

Minutes of the Village Board Meeting held on May 12, 2022 at 7:30PM

Present: Andrew Giacomazza, Mayor  
Tara Burek, Victor Ferrarelli, Jesus Gomez and Christopher Graziano, Trustees  
Absent: None  
Also Present: Kelly Naughton, Attorney for the Village; Robert Weyant, Village Streets Superintendent;  
Jason Braghirol, Assistant Water/Wastewater Administrator; Michael Panella, Building Inspector; Rachael Bruce, Zoning Board; Christopher Gerver, Planning Board

**Public Hearings:**

a. Moratorium Waiver Petition – Allegheny Cross:

A public hearing was held to entertain public comments to consider a request for relief from Local Law No. 9 of 2021 (instituting a moratorium on the issuance of certain permits, certificates of occupancy and approvals) for property located at 5 Allegheny Cross (SBL 255-1-6). The purpose of this public hearing is to provide the public with an opportunity to comment on the application whereby the property owner is alleging that it suffers unnecessary or extraordinary hardship from the continued moratorium. The public notice was printed in the Times Herald Record on May 5, 2022, and the following comments were received:

Joel Jacob stated he purchased the property more than a year ago and it has approval for a two-story home. He has a parent that has health issues which causes it to be difficult to climb stairs so he would like to construct the home as a one-story instead. He has been before the ARB and was close to obtaining an approval when the moratorium was enacted. Larry Hartman, a builder, stated his client should technically be exempt from the moratorium as the home is part of a previously approved site plan. He believes his client has “fallen through the cracks” due to this process.

Attorney Naughton noted Engineer Barber has submitted a report stating the following should be proven for exemption under the waiver procedure: (1) in place municipal water connection or private well for use as potable water at time of enactment of moratorium; and (2) no change in use is proposed to the property that may increase the usage of water. Attorney Naughton stated, pursuant to the requirements of the hardship waiver procedure, the applicant needs to provide information that proves this circumstance is a hardship.

Trustee Burek asked if there is a difference in the size of the home being proposed versus what was approved by the site plan. Mr. Jacobs stated there is no difference and Mr. Hartman stated there will be same square footage, same number of bedrooms and same number of bathrooms. Trustee Graziano asked if Mr. Hartman is accurate when he stated this property should be exempt since it was part of a previously approved site plan and Attorney Naughton stated since they made changes to the approved plans it causes the property to not be exempt. Trustee Graziano asked if the Board can approve the request and Attorney Naughton stated if the Board determines the standards that were adopted to qualify for a hardship are met then the Board can approve. Trustee Gomez asked if the applicant has received ARB approval and Attorney Naughton stated the Planning Board was inclined to approve the application but did not due to the moratorium.

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

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

Motion was then offered by Mayor Giacomazza, seconded by Trustee Burek, to direct Attorney Naughton to draft a favorable resolution based on the evidence and the Board’s comments this evening.

**ADOPTED**      AYES    5            Giacomazza, Burek, Ferrarelli, Gomez, Graziano

NOES 0

b. Moratorium Waiver Petition – Seven Springs Road:

A public hearing was held to entertain public comments to consider a request for relief from Local Law No. 9 of 2021 (instituting a moratorium on the issuance of certain permits, certificates of occupancy and approvals) for property located at 19 Seven Springs Road (SBL 215-1-5). The purpose of this public hearing is to provide the public with an opportunity to comment on the application whereby the property owner is alleging that it suffers unnecessary or extraordinary hardship from the continued moratorium. The public notice was printed in the Times Herald Record on May 5, 2022, and the following comments were received:

Mayor Giacomazza the applicant has requested the hearing be continued to the May 31 meeting.

Larry Hartman stated this applicant is similar but different to the previous one discussed. The applicant purchased the property before the Ridge Preservation Law went into effect. He changed the plans to accommodate his needs and the property does not have municipal water or sewer.

With no further comments received, a motion was offered by Trustee Gomez, seconded by Trustee Ferrarelli, to continue the public hearing the May 31, 20202.

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

c. Moratorium Waiver Petition – Centre Drive:

A public hearing was held to entertain public comments to consider a request for relief from Local Law No. 9 of 2021 (instituting a moratorium on the issuance of certain permits, certificates of occupancy and approvals) for property located at 20 Centre Drive (SBL 225-2-1.12). The purpose of this public hearing is to provide the public with an opportunity to comment on the application whereby the property owner is alleging that it suffers unnecessary or extraordinary hardship from the continued moratorium. The public notice was printed in the Times Herald Record on May 11, 2022, and the following comments were received:

Nicholas Ward representing the applicant, stated Popeye’s is replacing the existing Pizzeria Unos restaurant and will have less seats and less square footage. They are already an existing customer of Village of Harriman and a will supply letter has been provided. They will also be using significantly less gallons of water per day then the existing use.

Motion was then offered by Trustee Burek, seconded by Trustee Graziano, to direct Attorney Naughton to draft a favorable resolution based on the evidence and the Board’s comments this evening.

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

Motion was then offered by Trustee Burek, seconded by Trustee Ferrarelli, to continue the hearing to May 31 due to a publication error.

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

**Public Comment on Agenda Items Only**

*No public comments were received.*

**Administrative Business:**

a. Accept Receipt of Minutes:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to accept receipt of the minutes of the meeting held April 19, 2022.

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

b. Approval of Abstract:

Motion was offered by Trustee Gomez, seconded by Mayor Giacomazza, to approve Abstract 21 containing vouchers 212065 – 212195 and totaling \$230,926.98.

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

c. Change of Employment Status – J Potter:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to change the employment status of Jennifer Potter to full-time with the Orange County Department of Human Resources title “Secretary to the Planning Board and Zoning Board of Appeals” effective June 1, 2022 at a rate of \$24.92/hour.

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

d. Fire Department Equipment Request:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to approve Fire Department Equipment Request 2022-15 totaling approximately \$2750.00 for the purchase of fire gloves in various sizes and 2022-16 totaling approximately \$450.00 to educate ten members for CPR & AED.

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

e. Schedule Interviews – Planning/Zoning Board:

Motion was offered by Trustee Burek, seconded by Trustee Gomez, to schedule a special virtual meeting to be held on May 31, 2022 at 6:45PM to conduct interviews of individuals that submitted letters of interest to serve on the Planning Board or Zoning Board of Appeals.

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

f. Accept Slate of Officers – Fire Chief:

Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to accept the slate of Fire Chief Officers for 2022: Christopher Burke, Fire Chief/Car 1; Scott McClennan, Jr., First Assistant Fire Chief/Car 2; Brian Wallace, Second Assistant Fire Chief/Car 3.

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

**Old Business:**

a. Closure/Return of Escrow – Pulver Quaker Road Redesign:

Attorney Naughton has confirmed the application for the redesign of Quaker Road by Seth Pulver has been withdrawn so the escrow that was posted, with interest earned, can be returned to the applicant. Motion was offered by Trustee Burek, seconded by Mayor Giacomazza, to close the escrow account and return the balance to the applicant for the redesign of Quaker Road.

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

**New Business:**

a. Block Party Request – Rutledge Avenue:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to approve the temporary closure of Rutledge Avenue on August 6, 2022 for the residents of that area to conduct a block party.

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

b. 2022/2023 Holiday Schedule for Village Offices:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to approve the holiday schedule for the 2022/2023 fiscal year: June 20 (Juneteenth Observance), July 4 (Independence Day), September 5 (Labor Day), October 10 (Columbus Day), November 11 (Veteran’s Day), November 24 and 25 (Thanksgiving), December 26 (Christmas Day Observed), January 2 (New Year’s Day Observed), January 16 (Martin Luther King Jr. Day), February 20 (President’s Day), April 10 (Floating Holiday) and May 29 (Memorial Day).

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

c. Public Assembly Permit Fee Waiver Request – Memorial Day Parade:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to approve the waiver for all permits fees in relation to the Memorial Day Parade public assembly permit.

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

d. Authorize Mayor to Sign – Security System Service Agreement:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to authorize the Mayor to sign the service agreement for Stratagem Security for the maintenance of our security systems at a cost of \$7911.30 for the year.

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

e. Introductory Local Law 3 of 2022 – Fire Prevention:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to introduce Introductory Local Law 3 of 2022 which would amend Chapter 154 of the Village Code entitled “Fire Prevention” to provide for a requirement for the installation of Knoxboxes®.

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

Motion was then offered by Trustee Burek, seconded by Trustee Gomez, to schedule a public hearing to be held at 7:30PM on May 31, 2022 to entertain public comments on Introductory Local Law 3 of 2022 entitled “Fire Prevention”.

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

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to refer Introductory Local Law 3 of 2022 to the Building Department, Fire Department and Village Planning Board for comment.

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

f. Introductory Local Law 4 of 2022 – Videoconferencing:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to introduce Introductory Local Law 4 of 2022 which would authorize the Village of Woodbury public bodies to use videoconferencing technology to participate in public meetings.

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

Motion was then offered by Trustee Gomez, seconded by Trustee Burek, to schedule a public hearing to be held at 7:30PM on May 31, 2022 to entertain public comment on Introductory Local Law 4 of 2022 entitled "Videoconferencing".

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

g. Authorize Mayor to Sign – Workers Compensation Policy Renewal:

Motion was offered by Trustee Gomez, seconded by Mayor Giacomazza, to authorize the Mayor to sign the workers compensation policy renewal with PERMA for 2022/2023 at a cost of \$141,934.

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

h. Schedule Public Hearing – Moratorium Waiver Request – Yeny LLC:

Motion was offered by Mayor Giacomazza, seconded by Trustee Ferrarelli, to schedule a public hearing to be held on May 31, 2022 at 7:30PM to consider a request for relief from Local Law 9 of 2021 for the property located at 95 Maher Lane in Harriman.

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

EXTRA ITEM – General Liability Insurance Renewal:

Motion was offered by Trustee Burek, seconded by Trustee Gomez, to authorize the Mayor to sign the renewal for the General Liability Insurance for the period of June 1, 2022 thru May 31, 2023 at a cost of \$160,218.10

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

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

**Board Members/Department Heads Comment:**

Trustee Graziano stated May is Mental Health Awareness month and he reflected on how we are treating each other in our country, which he feels is scary and not good for the mental health of everyone. He noted we all have differences of opinions, and we need to respect that regardless of political affiliations.

Trustee Ferrarelli wished all a happy and safe Memorial Day.

Trustee Burek spoke about voter apathy and she stressed how important it is to vote. She reminded all that the School Board and budget vote is scheduled for May 17.

Trustee Gomez thanked all for attending and thanked the Department Heads and employees for all they do. He reminded the public that May 14 is Electronic/Shredding event at Highway Garage and there is the annual blood drive at Village Hall.

Mayor Giacomazza stated there have not been a lot of signups for the blood drive and earlier this week the NY Blood Bank issued an emergency blood shortage. He urged the public to consider donating blood to save lives.

**Adjournment:**

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

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

Desiree Potvin, Village Clerk

***After adjournment, the Board entered into an Attorney/Client Session***