

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Woodsburgh held on Monday, June 29, 2020 at 8:00 p.m. via Zoom.

The meeting was held in compliance with Executive Orders issued by Governor Cuomo.

All Board members participated at the same time and were able to hear and observe all other Board members. The public was provided with an opportunity to listen to the meeting live.

The public had a right to speak at this meeting, and there were no participants from the public.

The meeting was recorded and shall remain available for public viewing on the Village website.

1. Calling the Meeting to Order:

Mayor Israel called the meeting to order at 8:04 p.m.

2. Roll Call:

On video conference call	Mayor	Lee Israel
	Deputy Mayor	Jake Harman
	Trustee	Alan Hirmes
	Trustee	Carl Cayne
	Trustee	Barry Platnick
	Village Clerk	Michelle Blandino
	Village Attorney	Brian Stolar, Esq.
	Treasurer	David Perl
	Road Commissioner	Francois Tenenbaum
	Police Commissioner	Ilan Mosery
	Resident	Dr. Kessler
	Resident	Amy Mosery

3. Notice of Meeting and Public Hearing – Nassau Herald:

Clerk Blandino reported that notice of this evening's meeting was emailed to the Nassau Herald, posted on bulletin board outside Village Hall and posted on the Village Website.

4. Minutes – May 18, 2020:

On motion by Trustee Platnick, seconded by Trustee Hirmes and unanimously adopted, the Board approved the minutes of the May 18, 2020 meeting.

5. Bill WDS 2003:

The Board discussed WDS 2003, on which a public hearing had been held and the record kept open for submission of comments through June 25, 2020.

On motion duly made by the Mayor, seconded by Trustee Hirmes, and adopted unanimously, the Board adopted the following resolution:

WDS 2003 – Negative Declaration Pursuant to  
New York State Environmental Quality Review Act

**RESOLUTION ADOPTING A SEQRA NEGATIVE DECLARATION AND  
DETERMINATION OF NON-SIGNIFICANCE IN CONNECTION WITH PROPOSED  
LOCAL LAW WDS 2003 TO ADD A NEW ARTICLE IN THE ZONING CODE TO**

**CREATE A NEW ZONING DISTRICT TO BE ENTITLED THE “COASTAL CONSERVATION DISTRICT - WOODMERE CLUB” AND TO AMEND THE ZONING MAP TO RECLASSIFY THE WOODMERE CLUB PROPERTY AS COASTAL CONSERVATION DISTRICT- WOODMERE CLUB**

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 (“Part 617”) require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the adoption of proposed local law WDS 2003 to add a new article in the Village Zoning Code to create a new zoning district to be entitled the “Coastal Conservation District- Woodmere Club” and to amend the Village Zoning Map to reclassify the Woodmere Club property as Coastal Conservation District – Woodmere Club (the “Proposed Action”); and

WHEREAS, the Board of Trustees, together with a planning and environmental consultant, conducted extensive planning and environmental analyses and studies, and utilized that information, to prepare a Vision Plan for the Village; and

WHEREAS, the Board of Trustees has accepted and adopted a comprehensive plan entitled the Village of Woodsburgh Vision Plan; and

WHEREAS, the Board of Trustees has considered the nature and impact of the Proposed Action; and

WHEREAS, the Board of Trustees, in cooperation with the neighboring Village of Lawrence and unincorporated area of the Town of Hempstead, participated in comprehensive land use planning and environmental studies related to the property currently occupied by the Woodmere Golf Club (the “Woodmere Golf Club Property” or the “Subject Property”), which studies analyzed whether the Town’s and Villages’ existing zoning regulations adequately protect against potential adverse environmental impacts of potential residential development of the currently open and undeveloped Woodmere Golf Club Property under existing zoning regulations, and whether the Town and Villages should amend their zoning codes to protect against such potential adverse impacts; and

WHEREAS, pursuant to Article 8, Sections 1 and 2-a of the New York State Constitution, as effectuated by General Municipal Law Article 5-J, Section 119-u, Village Law Section 7- 741, and Town Law Section 284, the Villages of Woodsburgh and Lawrence and the Town of Hempstead, entered into an Inter-municipal Cooperation Planning and Land Use Regulation Agreement (the “IMA”) with the purpose of undertaking mutually beneficial, shared and coordinated comprehensive planning and land use regulation for the Woodmere Club Property in order to promote intergovernmental cooperation, increase coordination and effectiveness of comprehensive planning and land use regulation, make more efficient use of infrastructure and municipal revenues and resources, as to enhance the protection of community resources which span municipal boundaries; and

WHEREAS, to respond to the significant anticipated potential adverse environmental impacts associated with a potential residential build-out under existing zoning regulations within the Woodmere Golf Club Property, the proposed Coastal Conservation District-Woodmere Club (“CC-WC District”) has been developed under the IMA among the Village, Town of Hempstead, and Village of Lawrence, so as to provide for, and ensure, a coordinated comprehensive measure to protect against the potential adverse environmental impacts associated with a maximum residential build-out under existing zoning regulations; and

WHEREAS, the Board of Trustees has reviewed the criteria for determining environmental significance of such an action pursuant to Part 617; and

WHEREAS, the Board of Trustees has received from environmental consultants, and reviewed, a Full Environmental Assessment Form, dated May 18, 2020 (the “FEAF”), and an Expanded Environmental Assessment, dated May 2020 (the “EEA”); and

WHEREAS, the FEAF was prepared by the Village's consultants and the EEA was prepared by the Town's environmental consultants, in accordance with the IMA, to assess the potential impacts associated with, and concerning the Proposed Action, so as to permit this Board to take the necessary hard look at the potential environmental impacts of the Proposed Action; and

WHEREAS, the Board finds that the FEAF and EEA, augmented by information received at a public hearing from interested members of the public, written comments provided to the Board, including comments from the South Shore Audobon Society and the New York State Department of Environmental Conservation, and relevant data identified in the Vision Plan, has adequately identified in detail the potential adverse environmental impacts associated with both a potential residential build out of the Subject Property pursuant to the existing zoning regulations, and resulting from the Proposed Action, as well as the clear public benefits to be obtained, such that the Proposed Action will not result in significant adverse environmental impacts; and

WHEREAS, the EEA has documented for this Board the unique environmental resources of the area of the Woodmere Golf Club Property, and within the proposed new CC-WC District, and provides an impact analysis of "build-out" potential under both existing zoning regulations and the proposed CC-WC District; and

WHEREAS, pursuant to the FEAF and EEA, this Board has taken a hard look at, and examined the full range of potential impacts associated with residential conversion under both existing zoning regulations and the proposed new CC-WC District, focusing on numerous critical environmental factors (e.g., climate change, floodplain management, sea-level rise, open space preservation, aesthetics, impact on community character, compatibility with adjacent zoning, exacerbation of traffic congestion); and

WHEREAS, the analysis provided by the FEAF and EEA has helped to refine the parameters of the proposed CC-WC District, and the Village's desire to balance potential residential development within the area of the Woodmere Club Property with the protection of the critical environmental resources of the Woodmere Golf Club Property; and

WHEREAS, the analysis provided by the FEAF and EEA demonstrates that there will be potential significant adverse environmental impacts associated with a potential residential conversion of the Subject Property under existing zoning regulations within the Woodmere Club Property on environmental and cultural resources, floodplain management, community character, open space/visual resources, and traffic congestion, among others, which will be reduced and mitigated to the greatest extent possible by the adoption of the proposed zoning amendment; and

WHEREAS, the analysis provided by the FEAF and EEA demonstrates that the existing zoning regulations with respect to the Woodmere Club Property are clearly inadequate to effectively manage this significant, valuable, uniquely and critically environmentally sensitive coastal open space, and that the outdated existing zoning regulations do not contemplate the potential wholesale residential redevelopment of this critical open and environmentally sensitive area, the potential adverse environmental impacts on the Woodmere Club Property, the Village as a whole, and the immediate surrounding area that such would bring, and the Village's and this Board's need, and indeed obligation, to recognize, and to protect against, the rapidly evolving threats to the environment (i.e., sea-level rise, storm severity and frequency, storm water run-off, etc.) of this unique coastal property and surrounding community; and

WHEREAS, the analysis provided by the FEAF and EEA demonstrates that the proposed zoning regulations concerning a potential residential "build-out" under the proposed CC-WC District will not have a potential for any significant adverse environmental impacts, but, to the contrary, will significantly mitigate against the many significant adverse environmental impacts under existing zoning regulations; and

WHEREAS, the analysis provided by the FEAF and EEA demonstrates that a potential residential build-out of the Woodmere Golf Club Property under existing zoning regulations will result in significant adverse impacts associated with floodplain management. A traditional subdivision layout that seeks to maximize yield under existing zoning regulations (a) would likely raise the grade of the majority of the Subject Property in order to comply with FEMA NFIP regulations, with existing grades

falling significantly below NFIP Base Flood Elevations throughout much of the Subject Property; (b) many areas within the Subject Property would require six feet of fill or more to meet the required BFE plus freeboard elevation; (c) a preliminary engineering analysis has been performed to assess the impact of the use of this quantity of fill on the ability of the Subject Property to provide adequate flood water storage; (d) comparing existing ground elevations, floodplain elevations, and the likely potential grading conditions and resulting elevations, a maximum-yield subdivision under existing zoning will potentially displace approximately 6,048,000 cubic feet (224,000 cubic yards) of flood water; (e) for comparison purposes, this volume of floodwater equates to over 45,000,000 gallons of displaced floodwater, likely flowing into the immediate surrounding communities, potentially impacting homeowners with new flooding patterns and more significant flooding depths than have been experienced in past storm events; and

WHEREAS, the potential residential build-out under existing zoning regulations will result in significant adverse impacts to community character, for the Woodmere Club Property serves as a defining element of local community character and is part of the last remaining open space in the area, the coastal views and existing tree cover on the Subject Property serves as one of the area's most important neighborhood environmental resources, and the loss of such benefits would have a significant adverse impact on the surrounding community; and

WHEREAS, the potential residential build-out under existing zoning will result in significant adverse impacts to open space and visual resources, and would result in the loss of nearly all open space at the Woodmere Club Property, and, in addition, the loss of existing trees and vegetation, which would be replaced by potentially up to 285 new homes, all significantly adversely impacting upon the visual resources that help to define this unique coastal area and surrounding community; and

WHEREAS, the potential residential build-out under existing zoning regulations would result in significant adverse impacts on both commercial and residential traffic congestion on neighboring streets, including: intersection impacts at Broadway/Prospect Avenue, and Village roadways, and cause up to 78% more traffic during peak hours; and

WHEREAS, considering the anticipated 24-hour traffic volume under existing zoning regulations, a potential residential build-out under existing zoning regulations would increase traffic on Broadway by almost 20%, which will be significantly avoided or mitigated by the proposed zoning amendment; and

WHEREAS, construction traffic associated with such a potential residential build-out of the Subject Property, would be anticipated to last several years, and would also result in a significant number of truck trips over local roads which are already heavily taxed by existing commercial and residential traffic, which would be significantly reduced by the proposed zoning amendment; and

WHEREAS, along the coast, and particularly in low-lying coastal areas such as the Woodmere Club Property, it is imperative that the Village, as steward of the environment and protector of the Village's community safety, health and welfare, act to protect the Village and surrounding communities against severe potential adverse impacts on this unique environmentally sensitive area; and

WHEREAS, the proposed amendment to the Zoning Code to establish the CC-WC District will better align the Village's zoning regulations with existing state and federal environmental principles, provide coordinated floodplain management regulations, preserve area character, and protect the critical environmental resources spanning the Village, and the contiguous unincorporated areas of the Town of Hempstead and the Village of Lawrence; and

WHEREAS, the proposed CC-WC District is a more sustainable residential zoning district that will provide for contextual single-family development that is far more responsive to environmental, ecological, cultural, and physical conditions; and

WHEREAS, the proposed CC-WC District recognizes the unique environmental conditions that could affect both future development as well as the natural attributes and functions of the Subject Property; and

WHEREAS, in such a vulnerable low-lying community, the potential impact of climate change, significant sea-level rise, resulting in both a significant increase in flooding associated with typical rainfall events, as well as storm surge flooding from and severe storm events, are some of the most critical environmental issues that must be recognized, and are guarded against, by the Village in its proposed amendment to its zoning regulations; the proposed CC-WC District is designed to provide more effective measures to address these significant potential adverse environmental impacts; and

WHEREAS, in order to improve daily stormwater management, the proposed CC-WC District provides additional regulations related to stormwater storage and recharge, effectively requiring a volumetric design for an eight-inch rainfall event for the entire Subject Property, as well as a volumetric design of a three-inch rainfall event per building lot; green infrastructure, such as rain gardens and bioswales are also incentivized; in addition, the proposed CC-WC District encourages the use of permeable pavement surfaces while further limiting impervious coverage on each proposed building lot; and

WHEREAS, in order to address the potential flooding from severe storms and coastal storm surges, the proposed CC-WC District provides for building lot layout that provides for a continuous perimeter coastal buffer area around the Subject Property (approximately 83 acres/70% of total site area); this coastal buffer area plays a critical role in providing flood storage and protection of existing development; and

WHEREAS, as the Subject Property spans the municipal boundaries of the Village and neighboring Village of Lawrence and unincorporated areas of the Town of Hempstead, effective floodplain management at the Subject Property requires a coordinated approach for the entire property; the proposed CC-WC District provides for coordinated floodplain management among all three municipalities; and

WHEREAS, the proposed CC-WC District provides an opportunity to regulate the entire Subject Property as a whole, thereby reducing this potential for fill-induced local flood impacts; and

WHEREAS, understanding floodplain management guidance from Federal Emergency Management Agency (FEMA) and New York State Department of Environmental Conservation (NYS DEC), along with the existing floodplain regulations adopted by each municipality, the proposed CC-WC District recognizes that flood prevention and mitigation is not limited to site-specific elevation, as it is currently regulated through the National Flood Insurance Program (NFIP), or to the limits of a municipal boundary; and

WHEREAS, FEMA notes that, *“Fill is prohibited within the floodway unless it has been demonstrated that it will not result in any increase in flood levels. Some communities limit the use of fill in the flood fringe to protect storage capacity or require compensatory storage.”* These flood risk mitigation measures effectively preserve the floodplain and surrounding areas; and

WHEREAS, the goal of managing a floodplain is not only to ensure that new development is reasonably safe from flooding but to address existing risks, to avoid increasing risk to others, and to sustain natural capacities to slow and diffuse flood flows. Reducing development in a flood-prone area allows the natural landscape to absorb more floodwaters, reduce flooding to adjacent areas, recharging groundwater and sustaining healthy ecosystem; and

WHEREAS, by implementing a coordinated, site-wide approach to flood mitigation (e.g., clustered residential development areas with continuous perimeter open space area with restrictions on the use of fill and tree removals in this area), the proposed CC-WC District regulations address the mitigation of potential adverse flood impacts in a coordinated manner across the whole Subject Property, consistent with FEMA’s explanation of the effects of earthen fill within a Special Flood Hazard Area; and

WHEREAS, the proposed CC-WC District has been designed to preserve community character by utilizing a cluster or conservation-style development approach, to ensure that future residential density and character remains consistent between the Village's and neighboring Village of Lawrence and Town of Hempstead zoning regulations, while also ensuring that a sufficient amount of the existing open space within the Woodmere Club Property is properly conserved; and

WHEREAS, the proposed cluster-style development for the Woodmere Club property will allow for the preservation of approximately 83 acres of perimeter open space (70% of total site area) throughout the Subject Property; and

WHEREAS, additional regulations related to tree removals and the use of earthen fill in the perimeter open space area will provide further protection to the area's community character; and

WHEREAS, the adoption of the proposed CC-WC District will preserve a significant portion of the Subject Property as open space and recognize the need to protect the area's visual resources; and

WHEREAS, the CC-WC District establishes an Open Space/Recreational Sub-District, which will effectively preserve approximately 83.3 acres or 70% of the Subject Property as unfragmented open space, achieved through clustering within the smaller Single-Family Residential Sub-District, in line with the general planning concept of a conservation subdivision; and

WHEREAS, in addition, as noted in the proposed Section 2.4 of the proposed amendment, this conservation subdivision approach aligns closely with NYS DEC regulations for tidal wetlands, particularly 6 NYCRR Part 661.6 Subsection 6, which provides for the clustering of residential uses as to allow enhanced buffering of sensitive coastal resources; and

WHEREAS, as such, the significant drainage and flood absorption capabilities associated with the existing golf course and natural areas would be retained in the proposed new zoning District, and, in order to further protect open space and visual resources, the proposed regulations within the CC-WC District will further restrict tree removals and the use of fill/significant grading to preserve this area to the maximum extent practicable; and

WHEREAS, by adopting the proposed zoning amendment and the corresponding modification of the Zoning Map, the Board will implement a measure that, consistent with balancing of social, economic, and environmental considerations, will minimize, to the maximum extent practicable, the potential adverse impacts of a potential residential build out under the existing Building Zone Ordinance; and

WHEREAS, based on all of the foregoing, and on due consideration of the recommendations of the consultants, and the members of the Board's personal knowledge of the Woodmere Golf Club Property, the surrounding portions of the Village and neighborhoods in the Village of Lawrence and unincorporated area of the Town of Hempstead;

**NOW, THEREFORE, BE IT**

RESOLVED, the Board of Trustees declares itself Lead Agency with respect to SEQRA, and is the only board or agency with jurisdiction to fund, approve or directly undertake the Proposed Action; and be it further,

RESOLVED, pursuant to Article 8 of the New York State Environmental Conservation Law and Part 617 (SEQRA), the Proposed Action, which consists of the adoption of proposed local law WDS 2003 to add a new article in the Village Zoning Code to create a new zoning district to be entitled the "Coastal Conservation District- Woodmere Club" and to amend the Village Zoning Map to reclassify the Woodmere Club property as Coastal Conservation District – Woodmere Club-- is a "Type 1 Action" under SEQRA and Part 617; and be it further,

RESOLVED, that the Board has considered the FEAF, EEA, and additional documentation provided to the Board, and also has considered the following factors in respect to its review of the environmental impacts of the Proposed Action:

(i) whether the proposed action would result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

(ii) whether the proposed action would result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

(iii) whether the proposed action would impair the environmental characteristics of any Critical Environmental Area;

(iv) whether the proposed action would conflict with the community's current plans or goals as official approved or adopted;

(v) whether the proposed action would impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

(vi) whether the proposed action would result in a major change in the use of either the quantity or type of energy;

(vii) whether the proposed action would create a hazard to human health;

(viii) whether the proposed action would create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) whether the proposed action would encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

(x) whether the proposed action would create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

(xi) whether the proposed action would create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

(xii) whether the proposed action would result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular; and be it further

RESOLVED, that the Board finds the environmental documentation is complete, adopts the findings, conclusions and rationale therein relating to the probable environment impacts of the Proposed Action, including those identified herein in the preamble, and determines that the Proposed Action will not result in significantly adverse environmental impacts, and adopts a Declaration of Non-significance and a Negative Declaration for the Proposed Action in consideration of the "Criteria for Determining Significance" contained in Part 617; and be it further,

RESOLVED, that the Board directs the Village Clerk and/or Village Attorney to file the Negative Declaration-Notice of Non-Significance in accordance with applicable provisions of law, and take such other action as is required by law; and be it further,

RESOLVED, that the requirements of SEQRA have been met.

After further discussion, on motion duly made by Mayor Israel, seconded by Trustee Platnick, and unanimously carried, the Board adopted the following Resolution adopting Local Law 1 of 2020, to take effect upon filing with the New York Secretary of State in accordance with the Municipal Home Rule Law:

**RESOLUTION ADOPTING PROPOSED LOCAL LAW WDS 2003 TO ADD A NEW ARTICLE IN THE ZONING CODE TO CREATE A NEW ZONING DISTRICT TO BE ENTITLED THE "COASTAL CONSERVATION DISTRICT - WOODMERE**

**CLUB” AND TO AMEND THE ZONING MAP TO RECLASSIFY THE  
WOODMERE CLUB PROPERTY AS COASTAL CONSERVATION DISTRICT-  
WOODMERE CLUB**

WHEREAS, the Board of Trustees scheduled a public hearing, to be held on June 23, 2020, to consider proposed local law WDS 2003 to add a new article in the Village Zoning Code to create a new zoning district to be entitled the “Coastal Conservation District- Woodmere Club” and to amend the Village Zoning Map to reclassify the Woodmere Club property as Coastal Conservation District – Woodmere Club (the “Proposed Action”); and

WHEREAS, the Board of Trustees held a public hearing on June 23, 2020, and provided an opportunity for all interested parties to be heard, including an opportunity to submit written comments through June 25, 2020; and

WHEREAS, the Board has referred proposed local law WDS 2003 to the Nassau County Planning Commission, and the Planning Commission has recommended local determination; and

WHEREAS, the Board has declared itself Lead Agency with respect to the environmental review of WDS 2003, determined that WDS 2003 is a Type I action that will not have a significant environmental impact; and

WHEREAS, after due deliberation, the Board finds it in the public interest to adopt proposed local law WDS 2003.

NOW, THEREFORE,

1. The Board finds that the adoption of WDS 2003 is in accordance with the Village’s comprehensive plan, and in particular, the Village Vision Plan.
  2. The Board adopts WDS 2003 as Local Law 1 of 2020, and directs that a copy thereof be appended to the minutes.
  3. The Board directs that the Village Clerk publish, post and file a copy of WDS Local Law 1 of 2020, as required by law, and file a copy of Local Law 1 of 2020 with the New York State Department of State.
  4. The Board directs the Village Clerk to take such action as is necessary to amend the Zoning Map, as provided in WDS Local Law 1 of 2020.
6. Public Hearing Bill WDS 2002 - A local law to amend Chapter 1of the Code of the Village of Woodsburgh, entitled “General Provisions” to modify penalties for violations of the Village Code.
- A. Open Hearing – The Board opened the hearing.
  - B. Notice of Hearing Clerk Blandino confirmed that notice of this evening’s public hearing was published in the Nassau Herald and was posted on the bulletin board outside of Village Hall, in the lobby of Village Hall and the Village Website.
  - C. Affidavits – Affidavits of posting and publication are on file at the Village Clerk’s office.
  - D. Appearances – None.
  - E. Close Hearing – The Board closed the public hearing.



7. Public Hearing Bill WDS 2001A- A local law to amend the Chapter 106 of the Code of the Village of Woodsburgh, entitled “Peace and Good Order” to provide for regulation of artificial lighting and unreasonable noise.

- A. Open Hearing – The Board opened the hearing.
- B. Notice of Hearing Clerk Blandino confirmed that notice of the public hearing was published in the Nassau Herald and was posted on the bulletin board outside of Village Hall, in the lobby of Village Hall and the Village Website.
- C. Affidavits – Affidavits of posting and publication are on file at the Village Clerk’s office.
- D. Appearances – None.
- E. Close Hearing – The Board closed the public hearing.

On motion made by Trustee Cayne, seconded by Trustee Platnick, and unanimously approved the Board adopted the following resolution:

WDS 2001A – Negative Declaration Pursuant to  
New York State Environmental Quality Review Act

**Bill WDS 2001A. A local law to amend the Chapter 106 of the Code of the Village of Woodsburgh, entitled “Peace and Good Order” to provide for regulation of artificial lighting and unreasonable noise.**

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the adoption of legislation designated proposed local law WDS 2001A to amend Chapter 106 of the Code of the Village of Woodsburgh, entitled “Peace and Good Order”, to provide for regulation of artificial lighting and unreasonable noise; and

WHEREAS, the Board of Trustees has considered the nature and impact of the proposed action; and

WHEREAS, the Board of Trustees has reviewed an Environmental Assessment Form prepared with respect to proposed Bill WDS 2001A,

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the Board of Trustees is the Lead Agency with respect to environmental impact review of proposed local law WDS 2001 as defined in the State Environmental Quality Review Act and its regulations, and

- (a) the proposed adoption of WDS 2001A is an Unlisted Action;
- (b) the Board has considered that the adoption of WDS 2001A revises the Code to regulate artificial lighting and noise;
- (c) the Board also has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:
  - (i) the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
  - (ii) the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish

- (iii) or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or
  - (iv) endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
  - (v) the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
  - (vi) the proposed action would not conflict with the community's current plans or goals as official approved or adopted;
  - (vii) the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
  - (viii) the proposed action would not result in a major change in the use of either the quantity or type of energy;
  - (ix) the proposed action would not create a hazard to human health;
  - (x) the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
  - (xi) the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
  - (xii) the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
  - (xiii) the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
  - (xiv) the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
  - (xv) the proposed action would enhance the protection of the environment in the Village, in that it would preserve and maintain the existing character of the Village;
- (d) based on the Board's consideration of these factors, the Board finds that the proposed action would not have a significant adverse environmental impact;
- (e) no further environmental review is required with respect to the proposed action, and
- (f) the Mayor, or his designee, is authorized to complete the Environmental Assessment Form in relation to this proposed action in a manner consistent with the foregoing findings.

After further discussion, on motion duly made by Trustee Cayne, seconded by Trustee Hirmes, and adopted unanimously, the Board adopted the following resolution:

**RESOLUTION ADOPTING PROPOSED LOCAL LAW WDS 2001A TO AMEND CHAPTER 106 OF THE CODE OF THE VILLAGE OF WOODSBURGH, ENTITLED "PEACE AND GOOD ORDER", TO PROVIDE FOR REGULATION OF ARTIFICIAL LIGHTING AND NOISE**

WHEREAS, the Board of Trustees scheduled a public hearing, to be held on June 29, 2020, to consider proposed local law WDS 2001A to amend the Chapter 106 of the Code of the Village of Woodsburgh, entitled "Peace and Good Order" to provide for regulation of artificial lighting and unreasonable noise (the "Proposed Action"); and

WHEREAS, the Board of Trustees held a public hearing on June 29, 2020, and provided an opportunity for all interested parties to be heard; and

WHEREAS, the Board has referred proposed local law WDS 2001A to the Nassau County Planning Commission, and the Planning Commission has recommended local determination; and

WHEREAS, the Board has declared itself Lead Agency with respect to the environmental review of WDS 2001, determined that WDS 2001A is an Unlisted Action that will not have a significant environmental impact; and

WHEREAS, after due deliberation, the Board finds it in the public interest to adopt proposed local law WDS 2001A.

NOW, THEREFORE,

1. The Board finds that the adoption of WDS 2001A is in accordance with the Village's comprehensive plan, and in particular, the Village Vision Plan.

2. The Board adopts WDS 2001A as Local Law 2 of 2020, and directs that a copy thereof be appended to the minutes.

3. The Board directs that the Village Clerk publish, post and file a copy of Local Law 2 of 2020, as required by law, and file a copy of Local Law 2 of 2020 to the New York State Department of State.

7. WDS-2002

The Board discussed WDS 2002, on which a public hearing was held.

On motion duly made by Trustee Platnick, seconded by Trustee Cayne and unanimously approved, the Board adopted the following resolution:

WDS 2002– Negative Declaration Pursuant to  
New York State Environmental Quality Review Act

**Bill WDS 2002. A local law to amend Chapter 1 of the Code of the Village of Woodsburgh, entitled “General Provisions” to modify penalties for violations of the Village Code.**

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the adoption of legislation designated proposed local law WDS 2002 to amend Chapter 1 of the Code of the Village of Woodsburgh, entitled “General Provisions” to modify penalties for violations of the Village Code; and

WHEREAS, the Board of Trustees has considered the nature and impact of the proposed action; and

WHEREAS, the Board of Trustees has reviewed an Environmental Assessment Form prepared with respect to proposed Bill WDS 2002,

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the Board of Trustees is the Lead Agency with respect to environmental impact review of proposed local law WDS 2002 as defined in the State Environmental Quality Review Act and its regulations, and

(a) the proposed adoption of WDS 2002 is an Unlisted Action;

(b) the Board has considered that the adoption of WDS 2002 revises the Code to regulate artificial lighting and noise;

(c) the Board also has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:

(i) the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

(ii) the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

(iii) the proposed action would not impair the environmental characteristics of any Critical Environmental Area;

(iv) the proposed action would not conflict with the community's current plans or goals as official approved or adopted;

(v) the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

(vi) the proposed action would not result in a major change in the use of either the quantity or type of energy;

(vii) the proposed action would not create a hazard to human health;

(viii) the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

(x) the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

(xi) the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

(xii) the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;

(xiii) the proposed action would enhance the protection of the environment in the Village, in that it would preserve and maintain the existing character of the Village;

(d) based on the Board's consideration of these factors, the Board finds that the proposed action would not have a significant adverse environmental impact;

(e) no further environmental review is required with respect to the proposed action, and

(f) the Mayor, or his designee, is authorized to complete the Environmental Assessment Form in relation to this proposed action in a manner consistent with the foregoing findings.

After further discussion, on motion duly made by Trustee Harman, seconded by Trustee Hirmes, and adopted unanimously, the Board adopted the following resolution:

WDS 2002 – Adoption

**RESOLUTION ADOPTING PROPOSED LOCAL LAW WDS 2002 TO AMEND CHAPTER 1 OF THE CODE OF THE VILLAGE OF WOODSBURGH, ENTITLED “GENERAL PROVISIONS”, TO MODIFY PENALTIES FOR VIOLATIONS OF THE VILLAGE CODE**

WHEREAS, the Board of Trustees scheduled a public hearing, to be held on June 29, 2020, to consider proposed local law WDS 2002 to amend Chapter 1 of the Code of the Village of Woodsburgh, entitled “General Provisions” to modify penalties for violations of the Village Code (the “Proposed Action”); and

WHEREAS, the Board of Trustees held a public hearing on June 29, 2020, and provided an opportunity for all interested parties to be heard; and

WHEREAS, the Board has referred proposed local law WDS 2002 to the Nassau County Planning Commission, and the Planning Commission has recommended local determination; and

WHEREAS, the Board has declared itself Lead Agency with respect to the environmental review of WDS 2002, determined that WDS 2002 is an Unlisted Action that will not have a significant environmental impact; and

WHEREAS, after due deliberation, the Board finds it in the public interest to adopt proposed local law WDS 2002.

NOW, THEREFORE,

1. The Board finds that the adoption of proposed WDS 2002 is in accordance with the Village’s comprehensive plan, and in particular, the Village Vision Plan.
2. The Board adopts WDS 2002 as Local Law 3 of 2020, and directs that a copy thereof be appended to the minutes
3. The Board directs that the Village Clerk publish, post and file a copy of Local Law 3 of 2020, as required by law, and file a copy of Local Law 3 of 2020 to the New York State Department of State.

A. On motion by Mayor Israel, seconded by Trustee Hirmes and unanimously approved, the following resolutions were adopted:

8. Street opening Trust Account The Board discussed
9. Election Update- Village Attorney Brian Stolar updated the Board
10. Discussion of Woodsburgh Constable  
The Board discussed
11. Reports:
  - A. Treasurer’s Report – Treasurer David Perl May 2020

Cash Status – May , 2020  
Bank Balances - Reg., Pay. M.M.,

as of 5/1/20 730,869.51

Plus – Receipts:

Real Property Tax Items	38,947.53
Non Property Taxes	2.23
Departmental Income	750.00

Licenses and Permits	15,505.50
Miscellaneous.	2,518.00

57,723.26

788,592.77

Less - Disbursements:

General Gov't Support	8,103.66
Public Safety	1,717.44
Transportation	15,965.44
Home & Community Services	511.24
Employee Benefits	-7,114.35
Interest on Long Term Debt	2,250.00

-21,433.43

767,159.34

Proof – Bank Balances:

Capital One – Pay	7,274.36
Capital One – Reg	30,900.44
Capital One – M.M.	<u>728,984.54</u>
	767,159.34

B. Audit of Claims

The Board discussed Abstract #687. After such discussion, and confirmation from the Village Treasurer that the items in such abstract represented the purchase of goods and services actually received and/or performed and that each item contained in the abstract was for a proper Village purpose, on motion duly made by Deputy Mayor Harman, seconded by Trustee Platnick, and adopted unanimously, the Board

authorized and directed the Village Treasurer to review and pay the general fund claims in the total sum \$126,546.58 as set forth in abstract #687.

C. TVASNAC Report — No report

D. Public Safety – May 2020

1. Police Report

May	Arrests: 0
	Movers 0
	Parkers: 0
	Crime: 0

2. Fire Report – Commissioner Tenenbaum – No Report

E. Roads – Commissioner Tenenbaum- No report.

F. Building Permits-

F. Building Permits and Covid Extensions

1. Completed Permits: (2/24/20 to 6/29/20)
 

W-2019036	133 Woodmere Blvd S	Tank Abandonment
W-2018060	160 Noye Lane	Generator
W-2018046	160 Noye Lane	A/C
W-2018032	160 Noye Lane	Structural
W-2019007	5 Willow Road	Temp C of C
W-2019017	67 Woodmere Blvd S	Swimming Pool
W-2019023	860 Pond Lane	Plumbing
W-2019046	860 Pond Lane	Plumbing
W-2019047	860 Pond Lane	Gas
W-2020010	885 Channel Road	Plumbing
  
2. Permits Issued: (2/24/20 to 6/29/20)
 

W-2020005	847 Ivy Hill Rd	Plumbing
W-2020006	Browers Pt Branch	Street Opening
W-2020007	141 Willow Road	Structural
W-2020008	878 Ivy Hill Road	Tag Sale
W-2020009	Wood Lane	Street Opening
W-2020010	885 Channel Road	Plumbing
W-2020011	192 Hickory Road	Tag Sale
W-2020012	935 Browers Pt Branch	Demo of existing pool
W-2020013	Noye Lane	Street Opening
W-2020014	75 Willow Road	Structural
W-2020015	76 Wood Lane	Re-Pave Driveway
W-2020016	935 Browers Pt Branch	Single Family Home
W-2020017	160 Noye Lane	Driveway/Retaining Wall
W-2020018	116 Woodmere Blvd S	Plumbing
W-2020019	116 Woodmere Blvd S	Gas
W-2020020	98 Willow Road	Replace fencing
W-2020021	116 Woodmere Blvd S	Swimming Pool
W-2020022	878 Ivy Hill Road	Structural
W-2020023	878 Ivy Hill Road	Plumbing
W-2020024	878 Ivy Hill Road	Gas

On motion by Trustee Platnick, seconded by Trustee Hirnes and unanimously carried, the Board voted to extend the expiration date of all current building permits for 120 days.

12. New Business: None
13. Next Meeting: September 21, 2020 at 8:00 pm in person if permitted or by video conference, in a manner as will be provided on the Village website.
14. Adjournment:

As there was no further business the meeting was adjourned at 9:07p.m.

Michelle Blandino  
Village Clerk

### Local Law 1 of 2020

**A local law to amend Chapter 150 of the Code of the Village of Woodburgh, to add a new Article for the creation of a new zoning district to be entitled “Article XI(A) – Coastal Conservation District – Woodmere Club (CC-WC)”, and to amend the Zoning**

**Map of the Village of Woodsburgh, to reclassify the Woodmere Club property from Residence 1A and 2A to Coastal Conservation District-Woodmere Club (CC-WC).**

Section one. Chapter 150 of the Code of the Village of Woodsburgh, entitled “Zoning” is hereby amended to add a new Article XI(A), entitled “Coastal Conservation District-Woodmere Club (CC-WC)”, including sections 150-101 through 150-131, to read as follows:

**Article XI(A)  
Coastal Conservation District - Woodmere Club (CC-WC)**

**§150-101. Title.**

This Article shall be known and cited as the "Coastal Conservation District-Woodmere Club (CC-WC) (hereinafter the “CC-WC District”)".

**§150-102. Legislative Intent/Purpose.**

A. The purpose of this Article, in coordination with the contiguous neighboring Town of Hempstead (“Town”) and Village of Lawrence, is to regulate development in the environmentally sensitive coastal areas that span the municipal boundaries of the Village and the contiguous Town and Village of Lawrence, including the area occupied by the Woodmere Club - allowing for the enhanced preservation and protection of the Village’s and neighboring Village of Lawrence’s and Town’s environmental, coastal, open space, natural and cultural resources and the preservation of the residential neighborhoods- both within the Village, the Village of Lawrence and the unincorporated areas of the Town, in and about the former Woodmere Club.

In the low lying southern coastal areas of the Village and the adjacent contiguous Town and Village of Lawrence there are located golf courses that have been in place for more than a century, which natural, open spaces provide not only recreation but a natural mitigation against adverse impacts on the environment and, therefore, the well-being and safety of the entire region.

Climate change is becoming the defining environmental issue of our time, particularly for vulnerable, low-lying coastal areas. This change has taken shape already, in the form of more frequent and intense storms, sea level rise and extreme flooding. It is no longer a future endeavor, but rather a sound planning imperative that the Village, the Town and the Village of Lawrence, immediately address ongoing and future conditions, including greater risks of flooding presented by sea level rise and enhanced storm surge, inland flooding expected to result from increasingly frequent extreme precipitation events and the increased risk of compound flooding, resulting from simultaneous storm surge and heavy precipitation. Through proper and coordinated regulation, the Village intends to do its part in preserving the health, safety and well-being of residents in the area of the Woodmere Club and the surrounding community.

Along the coast, and particularly in low-lying coastal areas, it is imperative that the Village, Town and the Village of Lawrence, as stewards of the environment and protectors of their community safety, health and welfare, assure that flood risk mitigation measures effectively preserve the floodplain and surrounding areas. As the Department of Environmental Conservation has expressed, the goal of managing the floodplain is not only to ensure that new development is reasonably safe from flooding, but to address existing risks, to avoid increasing risk to others and to sustain natural capacities to slow and



diffuse flood flows. Reducing development in flood-prone areas allows the natural landscape to absorb more floodwaters, reduce flooding to adjacent areas, recharge groundwater and sustain a healthy ecosystem.

As a result of declining golf participation and membership at 18-hole golf clubs, golf courses are closing, including The Woodmere Club. The land of The Woodmere Club ("The Woodmere Club Property") is approximately 118.4 acres in size and is located partially in the Village (approximately 40.5 acres), the Town (approximately 55 acres) and Village of Lawrence (approximately 22.9 acres).

As a result, this large and mostly open coastal area, spanning the boundaries of these three contiguous municipalities, is vulnerable to residential and commercial development, seriously threatening both this environmentally-sensitive coastal area, and the well-being of the Village, the Town, the Village of Lawrence and the region as a whole, and which potential adverse impacts and loss of existing open space will not be adequately mitigated by existing and inconsistent zoning regulations in both the contiguous Town and Villages with respect to permissible development, lot size, lot coverage, density, building height and site-specific development regulations.

It is the belief of the Village, in coordination with the contiguous Town and Village of Lawrence, that, unless addressed, the loss of this existing open space to over-development in the environmentally sensitive coastal area of the Village presents an immediate threat to the public health and safety of the Village, the adjacent Town and Village of Lawrence, and the region as a whole, and can best be mitigated, and the additional benefits accomplished, with the coordinated creation of matching complimentary Coastal Conservation Districts in each municipality in conjunction with the adjacent contiguous Town and Village of Lawrence.

- 1.

The Woodmere Club Property is located in a relatively vulnerable, low-lying coastal area, well within Special Flood Hazard Area (100-year floodplain) and the New York State Coastal Boundary Area. The Woodmere Club Property is also impacted by shallow groundwater conditions. The New York State Department of Environmental Conservation (NYS DEC) has identified the presence of Significant Natural Communities and Rare Plants and Animals at The Woodmere Club Property. The Woodmere Club Property has also been identified by the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) as a potentially-archeologically sensitive area. Given the presence of these environmental and cultural resources, the Village intends to provide for a cluster development, in accordance with Village Law §7-738, with reduced lot size requirements, in this area to properly conserve and protect the low-lying, vulnerable coastal area and natural area and resources.

It also is the intent of the Village to protect significant local historic resources and the character of those resources within the Village. As Woodsburgh and the contiguous Village of Lawrence and Town consider the Woodmere Clubhouse a prominent community asset, given its history associated with the community and the Woodmere Club property, this Article will preserve and enhance the Clubhouse and its associated hospitality services by permitting continued use of the Clubhouse and providing measures for limited expansion within previously paved or covered areas in a way that retains the use and the historic character of the Clubhouse building and associated amenities.

A traditional subdivision layout with a minimum lot size of one acre (43,560 square feet) and two acre (87,120 square feet) within the 40.5 acre Village portion of the course would have a gross yield approximately 39 lots, but the net yield would be reduced significantly when accounting for area regulations, open space and/or parkland reservation, roadway and infrastructure elements and reserved drainage areas. Cluster-style development provided herein and in the contiguous Town of Hempstead and Village of Lawrence portions of the Woodmere Club property provides for the preservation of some of the most sensitive environmental

portions of the property, while permitting sustainable residential development utilizing a cluster subdivision technique within all three municipalities. In so doing, the CC-WC District provides for smaller lots, and larger homes, while preserving the natural, protective and scenic qualities of the Village and the Woodmere Club Property. Sustainable design elements will be required in all residential development applications, incorporating a sustainable approach and low-impact development principles.

While the Village recognizes its responsibility to provide for a properly balanced and well-ordered plan of development and land uses within its community, it also recognizes that, in enacting local zoning, consideration must be given to regional needs and requirements, and that there must be a balancing of the local desire to maintain the status quo within the community and the greater public interest that regional needs be met.

The New York State General Municipal Law, Section 239-NN, indicates the intent and purpose of State of New York to encourage the coordination of land use development and regulation among adjacent municipalities in order that each adjacent municipality may recognize the goals and objectives of neighboring municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area, and neighboring municipalities.

Pursuant to Article 8, Sections 1 and 2-a of the New York State Constitution, as effectuated by General Municipal Law Article 5-J, Section 119-u, Village Law Section 7- 741, and Town Law Section 284, the Village, Town, and the Village of Lawrence agreed to coordinate regulation and entered into an Intermunicipal Cooperation Planning and Land Use Regulation Agreement (the "Intermunicipal Cooperation Agreement") with the purpose of undertaking mutually beneficial, shared and coordinated comprehensive planning and land use regulation for the Woodmere Club Property in order to promote intergovernmental cooperation, increase coordination and effectiveness of comprehensive planning and land use regulation, and make more efficient use of infrastructure and municipal revenues and resources, as to enhance the protection of community resources which span municipal boundaries.

It is in that spirit, and pursuant to agreement of all three municipalities to work together and the in accordance with the Intermunicipal Cooperation Agreement, that the Village, in, in conjunction and coordination with the adjacent contiguous Town and Village of Lawrence, adopts and creates the Coastal Conservation District - Woodmere Club (CC-WC), for the Village of Woodsburgh.

The proposed Coastal Conservation District- Woodmere Club (CC-WC District) represents an intermunicipal plan that addresses current and future physical climate risk changes due to sea level rise, storm surge and flooding. The district recognizes these impacts in relation to the unique geographical setting of the property at the Woodmere Channel terminus, its historical and environmentally and ecologically sensitive setting, and the anticipated flood impacts associated with this location. The risks to both private and public, and existing and future development, from flooding in this location under current and anticipated future conditions, necessitates multi-jurisdictional regulation guided by preservation and protection. The CC-WC District incorporates climate change considerations, while preserving both existing development and infrastructure, as well as protecting future development, including development on the Club property, from the virtual certainty of increasing flood risks as time progresses.

The CC-WC District establishes three Sub-Districts to ensure the preservation of existing open space and regulate development in a manner that is compatible with area zoning and development patterns. The Open Space/Recreation Sub-District and the Single-Family Residential Sub-District both include portions of the Village and the contiguous Town of Hempstead and Village of Lawrence, while the Clubhouse/Hospitality Sub-District is located wholly within the Village. The three Sub-Districts are described in §150-110 of this Article.

B. The Village of Woodsburgh Board of Trustees (hereinafter “Village Board”) finds that the creation of this zoning district, with its three sub-districts, is in harmony with the coordinated creation of a similar zoning district in the contiguous Town of Hempstead and Village of Lawrence, is in the public interest and that the provisions of these coordinated , contiguous, complimentary zoning districts in each municipality are in the interest of the protection and promotion of the public health, general welfare and safety of both the residents of the Village and contiguous Town of Hempstead and Village of Lawrence.

The creation of this district, in coordination with the contiguous municipalities is intended to preserve the Village's natural resources and environmental features, while also preserving community character and the economic value of other properties in the neighborhood in and about the Woodmere Club property. Special consideration is provided for sustainable design elements, which will help to mitigate flood impacts, preserve open space, decrease stormwater runoff, improve local water quality and reduce traffic impacts. The regulations contained within this Article have been designed to be compatible and complementary with other permitted land uses in the area and contiguous municipalities and protect the character of their existing and developed residential communities.

C. The Board finds that the CC-WC District, within the Village, is in accordance with the comprehensive planning policy document, which was accepted and adopted by the Board of Trustees in December 2019, and is titled the Village of Woodsburgh Vision Plan (the “Vision Plan”). The Board also finds that the coordinated adoption of the CC-WC District in the Village and the CC-WC zoning districts to be adopted by the Town of Hempstead and Village of Lawrence furthers the Village’s goals of providing a comprehensive land use policy Village’s Vision Plan that protects community resources that span across the Village boundaries.

The Vision Plan establishes goals and a vision for the future of the Village, in general and specifically regarding certain areas to be incorporated into new proposed zoning districts. The Vision Plan establishes the following Village-wide goals: (a) protect the existing community character and development pattern in the Village; (b) maintain the Village’s existing residential and open space/recreational character; (c) preserve and protect the existing natural resources within the Village including surface waters, floodplains, groundwater, wildlife and habitats; (d) preserve existing open space and recreation, as well as provide new open space and recreational opportunities for the community; (e) preserve and enhance local historic resources and important views that define the character and “sense of place” of the community; (f) protect and promote the Village’s existing road pattern, improve traffic flow to minimize high volumes of traffic on Village roadways and enhance the pedestrian network to maintain safe pedestrian pathways; and (g) ensure that existing community services have the capacity to serve the Village and any potential developments in the future. The CC-WC District is designed with these goals in mind.

The Board also finds that the CC-WC District is consistent with the Conceptual Land Use Plan contained in the Vision Plan. The CC-WC District includes three sub-districts, each consistent with the land use policy preferences established in the Vision Plan. The Conceptual Land Use Plan identifies conceptual, and distinct, zoning districts applicable to the Woodmere Club Property. These include (a) “Active Recreation/Village Guest Lodging” district encompassing the portion of the Woodmere Club Property containing the Woodmere Clubhouse, adjacent parking areas, athletic facilities and associated landscaping, and recognizing the historic use of this area for more than 100 years, and (b) “Recreation/Very Low Density Residential II” district encompassing the Woodmere Club property, excluding the Active Recreation/Village Guest Lodging. The “Open Space/Recreation Sub-District” and the Single-Family Residential Sub-District” comport with the “Recreation/Very Low Density Residential II” district, and the “Clubhouse/Hospitality Sub-District” comports with the “Active Recreation/Village Guest Lodging” district, identified in the Vision Plan. The Vision Plan recommends proposed clustering development to preserve sensitive environmental resources and protect against the impacts of flooding and the loss of stormwater absorption points, in the “Recreation/Very Low Density Residential II” district, and the CC-WC district incorporates that recommendation. The Vision Plan also identifies Village residents’ vision to retain the historically important clubhouse, while providing for adaptive uses, including a community center and/or limited overnight accommodations.

### **§150-103. Applicability.**

The CC-WC District shall apply to the land that comprises the privately-owned golf course commonly known as The Woodmere Club, and referred to herein as the Woodmere Club Property (Nassau County Land & Tax Map Section 41, Block F, Lots 37, 40, 48, 310, 123/3024 (Lot Grouping), 3028, 3030A/3030B (Lot Grouping), and 3032; Section 41, Block D, Lots 53 and 55; and Section 41, Block 72, Lot 1/3/4/5A/5B/6-9/11-12 (Lot Grouping)) (the “Property”). Acreages identified within this Article are based upon Nassau County Geographic Information Systems (GIS) 2018 Tax Parcel database.

### **§150-104. District Defined; Zoning Map Amended.**

The area of the Village that constitutes the CC-WC District is identified as Section 41, Block F, Lots 40 (portion of lot in Village), 37 (part in Village), 123, 310, 3029 (identified on the Nassau County Tax Map as 3029A and 3029B), 3030 (identified on the Nassau County Tax Map as 3030A and 3030B), 3032 (portion of lot in Village), Section 41, Block D, Lots 53 and 55, and Section 41, Block 72, Lot 1, on the Nassau County Land and Tax Map (the “District Property”).

The Zoning Map of the Village of Woodsburgh is hereby amended accordingly, to re-classify the District Property as constituting the CC-WC District.

### **§150-105. Definitions.**

The following definitions shall apply in the CC-WC District.

**Lot coverage:** The horizontal area of a lot covered by the roof areas of all buildings and/or structures, in addition to all other impervious surfaces, including but not limited to driveways, parking areas, patios, terraces, permeable pavement and paver systems and other similar features.

**Permeable Pavement Surfaces:** Pervious hardscape surfaces that allow for the infiltration of water into soils, helping to remove pollutants and recharge the water table and reduce runoff. Examples of permeable pavement surfaces include pervious concrete, porous asphalt and permeable paving stones. Recycled concrete aggregate (RCA) shall not be permitted as the basecourse material. Open graded natural stone shall be used to facilitate storm water permeability.

**Smart Controller Technology:** An irrigation control system that reduces outdoor water use by monitoring and using information about site conditions (including, but not limited to soil moisture, rain, wind, slope, soil, plant type), and applying the correct amount of water based on those factors.

**Compensatory Storage:** A standard which preserves the ability of the floodplain to store water. Compensatory storage means that loss of flood storage due to buildings or fill in the floodplain is compensated for by providing an equal volume of storage to replace what is lost.

### **§150-106. Master Plan Submission.**

A conceptual development plan for the proposed development of the Property is required to be filed simultaneously with the Village, the Town of Hempstead and the Village of Lawrence, for review purposes

prior to the filing of a map or subdivision application with the Nassau County Planning Commission. The purpose of this procedure is to facilitate a coordinated review with the Town and Villages, including a conceptual subdivision layout for the three Sub-Districts. The conceptual subdivision layout shall include existing and conceptual proposed grading, proposed drainage for the lots and infrastructure, lot configuration, hospitality development proposal, and plans for maintenance of open space/common areas.

Upon receipt of the conceptual development plan, the Town and Villages shall review the plan for compliance with applicable zoning, subdivision and site-specific (including any performance standards and sustainable design) regulations in effect in the respective jurisdictions. Each municipality shall inform the applicant as to compliance with such regulations, within 45 days of receipt of the conceptual development plan, and may also provide comments regarding any relevant matter, including plans for maintenance of open space and common area.

**§150-107. Subdivision Map.**

A. The portion of the Property located within the Village and within 300 feet of the Village is subject to the jurisdiction of the Village Planning Board, in accordance with Village Code Chapter 131. As part of any such application process, the applicant also will be required to demonstrate compliance with Chapter 77 of this Code.

B. No permit shall issue for any building requiring a building permit from the Village unless the site is shown on a subdivision map approved by the Nassau County Planning Commission and any other jurisdiction with primary or concurrent subdivision jurisdiction, and filed in the Nassau County Clerk's office.

**§150-108. Interpretation; conflicts with other provisions.**

A. In interpreting and applying the provisions of this Article, the rules of interpretation applicable to remedial legislation shall be used so that the spirit and intent of this article shall be observed.

B. In the event of a conflict between the provisions of this article and other provisions of the Village Zoning Code, the provisions of this article shall control.

**§150-109. Severability.**

If §150-110 or §150-111 of this Article shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall invalidate the remainder of this Article. If any other provision shall be so adjudged, it shall not invalidate the remainder of this Article. If there is found to be any imprecision, including but not limited to lot descriptions or acreage of total property, such will not invalidate this ordinance.

**§150-110. Sub-Districts Established.**

The CC-WC District establishes three Sub-Districts to regulate development in a manner that is compatible with area zoning and development patterns and ensures the preservation of sensitive natural resources and open space. The Open Space/Recreation Sub-District and the Single-Family Residential Sub-District both include portions of the Village and the contiguous Town of Hempstead and Village of Lawrence, while the Clubhouse/Hospitality Sub-District is located wholly within, and regulated entirely by, the Village.

The three Sub-Districts of the CC-WC District are provided in Figures 1 and 2 below and are described as follows:

A. Open Space/Recreation Sub-District:

Accounting for approximately 26.5 acres of the approximately 40.5 acre Village portion of the Property (and approximately 83.3 acres of the approximately 118.4-acre Woodmere Club Property), the intent of the Open Space/Recreation Sub-District is to preserve critical coastal natural resources and open space areas to the maximum practicable extent. These open space areas provide flood mitigation from storm surge, stormwater, and sea level rise, provide critical habitats for wildlife and contribute significantly to the unique community character of the area. In recognition of the flood mitigation provided by these open space areas, and the protection of existing development and infrastructure in the Village and the surrounding area, the use of fill and development parameters shall be regulated by the restrictions specified herein. Within the Open Space/Recreational Sub-District, grading for the purposes of flood water storage, including Compensatory Storage set forth in section 77-15 of this Code, shall be permitted. In addition, within the Open Space/Recreational Sub-District, with the exception of areas associated for access, as defined in §150-120 of this Article, any removal of trees shall be subject to Chapter 131 and any regulations adopted by the Village.

B. Single-Family Residential Sub-District:

The Single-Family Residential Sub-District (approximately 29.4 acres of the approximately 118.4-acre Woodmere Club Property) comprises two distinct development clusters, one straddling the boundaries of the Villages of Woodsburgh and Lawrence portions of The Woodmere Club Property (8.3 acres within the Village of Woodsburgh and approximately 1.8 acres within the Village of Lawrence, for a total of 10.1 acres in both Villages) and one in the Town of Hempstead portion of The Woodmere Club Property (approximately 19.3 acres in size). These clusters, zoned for residential housing (religious and educational uses permitted by special exception), will allow compatible development between all three municipalities (including development in the Town of Hempstead that is compatible with the existing one-acre minimum lot zoning in the Village of Woodsburgh and the 40,000 square foot minimum lot zoning in the Village of Lawrence), while retaining significantly more natural resources and open space than provided for in previous zoning and land use regulations.

Within this sub-district, any proposed lot that straddles the boundaries of the Village of Woodsburgh and the Village of Lawrence shall be subject to the zoning and building permit jurisdiction of the municipality in which the larger portion of any principal building will be located, as such building is shown on the original subdivision map approved by the respective jurisdictions.

C. Clubhouse/Hospitality Sub-District:

The Clubhouse/Hospitality Sub-District is limited to approximately 5.7 acres within the Village of Woodsburgh portion of The Woodmere Club Property. The intent of this Sub-District is to preserve and enhance the existing clubhouse of The Woodmere Club and its associated hospitality services, including the parking areas, athletic courts and outdoor swimming pool. This Sub-District is regulated entirely by the Village, as provided in this Article.

A local law to amend the Chapter 106 of the Code of the Village of Woodsburgh, entitled "Peace and Good Order" to provide for regulation of artificial lighting and unreasonable noise.

Section one. Chapter 106 of the Code of the Village of Woodsburgh, entitled "Peace and Good Order" is hereby amended by renumbering section 106-6 to section 106-7.

Section two. Chapter 106 of the Code of the Village of Woodsburgh, entitled "Peace and Good Order" is hereby amended to add the following new section, as section 106-5, to read as follows:

**§106-5. Regulation of Artificial Lighting.**

A. Prohibited Lighting.

Except as otherwise permitted in this section, no person, firm or entity, or their respective agents, servants, guests or employees shall install, repair, alter, replace, relocate, operate or maintain any permanent outdoor light fixture, lamp or other artificial means of radiating light on private property in the Village ("exterior lighting") that does not comply with any one or more of the following requirements:

1. All exterior lighting shall be either "fully shielded" or fitted with opaque hoods, shields, louvers, shades, or other devices to insure that all light generated by the light source is directed downward and not outward horizontally, and so fitted that no portion of the light source is visible when the light fixture is viewed from the property line or beyond. The term "light source" includes the light bulb and all refractive, reflective, and translucent light transmitting parts of the fixture. Post lanterns, pier lanterns and lanterns mounted on residences are exempt from the provisions of Subsections 1 and 2 of this section.

2. No exterior light source, including fixtures not mounted on the primary structure, shall be mounted higher than 12 feet measured from the actual grade immediately beneath the light source. Excluded from this requirement is any exterior light source contained within the soffit of the principal structure, so long as such light source complies with all other subsections in this section.

3. No exterior lighting shall illuminate any public or private road, public right-of-way, public waterway, public beach, or conservation easement.

4. No exterior light source shall illuminate, reflect, spill over, or otherwise create a nuisance upon an adjoining property or properties.

5. No flashing, laser, searchlight, strobe, tracing, pulsating, or neon exterior lighting is permitted.

6. No recreational court, including tennis courts, basketball courts, or sports courts shall be artificially illuminated after 9:00 p.m.

7. Lighting intended to illuminate foliage, trees, landscape, or architectural structures must be fully shielded and turned off daily by 12:00 midnight. Temporary holiday exterior lighting is exempt from the provisions of this chapter, except that such temporary exterior lighting shall not be lit earlier than 21 days before the date of the respective holiday and must be disabled within 15 days after the date of the respective holiday and must be turned off daily by 12:00 midnight.

8. No outdoor light fixture shall be operated by a "dusk to dawn" timer or sensor, unless motion-sensor activated. Motion-sensor light fixtures shall be operated to shut off after 10 minutes and shall not be triggered by activity located beyond the boundary line of the property on which the light fixture is located.

9. Exterior light source(s) illuminating a driveway or walkway shall be mounted only along the margins of the driveway or walkway, mounted no higher than 18 inches from the grade at its base and spaced at intervals of no less than six feet. Exterior light sources mounted on an entrance pier shall be no higher than eighteen (18) inches above the top of the pier.

10. Exterior light source(s) installed on or along fences, including fence posts, are prohibited.

11. Lighting that is determined by municipal law enforcement personnel to contribute to a condition of disabling or distracting glare into a public roadway from a light source.

**B. Existing lighting.**

Exterior lighting installed on private property as of [date of adoption of law, which does not conform with subsections 1, 2, 3, 4, 5, 9, 10 and/or 11 of section 106-5(A) ("Nonconforming Lighting"), may continue to remain on such private property upon registering such lighting as provided herein. On or before [six months from the date of adoption], the owner of any property where such Nonconforming Lighting exists, shall register such lighting with the Village Building Department, and such registration shall include the location of such Nonconforming Lighting. If any Nonconforming Lighting is not timely registered as required by this subsection, the right to continue any such lighting shall terminate on [six months from the date of adoption], unless a variance to retain such lighting is obtained from the Board of Appeals. If any exterior lighting claimed to exist on [date of adoption], is not registered as required by this subsection, it shall be presumed that the installation commenced on or after [date of adoption], and the authorization to maintain such lighting shall require a variance from the Board of Appeals..

Exterior lighting that does not comply with subsections 6, 7 and/or 8 of subsection 106-5(A), and exists on the effective date of section 106-5, shall be extinguished or brought into compliance with the provisions of this section 106-5 on or before [six months from the date of adoption].

**C. Complaints.**

1. Any person complaining about a violation of this chapter may make a written complaint to the Building Inspector. Each complaint submitted to the Building Inspector shall include the date, time, place and manner in which a violation of this chapter has occurred and must be signed by the complainant.

2. Upon receipt of a written complaint, the Building Inspector, upon verification of a violation, may issue an appearance ticket and otherwise take lawful action to enforce compliance with this chapter.

**D. Penalties for Offenses.**



Any person, firm or corporation who violates any section of this Chapter or fails to timely comply with a notice, order or directive of enforcement personnel shall be subject to the enforcement and penalty provisions of Chapter 1 of the Village Code.

Section three. Chapter 106 of the Code of the Village of Woodsburgh, entitled "Peace and Good Order" is hereby amended to add the following new section, as section 106-6, to read as follows:

**§106-6. Regulation of Unreasonable Noise.**

**A.** No person shall make, cause or permit to be made any unreasonable noise within the geographical boundaries of the Village of Woodsburgh or within those areas over which the Village has jurisdiction, including the waterbodies adjacent to the Village.

**B.** Unreasonable noise which shall constitute a violation of this section shall be any continuous, frequent or repetitive loud sound which annoys, disturbs or interferes with the comfort, repose, peace or reasonable and normal activities of a reasonable person of normal sensitivities lawfully occupying an area adjacent to or in the vicinity of the source of the sound, taking into account the standards set forth in subsection 106-6(C).

**C.** Standards to be considered in determining whether "unreasonable noise" exists in a particular situation include, but are not limited to:

1. Volume of the noise.
2. Intensity of the noise.
3. Whether the nature of the noise is usual or unusual.
4. Whether the origin of the noise is natural or manmade.
5. The nature and the zoning district of the areas within which the noise emanates and impacts.
6. Time of day.
7. Duration of the noise.
8. Whether the noise is continuous or impulsive.

**D.** Each of the following shall constitute unreasonable noise:

1. Playing or permitting the operation of any radio, television, electronic device, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound so as to produce unreasonable noise at any time. Said sound production or reproduction shall be deemed unreasonable noise if it is produced in a manner as to create noise that can be heard inside any residence located across any real property boundary lot line from the source of the noise, where all doors and windows are closed at such residence. Said sound shall be deemed unreasonable noise if it is produced in a manner as to create noise that can be heard between 11:00pm and 10:00am, across any real property boundary lot line from the source of the noise.

2. Use of a horn or other signaling device in any case, except in an emergency.

3. Air conditioning, HVAC, generator equipment or pool equipment shall not be used or continue to be used when such equipment generates a noise level in excess of 50 decibels across any real property boundary line.

4. Repair, test, rebuild or modify any vehicle, motorcycle or boat in a a manner to cause unreasonable noise across any boundary line.

5. A domestic animal barking, whining, yelping or howling continuously.

**E.** Nothing in this section shall be construed to abridge or supersede any state or federal laws, rules or regulations.

Section four. Any local law, ordinance, or resolution of the Village of Woodsburgh in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section five. Any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section six. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.

## Local Law 3 of 2020

A local law to amend the Chapter 1 of the Code of the Village of Woodsburgh, entitled “General Provisions” to modify penalties for violations of the Village Code.

Section one. Chapter 1 of the Code of the Village of Woodsburgh, entitled “General Provisions” is hereby amended to amend sections 1-15 and 1-16, to read as follows:

**§1-15. Zoning Offenses.**

With respect to any violation of any provision of Chapter 150 of the Code of the Village of Woodsburgh, entitled “Zoning”, any owner, general agent or contractor of a building or premises where such violation has been committed or shall exist and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist and the general agent, architect, building contractor or any other person who commits, takes part or assists in such violation or who maintains any building or premises in which such violation shall exist shall be punishable by a fine of not more than \$350 or imprisonment for a period not to exceed fifteen days, or both such fine and imprisonment, for conviction of a first offense. For conviction of a second offense, both of which were committed within a period of one year, such violation shall be punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed fifteen days, or both such fine and imprisonment. For conviction of a third or subsequent offense, all of which were committed within a period of one year, such offense shall be punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed fifteen days, or both such fine and imprisonment. Each day's continued violation shall constitute a separate additional offense.

**§1-16. General Offenses.**

**A.** Except where such penalty is provided for in section 1-15 of the Village Code or where a different penalty would apply to the operation or parking of a motor vehicle, each person or entity who violates any provision of any law, ordinance or regulation of the Village of Woodsburgh or fails to timely comply with a properly issued notice, shall, for each and every day that said offense exists or continues, be subject to a penalty as prescribed herein, upon conviction. For a continuing offense, each day's violation shall constitute a separate additional offense.

**B.** A first offense shall be punishable by a fine not to exceed \$1,000 per offense or per day, as the case may be. For a continuing offense, each day, for the first six days after the date of the original offense, shall be punishable by a fine not to exceed \$1,000 per offense, per day.

**C.** A second offense, which was committed within a period of one year of the first offense, shall be punishable by a fine of not less than \$750 nor more than \$1,500.

**D.** For a conviction of a third and/or subsequent offense committed within one year of the first offense, such offense shall be punishable by a fine not less than \$1,000 nor more than \$2,500. For a continuing offense, each day after the first seven days (which are otherwise subject to penalty under section 1-16(B)) shall be punishable by a fine of not less than \$1,000 nor more than \$2,500, per offense, per day.

Section two. Any local law, ordinance, or resolution of the Village of Woodsburgh in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.