

**A Village Board Public Hearing was held on Monday, November 21, 2022 at 7:00 P.M. at Village Hall, 9 Fairlawn Drive, Washingtonville, New York.**

**PRESENT:**

**Mayor Joseph Bucco; Deputy Mayor Valerie Laudato; Trustees Richard Calore, Laurisa Sampson and James Kolar.**

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**Mayor Joseph Bucco led the Pledge of Allegiance to the Flag.**

**PUBLIC HEARING – INTRODUCTORY LOCAL LAW – “ESTABLISHING A SIX-MONTH MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF APPLICATIONS OF CERTAIN LAND DEVELOPMENT APPLICATIONS IN THE VILLAGE OF WASHINGTONVILLE”:**

**Mayor Joseph Bucco read the Notice of Hearing regarding Introductory Local Law entitled “A Local Law Establishing a Six-Month Moratorium Prohibiting the Review and Approval of Applications of Certain Land Development Applications in the Village of Washingtonville.”**

**Trustee Calore made a motion, seconded by Deputy Mayor Laudato and adopted to open the Public Hearing regarding the abovestated Introductory Local Law; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.**

**Mayor Joseph Bucco explained that the Introductory Local Law would prohibit the review and approval of certain land use activities in the Village of Washingtonville while the Village undertakes a review of its Comprehensive Plan.**

**Mayor Bucco indicated the Village Board will now receive audience comment:**

**Audience member Donna Jacarus, 39 Woodfield Drive questioned with regard to Section 5 – Letter C - Specific Exemptions where did the October 31 date come from? Attorney Midler indicated it is a reasonable date and was determined by the Board of Trustees. Ms. Jacarus commented if an application is submitted on or before October 31 and is denied as submitted can the applicant resubmit? Attorney Midler stated it would be reviewed by the Village Board at that time and a determination would be made. Ms. Jacarus continued are there any projects before the Board that have received a Negative Declaration and Attorney Midler answered Orange County Bagels received a negative declaration. Ms. Jacarus questioned who decides the hardship criteria and Attorney Midler indicated the Village Board determines eligibility for a hardship case.**

**Audience member Thomas DeVinko, 7 Maple Court stated he is concerned with the verbage in the title of the Local Law that states “and approval of certain land development applications”. The word “certain” seems like the Village Board is picking and choosing. Attorney Midler indicated it is the title of the Local Law and there possibly could be a hardship so I cannot say all in the title.**

**Mr. DeVinko questioned with regard to Section 5-A – Specific Exemptions if there is no Negative Declaration the project is not exempt from the moratorium. Also, with regard to Section 5-B are there projects that have final project approval and Attorney Midler commented to the best of my knowledge not at this time, however, anyone who has previously received a conditional final approval or an amended approval would have to be determined whether or not this law would apply to them.**

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Mr. DeVinko stated projects that do not have approvals should be included in the moratorium, and he does not agree with Specific Exemption Section 5-D. Mr. DeVinko suggested applicants with final approvals should be named in the law so there is no confusion. Attorney Midler responded that it would be improper to name the particular project. My advice to the Board would be to keep it as an exemption process because that way it can be determined project by project. If a Planning Board application has been submitted prior to October 31 then it is going to be exempt from the moratorium. Mr. DeVinko stated in addition, in Section 5-E how was the thirty percent (30%) determined. Attorney Midler responded it was deemed reasonable by the Village Board to provide relief to the homeowners. Mr. DeVinko asked why are there two six (6) month moratorium extensions regarding the Local Law. If they go into affect what happens after eighteen (18) months? Attorney Midler explained there has been case law where the Court deems continuous extensions of moratoriums as unreasonable. After eighteen (18) months my office would do a thorough analysis and review as of the current circumstances of the Village. Trustee Kolar indicated if the Village utilized the eighteen (18) month timeframe would the Board have the option to pass another local law, and Attorney Midler responded yes.

Ms. Jacaruso questioned if applications regarding lot line removal, changes and/or rezoning were submitted on or before the October 31 date is that exempt and are they able to go to the Zoning Board of Appeals or request variances?

Attorney Midler explained according to the law if the application was received before October 31 then it falls under exemption Category 5 – C.

Mr. DeVinko questioned what is the Village of Washingtonville’s official newspaper and Mayor Bucco responded the Times Herald Record. Mr. DeVinko indicated the Village Board will have a difficult task in determining hardship cases.

Susan Walski of 24 South Street is also concerned with the title stating “certain land development applications” and there are houses on North Street in the M-R Zone which are single family homes and can be developed as multi-family homes and should not be exempt from the moratorium.

Ms. Walski suggested that Section 5-C should have the word recorded added in after the word proposed so it would read “any proposed and recorded project that has submitted an application that was received by the Village Planning Board on or before October 31, 2022”. With regard to Hardship Section 7-B the fee should be raised from \$1,000 to \$2,000 - \$5,000 range. Section 8 – B - Penalties should be increased from \$2,500 per day to between \$5,000 - \$10,000 range.

Ms. Walski stated that with regards to Orange County Transit it has never been publicly stated by this Board for the minutes that the application has been denied. The only language used was that “as presented it was rejected.” That leaves the company open to coming before this Board or any other Board for further development, and would be exempt from this moratorium because it has not been rejected in any form so I ask that this Board state the application and discussion has been rejected.

Ms. Jacaruso also questioned has the application regarding Orange County Transit been denied? If it is not denied then the applicant can return with a new or revised application and be exempt from the moratorium.

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Planning Board Chairman Bob Buchalski stated he does not recall an active submission to the Planning Board by Orange County Transit, and Trustee Calore responded there is no submission, and no fees were paid.

Ms. Jacaruso indicated the Village Board had said the application was rejected the way it was submitted. The Village Board should go on record and deny the application.

Attorney Midler commented the Village Board should contact Zoning Board of Appeals Attorney Elizabeth Cassidy.

Trustee Kolar made a motion, seconded by Trustee Sampson and adopted to enter into Executive Session to confer with Counsel; said Resolution passed by a vote of 5 Ayes, 0 Nays, 0 Abstentions.

Trustee Kolar made a motion, seconded by Deputy Mayor Laudato and adopted to adjourn the Executive Session, and resume the Village Moratorium Public Hearing; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

Attorney Midler stated after conferring with Zoning Board of Appeals Attorney Elizabeth Cassidy it has been confirmed that the informal submission made by Orange County Transit was made to the Village Board of Trustees and no application was received by the Village Planning Board. Therefore, Exemption 5 - C under this moratorium would not apply to Orange County Transit meaning that if they were to make an application for site plan or other matters to the Planning Board it would be subject to this moratorium.

Attorney Midler indicated Kate Schmidt from the Orange County Department of Planning responded to the Mandatory Review of Local Planning Action 239-m and stated the “Department has reviewed the proposed Local Law to establish a moratorium prohibiting the review and approval of applications of certain land development. This office, in accordance with section 239, paragraphs l, m and n of the General Municipal Law, has found no evidence that significant inter-municipal or countywide impacts would result from its approval.

Trustee Calore made a motion, seconded by Trustee Sampson and adopted to close the aforesated Public Hearing; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

**WHEREAS, the Village of Washingtonville Board of Trustees (the “Village Board”) is currently in the process of establishing a Comprehensive Master Plan Committee to undertake a full review of the Village’s Comprehensive Master Plan, and as such, the Village Board hereby finds that there is a need to impose a Moratorium on the review and approval of applications for certain land development in the Village; and**

**WHEREAS, there has been introduced before the Village Board of the Village of Washingtonville, a local law entitled “A Local Law Establishing a Six-Month Moratorium Prohibiting the Review and Approval of Certain Land Development Applications in the Village of Washingtonville”; and**

**WHEREAS, the Village Board of the Village of Washingtonville is empowered by the State to adopt such a local law pursuant to Municipal Home Rule Law; and**

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**WHEREAS, moratoria are listed as Type II Actions under §617.5 of the State Environmental Quality Review Act (SEQRA) and, as such, are not subject to review under SEQRA; and**

**WHEREAS, a Public Hearing was held on November 21, 2022 at 7:00 p.m. to assist in the Village’s consideration of the need to enact the aforesaid moratorium; and**

**WHEREAS, in accordance with General Municipal Law Sections 239-l and 239-m, the proposed local law was referred to the Orange County Department of Planning for a determination of any county-wide impacts related to the establishment of a planned residential development overlay district; and**

**WHEREAS, by correspondence dated November 16, 2022, the Orange County Department of Planning found the proposed action to be a local determination with no county-wide impacts; and**

**WHEREAS, the Village Board has determined that establishing the aforesaid moratorium is in the best interest of the general public safety and welfare; and**

**NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Village Board of the Village of Washingtonville hereby adopts said Local Law No. 5 of 2022, entitled “A Local Law Establishing a Six-Month Moratorium Prohibiting the Review and Approval of Certain Land Development Applications in the Village of Washingtonville”, a copy of which is attached hereto and made a part of this resolution; and be it further**

**RESOLVED, that the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Washingtonville and to give due notice of the adoption of said Local Law to the Secretary of State of New York.**

**Trustee Calore made a motion, seconded by Deputy Mayor Laudato and adopted to authorize approval of the aforesaid Resolution; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.**

**Mr. DeVinko stated it is good the moratorium local law has been passed, however the comments the audience discussed tonight were not incorporated into the law.**

**ADJOURNMENT:**

**Trustee Calore made a motion, seconded by Trustee Sampson and adopted to adjourn the November 21, 2022 Village Board Public Hearing; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.**

**RESPECTFULLY SUBMITTED,**

**CHRISTINE SHENKMAN**

**VILLAGE CLERK**