and Municipal Facilities Program (“SAM”) grant for multiple improvements to the downtown area (the “Project”) bearing Project ID 24690; and

**WHEREAS**, the Project consists of the design, installation and replacement of lights, electrical distribution, and light poles along Smith Clove Road; and

**WHEREAS**, the Project is a Type II action under the State Environmental Quality Review Act (SEQRA) under 6 N.Y.C.R.R. § 617.5(c)(2) and (13); and

**NOW, THEREFORE BE IT**

**RESOLVED** by the Board of Trustees of the Village of Woodbury to declare the Project as described above to be a Type II action pursuant to 6 N.Y.C.R.R. § 617.5(c)(2) and (13).

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

**Public Comment:**        *No public comment was received.*

**Board Member/Department Comment:**

Mayor Egan stated he has spent most of his adult life in public service. He began in 1983 with a career in EMS, started serving on the Town of Woodbury Zoning Board in 2007 and then as Village of Woodbury Trustee in 2009. He thanked his family for the sacrifices they have made in allowing him to serve. He then thanked a number of Village employees (past and current), various elected officials, consultants and members of the public that have supported him while service the Woodbury residents over the past fourteen years. He also listed a number of accomplishments while he served the community.

Trustee Graziano thanked Mayor Egan for all the years of service he gave to Woodbury. He noted over the past few weeks great strides have been made to come together as one Woodbury. He wished all a very healthy and safe holiday.

Trustee Gomez thanked Mayor Egan for this guidance over the last two years and his service prior to being elected as Mayor. He noted he appreciates all he has done for the community and did so with pride and respect. He then thanked for all for attending the meeting tonight and recognized the Village employees for another great year of service. He feels they each go above and beyond for the residents and he appreciates all of their hard work. He then wished all a very happy holiday.

Trustee Burek thanked all for attending the meeting tonight. She acknowledged Mayor Egan for his dedication over the last fourteen years to the community. She has seen how speaking and helping residents has given him such joy and he has told her that is why he is here to serve. He taught her a lot about serving the public and she truly thanks him. She then wished all a safe and happy holiday.

Trustee Giacomazza thanked for all attending the meeting tonight. He explained the thought process an individual goes through when they are deciding to run for public office, which includes the impact on their family. The job of an elected official is made harder with social media. He wished Mayor Egan much success and happiness in all of his future endeavors. He then wished Gloria Delisi a happy 95<sup>th</sup> birthday. He also wished all a Merry Christmas and Happy New Year.

Clerk Potvin read a letter from former Mayor Michael Queenan thanking Mayor Egan for all he has done for the community. She expressed her thanks as did Superintendent Weyant, Superintendent Phillips, Inspector Panella, Chief Burke and Attorney Naughton.

**Award Ceremony** – *postponed until in-person meetings can be resumed.*

**Adjournment:**

With no further business to discuss or comments received, a motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to adjourn the meeting at 7:55PM.

<b>ADOPTED</b>	AYES	5	Egan, Burek, Giacomazza, Gomez, Graziano
	NOES	0	

Desiree Potvin, Village Clerk