

A Village Board Work Session Meeting was held on Monday, April 15, 2024 at 7:00 P.M. at Village Hall, 9 Fairlawn Drive, Washingtonville, New York.

PRESENT:

Mayor Thomas DeVinko, Deputy Mayor Donna Jacaruso, Trustee Susan Walski, Trustee Steve Presser and Trustee Vernon Coleman.

ALSO PRESENT:

Village Clerk Christine Shenkman, Police Chief Brian Zaccaro and Department of Public Works (D.P.W.) Superintendent Christopher Martino.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Thomas DeVinko led the Pledge of Allegiance to the Flag.

MOMENT OF SILENCE:

A Moment of Silence was observed in memory of Syracuse Police Officer Michael Jensen and Onondaga County Sheriff's Deputy Michael Hoosock who recently passed away in the line of duty.

PUBLIC COMMENT:

Village resident Sean Hagerty, 4 Belvoir Drive requested the Village Board provide information regarding the following questions:

Does the Village have a Master Plan regarding the Retention Ponds and Retention Basins? Have you checked Rieger Homes old Plans to see what they are doing? What is going to be done about cleaning these areas out, and putting up a new Floodway?

Is there an update regarding the Woodfield Skateboard Park? The Village Board is always discussing Pickleball and Basketball but not the Skateboard Park.

Has the Village decided about installing separate water meters for sprinklers? Also, can these meters be used for filling pools and watering lawns, as well as during drought situations to fine someone who is using water that should not be used?

The Hydro Electric Plant in Salisbury Mills is only open a couple of months a year. Can the owners be asked to open it up and let flood water out, and lower the water level when they know a flood or heavy rainfall is coming? Dams and Floodways are open all over the Country when rain fall is expected. The Salisbury Dam has not been open in quite awhile.

The New York State Comptrollers Office put out a list of six (6) Villages under fiscal stress. Why wasn't Washingtonville on this list?

Mayor DeVinko indicated he would provide information concerning these questions at the May Village Board Regular Meeting.

PUBLIC HEARINGS:**ADOPTION OF LOCAL LAW NUMBER 3 "ENTITLED ENACTING CHAPTER 69 OF THE VILLAGE OF WASHINGTONVILLE CODE – PLANNING BOARD AND ZONING BOARD OF APPEALS, AND AMENDING CHAPTER 315 (ZONING) OF THE VILLAGE CODE":**

Deputy Mayor Jacaruso made a motion, seconded by Trustee Presser and adopted to open the Public Hearing regarding adoption of Local Law Number 3 entitled "Enacting Chapter 69 of the Village of Washingtonville Code – Planning Board and Zoning Board of Appeals, and Amending Chapter 315 (Zoning) of the Village Code"; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

Mayor DeVinko explained this Local Law would abolish the Village of Washingtonville's existing Planning Board, and transfer all Planning Board functions to the Zoning Board of Appeals which shall have the same powers and duties as both a Planning Board, and a Zoning Board of Appeals. This Law is enacted pursuant to the Village Law, and Section 10 of the Municipal Home Rule Law.

The Mayor indicated the Village Board will entertain audience comment.

There being no comment:

Deputy Mayor Jacaruso made a motion, seconded by Trustee Coleman and adopted to close the Public Hearing regarding the aforesated Local Law; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

ADOPTION OF LOCAL LAW NUMBER 4 "ENTITLED ADDING CHAPTER 11 OF THE VILLAGE OF WASHINGTONVILLE CODE - (CONSULTANT FEES)":

Deputy Mayor Jacaruso made a motion, seconded by Trustee Walski and adopted to open the Public Hearing regarding adoption of Local Law Number 4 entitled "Adding Chapter 11 of the Village of Washingtonville Code (Consultant Fees)"; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

Mayor DeVinko explained this Local Law would ensure reimbursement to the Village for the actual costs of professional consulting and Village professional staff services with respect to the review of land use applications to the Board of Trustees or any other Board or Commission having jurisdiction to approve or recommend with respect to the application. The Village has found that, in many instances where it would otherwise be appropriate to avail itself of expert Consulting Services, the reviewing Board is reluctant to do so because of the cost to the Taxpayers, but the Village nevertheless bears the cost because the necessary professional services are provided by the Village staff. The purpose of this Law is to require that applicants bear the cost of the professional services the Village needs to review their land use applications in a fair and equitable manner, consistent with the Law of the State of New York.

The Mayor indicated the Village Board will entertain audience comment.

There being no comment:

Deputy Mayor Jacaruso made a motion, seconded by Trustee Coleman and adopted to close the Public Hearing regarding the aforesated Local Law; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

PUBLIC HEARING:**61 MAIN STREET ASSOCIATES, LLC – HARDSHIP APPLICATION – SEEKS A MORATORIUM VARIANCE PURSUANT TO LOCAL LAW NUMBERS 2 AND 8 OF 2023:**

Deputy Mayor Jacaruso made a motion, seconded by Trustee Coleman and adopted to open the Public Hearing regarding "61 Main Street Associates, LLC – Hardship Application – Seeks a Moratorium Variance Pursuant to Local Law Numbers 2 and 8 of 2023"; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

Attorney Charles J. Gottlieb (Land Use Counsel) from the Law Firm Whiteman, Osterman and Hanna in Albany, New York and who represents 61 Main Street Associates, LLC; Michael Morgante, Project Engineer; Philip Greely, Project Traffic Engineer; and Moshe Halpern (project owner of 61 East Main Street) came before the Village Board regarding a Hardship Application dated January 26, 2024 which seeks a Moratorium Variance pursuant to Local Law Numbers 2 and 8 of 2023.

Attorney Gottlieb indicated that a Moratorium Variance Application was submitted on January 26, 2024 by the applicant, and it is almost three (3) months later and a Public Hearing on this application is now taking place. "I would like to summarize our application, and go through how we meet the standards set forth in the Moratorium Law, and also have Mr. Morgante go through the Site Plan for members of the public."

"The project has been in the Village since 2020 so we are now on four (4) years of processing this application. It is for twenty-eight (28) residential units, and is in the O – R Zoning District where these residential uses are a permitted use. Last April of 2023, the application was before the Planning Board and the Planning Board was on the cusp of adopting a Negative Declaration pursuant to SEQRA which is a finding that the project will not result in any significant environmental impact. That however was blocked by the Moratorium. To refresh your recollection there was one Moratorium, the initial Moratorium that did not encompass this project."

"The Village Board (in Office at that time) then revised the Moratorium purposefully to encompass the project. So we are here this evening requesting a Variance from the Moratorium which would allow us to proceed with the Planning Board and Zoning Board of Appeals. The standard of review are outlined in our submission which was a lengthy document which constitutes the record but I will go through each item for the Village Board and members of the public so that you may comment on the same."

"The Moratorium Variance requested herein is not because the applicant has a mere concern that regulations may change or that delay may occur or that it will lessen the financial gains. That's one of the standards of the Moratorium. In fact, this Village entered into a so ordered Stipulation with the Court in 2020 which said the Village shall review the application for a Site Plan to a conclusion diligently and in good faith. In response to this the Planning Board did their duty and the application was thoroughly reviewed and again we were on the cusp of a SEQRA Negative Declaration but that was all put to a halt when the Village Board adopted its Moratorium. I will also point out a statement made by the former Planning Board Chairman at the April 25, 2023 Planning Board meeting which really sums up the level of review on this project. Chairman Buchalski stated "A lot of eyes have looked at this, and a lot of legal eyes before yours. This project is just going on and on and on. The Public Hearing has been open since last June. We have had numerous meetings talking about flooding, traffic and mitigation as to what is going to happen. We have gotten New York State – Department of Transportation (N.Y.S. - D.O.T.) involved, and received reports back from the Police Department, Fire Department, EMS etc. They all weighed in on this project at this point and had no objections. The applicant has literally said yes to Orange County Department of

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Planning, Police Department recommendations, Fire Department recommendations, and yes to extra parking that is above and beyond what is required. The applicant has not said no to anything asked of them. I really find it difficult not to make a Determination in a subsequent meeting because of the Moratorium.” During the Planning Board review the applicant submitted what is known as an Expanded Environmental Assessment Form (Exhibit D) to the application materials that the Village received. This demonstrates the second prong of the Variance Moratorium that this project will not result in any significant environmental impacts including any impact to surrounding natural resources, public health, comfort or safety concerns or have a negative impact on the Village. Again, the Planning Board almost adopted a Negative Declaration which is a finding of no environmental impacts. Again, the project is a permitted use in the O – R Zoning District which is New York Law and is tantamount to a Legislative finding that the project is harmonious with the neighborhood. It is surrounded by a mix of commercial and residential properties. Not only did the Planning Board take a look at this Expanded E.A.F. and various reports and studies but the Planning Board Engineer, Orange County Planning Board, Police Department and Fire Department did, and they all had comments and the applicant changed its project to accommodate those comments.”

“There are no environmental impacts in the rear of the property which will prohibit development within the Moodna Creek buffer area, and a Stormwater Pollution Prevention Plan has been designed in accordance with all Department of Environmental Conservation regulations which will control sediment, erosion and stormwater better than what exists today.”

“The applicant has gone above and beyond the F.E.M.A. Floodplain regulations, to ensure that flooding impacts will not occur related to the development. The Village has more than enough capacity to handle Water and Sewer flows that will result from the project. The New York State Historic Preservation Office has made a Determination that the Project will not result in any adverse impacts to archaeological or historical resources. There are no sensitive habitats or species on the project site, and the applicant will comply with the tree clearing regulations.”

“Project Traffic Engineer Philip Greely stated the applicant is putting in two (2) traffic cameras in certain locations that were not recommended by the New York State – Department of Transportation (N.Y.S. – D.O.T.) but recommended by the Village, and the applicant agreed. The third prong is that the project will expose the applicant to substantial monetary liability and will leave the applicant unable to realize the return on their investment during the Moratorium. The cost that has been invested into this property is a result of the almost four (4) years of review we’ve been going through. The applicant submitted an Investment Letter which details all the investments that have been made in the project. The total investments made to date is \$1,426,180.27. After the project is fully constructed the total investment will be \$7,626,180.27. We also have a valuation from a professional Real Estate Appraiser which shows what the property would be worth under different scenarios that are permitted under the Moratorium. Under the Moratorium you can develop very limited things. The Real Estate Appraiser went through each of those scenarios and looked at what the property would be worth if we did not go with the project but complied with the Moratorium. What we found out was the only way for the applicant to realize a return and not lose any money on the project is by this Village Board granting the Moratorium. Again the investments made to date are about \$1.4 million dollars; the value fully constructed would be about \$10.5 million dollars, and the value of the property without any improvements if sold would be \$670,000 so if we left the Village today there would be a significant financial loss by the applicant that would result in a loss of financial

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investments made, so the only way the applicant can realize a return on his investments is through this Board granting the Moratorium Variance."

"Village Attorney Christopher Pavlacka indicated in your application you stated it was your belief this is an Unlisted SEQRA action. Attorney Gottlieb responded that is correct. Attorney Pavlacka explained for the Village Board and audience members that it is my view that its actually Type II. Attorney Gottlieb responded this is not my first Moratorium Variance application I have done. Attorney Pavlacka mentioned SEQRA technically consists of two different types of actions. Type I actions require a significant in-depth look into environmental and cultural impacts of the project. Type II actions do not require a look into it. In the middle are Unlisted Actions in which adoption of a Moratorium is specifically a Type II Action (routine administration or other Agency administration and information is a Type II action.). It is my view that this Hardship Application and Hardship Variance request is routine administration of the Moratorium and therefore is a Type II action and does not require for any environmental finding or require the Village to declare itself or the Planning Board or the Zoning Board Lead Agency."

"Attorney Gottlieb explained approval tonight does not mean the applicant will request a Building Permit tomorrow but that the project will go back to the Planning Board and Zoning Board of Appeals and continue the review process. Attorney Pavlacka concurred with this statement."

"Project Engineer Michael Morgante explained this project application is in the O – R District, and according to the Village Zoning Bulk Table all Bulk Zoning requirements for this review were met, and additional Variances are not required. Portions of the property are in New York State – Department of Transportation (N.Y.S. – D.O.T.) Right of Way for N.Y.S. Route 94 so the project has been reviewed by the D.O.T. very thoroughly. Mr. Greely (Project Traffic Engineer) will speak after my presentation. The driveway site design for Fire Department apparatus access is twenty-six (26) feet wide. There are twenty-eight dwelling units with two (2) spaces per unit. The Plan was circulated to Emergency Management Services who expressed parking concerns which was discussed with the former Planning Board Engineer and Planning Board (at that time), and additional shadow parking was developed. Stormwater management will be constructed if deemed necessary by the Planning Board. Parking and setbacks meet the intent of the Village Zoning Code, and adequate Water and Sewer are available within the Village of Washingtonville. The first floor water elevations of a building are set two feet above the established one-hundred year flood elevation and since Hurricane Irene and Sandy, F.E.M.A. has adjusted their Flood Zone Maps. The Village flood elevation on this property is at 307. Normally, first floor elevation of a building is 309. This project is at 313.3 which is 6.3 feet higher than required. The Stormwater Management System is designed underneath the parking lot in this location. Extensive Landscaping Plans include screenage for both sides of the project, down lit lighting plan to minimize light spillage on neighboring properties, and a pocket park in front of the site which was required and we have done. Also, the buildings were turned perpendicular to Route 94."

"An Archaeological Study was conducted on the property and sent to the New York State Historic Preservation Office. A Fact Finding Letter from the State was received and there was nothing of significance on the property. The site plan was referred to Orange County Planning Department (239 GML referral). Orange County sent comments indicating the applicant should consider donating a portion of land in the back of this property towards Park efforts as it relates to Moodna Creek. The applicant on this project was asked to make many changes which I have never had to do on any other project in thirty (30) years that I have been in this business, and the applicant said yes to all changes. This project is thorough, and very well designed. I also designed the Stormwater Drainage System for AuroChemicals located in the Village, and during weather events that occurred my systems did not

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fail, and I am very proud of them. Our plans are now before the Village, and it is my hope that the Village Board considers granting the Hardship Variance for the Moratorium tonight."

"Project Traffic Engineer Philip Greely from Colliers Engineering and Design Firm stated Traffic Studies and related documents were prepared and submitted to the Village. These Studies focused on site access along East Main Street at intersection of Route 94 and Brotherhood Plaza Drive. We are in the process of obtaining a Highway Work Permit for D.O.T. which includes addressing site access, traffic, drainage and utility connections. The applicant offered to install a Rapid Rectangular Flashing Beacon (RRFB) to assist pedestrians in crossing the street but D.O.T. indicated wait to see if it is warranted. Mr. Greely commented the Village Planning Board and N.Y.S. – D.O.T. worked together to install video detection cameras on Route 208 and Route 94, as well as Route 94 and Brotherhood Plaza Drive to allow D.O.T. to review the situation remotely, and adjust conditions as they occur."

"Audience member Vincent Lang of 9 Plymouth Rock Court questioned Mr. Greely if he stated that a Traffic Study would not be completed until the applicant receives site plan approval? Mr. Greely explained detailed Traffic Studies were done, and all information was provided to the Village, New York State – Department of Transportation (N.Y.S. – D.O.T.), and Orange County as part of the review process. The review that I was referring to is being coordinated as part of the Permit process, and the D.O.T. issues a Permit with input from the Village and DOT's technical staff."

"Mr. Lang further stated with regard to traffic on Route 94 and Route 208 in both directions it does not matter what measures are taken because it will not eliminate the amount of cars and people, especially when making a left turn out of the proposed development. I guarantee that the applicant will end up putting extra shadow parking spots in place because everyone in the Village has at least four or five vehicles."

"Audience member Steven Tolli explained Municipalities regulate land use through Zoning regulations enabled by New York State Town Laws 7 – 700. The intent of Zoning is to issue health and safety morals, and general welfare of the community by encouraging or discouraging how land is used in the various areas of the community. The way land is utilized affects the health and safety of residential neighborhoods. The ability for businesses to locate within the Village and what important Natural Resources would be available. The Village of Washingtonville regulates land uses and development primarily through Chapter 175 – Zoning of the Village of Washingtonville Code. The Zoning established the purposes of the Land Use regulations which are intended to protect the public health, safety and welfare as follows:

I can understand and appreciate what these gentlemen are doing when they look at the way that it is zoned which is residential and commercial. They put together plans which denote all activities of a usual plan. I'm extremely well-versed in planning being in the construction industry for fifty years. Now I appreciate what their doing by trying to stick with the Zoning within the boundaries of what they look at as residential and commercial occupancy.

The Village itself would like to guide and regulate the orderly growth, development and redevelopment of the Village of Washingtonville in accordance with the Comprehensive Plan. Long-term objectives, principles and standards should be beneficial to the interest and welfare of the people, and the social and economic welfare being of both private and public property. To promote in the public interest utilization of land for the purposes of which it is most appropriate to secure safety from fire and other dangers and to provide adequate light, air and convenience of access. Plans are also developed to prevent overcrowding of land or buildings and

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to avoid undue concentration of population. To lessen where possible and to prevent traffic congestion on public streets and highways and to conserve the values of buildings and enhance the value of land throughout the Village. It is my opinion that I feel that this project does not fall within the boundaries of what the Village of Washingtonville represents as far as Architectural design and congestion. Northbound on Route 208 there is over 5,500 cars, and that has been verified. The congestion would be insurmountable, and massive influx two times daily between the Schools and work hours in this particular location will cause problems.

"Theresa Bart of 27 Capital Drive expressed concerns as to how the Village of Washingtonville went from an historical site to people wanting to come in and change what our Village is about. Why is Washingtonville being picked and changed from being an historical Village?"

"Resident Vinny Lang of 9 Plymouth Rock Court stated adding a traffic camera will not help regarding traffic in the Village of Washingtonville. Mr. Morgante responded a detailed traffic study was completed, and it was determined that specific intersections would need to be upgraded to video detection which D.O.T. would be able to monitor virtually."

"Pat Mitchell of 10 York Place indicated Insurance rates are increasing each year, and F.E.M.A. are increasing rates as well. Financially, this project will affect the entire Village."

"Michael Graziano of 3 Lark Street commented three (3) years ago at a Hardship Variance application meeting residents rejected this project for several reasons such as flooding, traffic, Village character. I do not see how twenty-eight (28) homes can be put in a small acreage area, and not increase traffic issues. Also, environmental issues are a concern if a flood occurs. D.O.T. does not live in this Village, and this project will be a total nightmare if approved."

"Project Engineer Michael Morgante responded the applicant strived to keep this project in line with the historical character of the Village of Washingtonville."

"Resident Patrice Gesner from 7 Puritan Lane stated this project does not belong in Washingtonville, and the style and size of the project is not similar to any other building on Route 94."

"Resident Monica Morrow of 98 East Main Street commented I have seen changes in this Village that no one else has seen. We do not need any more traffic. The Village cannot be bypassed because of the Moodna Creek. Washingtonville should remain the way it is now, and does not need further changes. I cannot pull out of my driveway as it is."

"Resident Pat Mitchell of 10 York Place indicated looking at this from an insurance point of view, I noticed from the 61 East Main Street project slide show there is only one way to exit the parking lot. What if there is an emergency and someone going in and out at same time, lives could be lost within ten seconds or less, I do not see that showcased in your presentations, and I would like to know how you would control this."

"Resident Steven Tolli commented there is no escape plan for residents or emergency vehicles."

"Resident Michael Graziano of 3 Lark Street added this project is different but the same as the Bus Garage project that had been proposed in the Village, however, it did not fit in the Village, and would have created a headache. It was fortunate the owners found Tetz in Middletown which is a nice spot, and an appropriate location for a Bus Garage. It was way too big for our Village and could not possibly fit in another location in this Village."

PUBLIC HEARING:

Mayor DeVinko expressed thanks to the applicant and residents for their comments, and the Village Board will issue its decision on the 61 East Main Street Hardship Variance application within thirty (30) days.

Deputy Mayor Jacaruso made a motion, seconded by Trustee Coleman and adopted to close the Public Hearing regarding 61 Main Street Associates, LLC – Hardship Application – Seeks a Moratorium Variance Pursuant to Local Law Numbers 2 and 8 of 2023; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

ANNOUNCEMENTS – DISCUSSION:**WASHINGTONVILLE BEAUTIFICATION COMMUNITY SPRING CLEAN-UP DAY:**

The Village of Washingtonville Beautification Community Spring Clean-Up Day will be held on Saturday, April 20 from 9:00 A.M. – 1:00 P.M.; Rain date Sunday, April 21. All individuals and organizations interested in cleaning up debris on the side of Village roads should meet at Village Hall, 9 Fairlawn Drive at 9:00 A.M.

WASHINGTONVILLE EVENTS COMMITTEE - BUSINESS SIDEWALK SALE:

The Washingtonville Events Committee will host a Business Sidewalk Sale on Saturday, April 20 from 11:00 A.M. – 4:00 P.M. in E.J. McLaughlin Square. The Village Municipal Lot (located in the Square) will be closed from approximately 10:30 A.M. until 4:00 P.M.

WASHINGTONVILLE EVENTS COMMITTEE - VILLAGE-WIDE YARD SALE:

The Village-Wide Yard Sale will be held on Saturday, April 20 from 9:00 A.M. – 4:00 P.M. The Washingtonville Events Committee will maintain and publish a list for all those interested in participating.

E.F.C. REIMBURSEMENT - WASTEWATER TREATMENT PLANT PROJECT:

The Environmental Facilities Corporation (E.F.C.) reimbursement from the Wastewater Treatment Plant Project (WWTP) is in the amount of \$174,858.70. There is an additional \$680,000 the Village can pursue through E.F.C, and are presently working with Delaware Engineering to compile documentation to receive said funds.

RESOLUTIONS:**24 – 0029 - RESOLUTION – TO AUTHORIZE MAYOR THOMAS DEVINKO TO SIGN THE HOME RULE REQUEST REGARDING ENACTMENT OF SPECIAL LAW CONCERNING DEFICIT FINANCING:**

Trustee Presser made a motion, seconded by Trustee Walski and adopted to authorize Mayor Thomas DeVinko to sign the Home Rule Request regarding enactment of Special Law concerning Deficit Financing; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

RESOLUTIONS – (CONTINUED):**24 - 0030 – RESOLUTION – ADOPTION OF LOCAL LAW NUMBER 3 “ENTITLED ENACTING CHAPTER 69 OF THE VILLAGE OF WASHINGTONVILLE CODE – PLANNING BOARD AND ZONING BOARD OF APPEALS, AND AMENDING CHAPTER 315 (ZONING) OF THE VILLAGE CODE”:**

Trustee Walski made a motion, seconded by Trustee Coleman and adopted to authorize the Adoption of Local Law Number 3 Enacting Chapter 69 of the Village Code – “Planning Board and Zoning Board of Appeals”, and Amending Chapter 315 (Zoning) of the Village Code; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

A Meeting of the Village Board of the Village of Washingtonville, New York was convened on April 15, 2024 at 7:00 P.M.:

The following Resolution was duly offered and seconded as above to wit:

WHEREAS, the Village Board of the Village of Washingtonville, New York (“Village Board”) from time to time reviews its Laws, rules and regulations to be certain the same are consistent with all current lawful practices as well as best practices to protect the health, safety and welfare of Village residents; and

WHEREAS, the Village Board desires to adopt a Local Law Enacting Chapter 69 of the Code of the Village of Washingtonville - “Planning Board and Zoning Board of Appeals” and Amending Chapter 315 (Zoning) of the Village Code; and

WHEREAS, such Introductory Local Law was introduced before the Village Board; and

WHEREAS, upon Notice duly published and posted, a Public Hearing was held on said Local Law on April 15, 2024 wherein public discussion was heard concerning the merits of said Local Law and all persons were afforded an opportunity to be heard and the Village Board declared the Public Hearing closed.

NOW, THEREFORE, BE IT RESOLVED by the Village Board as follows:

Section 1. All “WHEREAS” paragraphs are incorporated herein by reference as though set forth in full.

Section 2. The Village Board hereby adopts Local Law Number 3 of 2024 entitled “ENACTING CHAPTER 69 OF THE CODE OF THE VILLAGE OF WASHINGTONVILLE - PLANNING BOARD AND ZONING BOARD OF APPEALS AND AMENDING CHAPTER 315 (ZONING) OF THE VILLAGE CODE” in the form presented to the Village Board.

Section 3. The Village Clerk is hereby directed to enter said Local Law into 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 by filing the Local Law in the Office of the Secretary of State in the State of New York.

Section 4. The Village Clerk and any other Village 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.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

RESOLUTIONS – (CONTINUED):

24 - 0030 – RESOLUTION – ADOPTION OF LOCAL LAW NUMBER 3 “ENTITLED ENACTING CHAPTER 69 OF THE VILLAGE OF WASHINGTONVILLE CODE – PLANNING BOARD AND ZONING BOARD OF APPEALS, AND AMENDING CHAPTER 315 (ZONING) OF THE VILLAGE CODE” – (CONTINUED):

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Thomas DeVinko	[X]	[]	[]	[]
Trustee Susan Walski	[X]	[]	[]	[]
Deputy Mayor Donna Jacaruso	[X]	[]	[]	[]
Trustee Steve Presser	[X]	[]	[]	[]
Trustee Vernon Coleman	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

24 – 0031 – RESOLUTION – TO APPOINT MEMBERS TO THE COMBINED “PLANNING BOARD AND ZONING BOARD OF APPEALS:

Rick Budakowski (Co-Chair)	Term 04/2024 - 04/2029
Bill Carroll	Term 04/2024 - 04/2028
Nancy Comerford (Chair)	Term 04/2024 - 04/2029
Pat Cooney	Term 04/2024 - 04/2026
Jacqueline Davis-Norris	Term 04/2024 - 04/2025
Patrice Gesner	Term 04/2024 - 04/2028
William Jones	Term 04/2024 - 04/2027

Deputy Mayor Jacaruso made a motion, seconded by Trustee Presser and adopted to authorize and appoint members to combine the Planning Board and Zoning Board of Appeals; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

A Meeting of the Village Board of the Village of Washingtonville, New York was convened on April 15, 2024 at 7:00 p.m.

The following Resolution was duly offered and seconded as above to wit:

WHEREAS, the Village of Washingtonville enacted a Local Law amending Chapter 69 of the Code of the Village of Washingtonville “Planning Board and Zoning Board of Appeals” and Amending Chapter 315 (Zoning) of the Village Code; and

WHEREAS, the Village Board desires to appoint members to its combined Planning Board and Zoning Board of Appeals.

NOW, THEREFORE, it is resolved by the Village Board as follows:

RESOLUTIONS – (CONTINUED):

24 – 0031 – RESOLUTION – TO APPOINT MEMBERS TO THE COMBINED “PLANNING BOARD AND ZONING BOARD OF APPEALS – (CONTINUED):

Section 1. The above “WHEREAS” clauses are incorporated herein as if set forth in full.

Section 2. The Village Board hereby appoints the following as members of the “Planning Board and Zoning Board of Appeals for the terms indicated:”

A. Rick Budakowski – term shall begin upon the effective date of the Local Law and shall end on the first Monday of April, 2029 at 12:00 PM.

B. Bill Carroll – term shall begin upon the effective date of the Local Law and shall end on the first Monday of April, 2028 at 12:00 PM.

C. William Jones – term shall begin upon the effective date of the Local Law and shall end on the first Monday of April, 2027 at 12:00 PM.

D. Pat Cooney – term shall begin upon the effective date of the Local Law and shall end on the first Monday of April, 2026 at 12:00 PM.

E. Jacqueline Davis-Norris – term shall begin upon the effective date of the Local law and shall end on the first Monday of April, 2025 at 12:00 PM.

F. Nancy Comerford – term shall begin upon the effective date of the Local Law and shall end on the first Monday of April, 2029 at 12:00 PM.

G. Patrice Gesner – term shall begin upon the effective date of the Local Law and shall end on the first Monday of April, 2028 at 12:00 PM.

Section 3. The Mayor and any officer, employee or consultant as directed by the Mayor is hereby authorized to take any and all actions to carry out the provisions of this Resolution.

Section 4. This Resolution shall be effective immediately and such appointments shall be effective upon the effective date of the Local Law Enacting Chapter 69 and Amending Chapter 315.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Thomas DeVinko	[X]	[]	[]	[]
Deputy Mayor Donna Jacaruso	[X]	[]	[]	[]
Trustee Susan Walski	[X]	[]	[]	[]
Trustee Steve Presser	[X]	[]	[]	[]
Trustee Vernon Coleman	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

RESOLUTIONS – (CONTINUED):**LOCAL LAW NUMBER 4 "ENTITLED ADDING CHAPTER 11 TO THE VILLAGE OF WASHINGTONVILLE CODE – (CONSULTANT FEES):**

Deputy Mayor Jacaruso made a motion, seconded by Trustee Coleman and adopted to authorize the Adoption of Local Law Number 4 Adding Chapter 11 to the Village of Washingtonville Code (Consultant Fees); said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

A Meeting of the Village Board of the Village of Washingtonville, New York was convened on April 15, 2024 at 7:00 P.M.

The following Resolution was duly offered and seconded as above to wit:

WHEREAS, the Village Board of the Village of Washingtonville, New York ("Village Board") from time to time reviews its laws, rules and regulations to be certain the same are consistent with all current lawful practices as well as best practices to protect the health, safety and welfare of Village residents; and

WHEREAS, the Village Board desires to adopt a Local Law to Add Chapter 11 to the Village Code (Consultant Fees); and

WHEREAS, such Introductory Local Law was introduced before the Village Board; and

WHEREAS, upon notice duly published and posted, a Public Hearing was held on said Local Law on April 15, 2024 wherein public discussion was heard concerning the merits of said Local Law and all persons were afforded an opportunity to be heard and the Village Board declared the Public Hearing closed.

NOW, THEREFORE, BE IT RESOLVED by the Village Board as follows:

- Section 1.** All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full.
- Section 2.** The Village Board hereby adopts Local Law Number 4 titled, "A LOCAL LAW NUMBER 4 OF 2024 ADDING CHAPTER 11 TO THE VILLAGE CODE (CONSULTANT FEES)" in the form presented to the Village Board.
- Section 3.** The Village Clerk is hereby directed to enter said Local Law into 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 by filing the Local Law in the Office of the Secretary of State in the State of New York.
- Section 4.** The Village Clerk and any other Village 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.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

RESOLUTIONS – (CONTINUED):

LOCAL LAW NUMBER 4 "ENTITLED ADDING CHAPTER 11 TO THE VILLAGE OF WASHINGTONVILLE CODE – (CONSULTANT FEES) – (CONTINUED):

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Thomas DeVinko	[X]	[]	[]	[]
Trustee Susan Walski	[X]	[]	[]	[]
Deputy Mayor Donna Jacaruso	[X]	[]	[]	[]
Trustee Steve Presser	[X]	[]	[]	[]
Trustee Vernon Coleman	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

24 – 0033 – RESOLUTION – PICKELBALL POST AND NET SYSTEM:

Trustee Presser made a motion, seconded by Deputy Mayor Jacaruso and adopted to authorize the purchase of In-Ground Pickleball Post and Net System at a cost not to exceed \$1,282.50; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

24 - 0034 - RESOLUTION – BUDGET TRANSFERS AND AMENDMENTS AS NECESSARY TO AFFECT NECESSARY TRANSFER OF FUNDS AND TO PAY WARRANTS:

Trustee Presser made a motion, seconded by Trustee Coleman and adopted to authorize Budget Transfers and amendments as necessary to affect necessary transfer of funds and to pay Warrants; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

24 - 0035 – RESOLUTION AUCTION FOR THE VILLAGE OF WASHINGTONVILLE:

Deputy Mayor Jacaruso made a motion, seconded by Trustee Coleman and adopted to accept and approve the auction house items purchased by the Village of Washingtonville; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

PUBLIC COMMENT:

"Village resident Vinny Lang of 9 Plymouth Rock Court stated it came to light today on News 12 that recently a Department of Health Letter was sent to a local Village.

PUBLIC COMMENT - (CONTINUED):

(Not Washingtonville). I will read a portion of it. The system is currently in violation for failure to exercise due care in the Village, and providing maintenance and provision of all sources of public water system, and for failure to meet maximum daily demand. This was sent to a local Village outside our Village. I am calling on our Village Board to cease all water deliveries outside this Village, and to keep the water in the Village. We are basically aiding and abetting the expansion of surrounding communities. They are knocking down the forest. They are building buildings that they do not have water for. Please pass a Resolution today to stop all water deliveries, and put it to a vote."

Deputy Mayor Jacaruso stated the Village Board cannot do that.

Mr. Lang questioned Village Attorney Chris Pavlacka "if the Board can put a Resolution on the Agenda tonight, and vote on it regarding this matter."

Attorney Pavlacka responded "with what would be needed today to do this Resolution it is best served to put it on a future Agenda."

Mr. Vinny Lang indicated "I want every Trustee and the Mayor to vote and pass a Resolution tonight to cease all water deliveries."

Attorney Pavlacka indicated "if water deliveries are to cease I would recommend that you continue this discussion at the next Village Board Meeting, and let us draft a full Resolution for you."

Mayor DeVinko commented the Board would have to discuss this matter.

Paul Lang of 10 Patriot Lane stated there is an "18 wheeler tractor trailer with a 6,000 gallon tanker from the Town of Blooming Grove that comes out of the D.P.W. It is white with black lettering. Where is that water going? Is it going to the Town of Blooming Grove or the Town Hall?"

Superintendent Martino commented "Blooming Grove picked up a load last month."

The Mayor asked Superintendent Martino to follow-up regarding this matter, and that the water is being paid for by the person doing the hauling.

Vinny Lang responded "the water is being sold as a commodity so the hauler is making money as well. Keep the Water within the Village, and the Village Board is aiding and abetting the expansion around our Village. There is a Comprehensive Plan to protect our Village but we are not protecting what is going on around us right now. Village of South Blooming Grove does not have water. K.J. does not have water. They need the water. The Health Department is saying they do not have the water. They are expanding the amount of construction going on and do not have water but we are sending water every day."

24 - 0036 – RESOLUTION - ADJOURNMENT:

Deputy Mayor Jacaruso made a motion, seconded by Trustee Coleman and adopted to adjourn the April 15, 2024 Village Board Work Session Meeting; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

RESPECTFULLY SUBMITTED,

CHRISTINE SHENKMAN

VILLAGE CLERK