

**VILLAGE OF SPRING VALLEY
VILLAGE BOARD
DECEMBER 17, 2024 8:32 PM**

Present: Mayor Simon
Deputy Mayor Gross
Trustee Grossman – 8:34 pm
Trustee Smith

Absent: Trustee Eisenbach

Also Present: Attorney Chafizadeh

Deputy Village Clerk Sweet read the roll

Assemblage saluted the flag led by Trustee Smith

Resolution No. T-280-12.17.24

Moved by Deputy Mayor Gross, Seconded by Mayor Simon

WHEREAS, Mayor Simon and the members of the Spring Valley Board of Trustees have reviewed bills to be paid reflecting such expenditures, and

WHEREAS, Abstracts require the approval of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the payment of the bills of the Village of Spring Valley set forth below and authorizes the Treasurer of the Village of Spring Valley to pay such bills, with the exceptions noted below.

APPROVAL OF ABSTRACTS

GENERAL FUND 2024/14

Amount \$108,641.57

Claim #'s 56064805 thru 56064943

Moved by Deputy Mayor Gross, Seconded by Mayor Simon, Trustee Smith Yes, Trustee Grossman & Trustee Eisenbach absent.

POST AUDITED GENERAL ABSTRACT 2024/14

Amount \$191,130.03

Claim #'s 56064725 thru 56064938

Moved by Deputy Mayor Gross, Seconded by Mayor Simon, Trustee Smith Yes, Trustee Grossman & Trustee Eisenbach absent.

Dated: December 17, 2024

Resolution No. T-281-12.17.2024

Moved by Deputy Mayor Gross, Seconded by Mayor Simon

**AUTHORIZATION TO PAY HARRIS BEACH, PLLC IN
THE AMOUNT OF \$689.00 FOR SERVICES RENDERED
FROM NOVEMBER 1, 2024 THROUGH NOVEMBER 30,
2024 IN THE SNEAD MATTER**

WHEREAS, the Village has retained Harris Beach, PLLC to provide legal services in a variety of matters; and

WHEREAS, Harris Beach, PLLC has submitted invoices for services rendered in the Snead matter on behalf of the Section 8 Office, totaling \$689.00, for services rendered from November 1, 2024 through November 30, 2024; and

WHEREAS, the Village Board wishes to authorize payment of \$689.00.

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and approves the payment of the invoices totaling \$689.00 to Harris Beach, PLLC.

Section 2. The Board directs staff to take whatever steps necessary to make payment thereof.

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

On Roll:

Mayor Simon	Yes
Deputy Mayor Gross	Yes
Trustee Grossman	Absent
Trustee Eisenbach	Absent
Trustee Smith	Yes

Dated: December 17, 2024

8:34 pm Trustee Grossman arrived.

Public Participation:

James Fraiser – Thanked Mayor Simon for meeting to resolve issues with Tiger’s Den and expressed that he’s in hopes that the bathrooms will be completed by Spring. Mr. Fraiser asked for an update of the flagpole. He also shared that Bethune and Fred Hecht Drive has flooding issues. Mr. Fraiser wishes that the Village would bring back the Building Department.

Resolution No. T-282-12.17.2024

Moved by Trustee Gross, Seconded by Trustee Smith

**A LOCAL LAW TO ESTABLISH A TEMPORARY
MORATORIUM PROHIBITING THE GROWTH AND
DISTRIBUTION OF CANNABIS**

WHEREAS, the Village has become concerned with potential cannabis operations within the Village including cannabis shops and growers; and

WHEREAS, the health, safety, and welfare of all residents would be best served by a ninety (90) day moratorium on the consideration of land use applications involving the distribution and growth of cannabis to review the time, place, and manner in which these establishments and facilities may operate; and

WHEREAS, the Village Board wishes to temporarily prohibit the establishment of all cannabis distribution and growing facilities as the Village Board conducts further review regarding the potential for time, place, and manner restrictions; and

WHEREAS, this Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Village Board of the Village of Spring Valley under New York State Constitution Article IX, Section 2 (c) (ii)(6)(10); Municipal Home Rule Law § 10(2); Municipal Home Rule Law §10(3); Municipal Home Rule Law §10(4)(a)(b); Article 7 of New York State Village Law amongst others; and

WHEREAS, the Village Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to consider development and adoption of Village Code Ordinances of the Village of Spring Valley, thus protecting and furthering the public interest, health and safety; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Spring Valley hereby ratifies and affirms each and every “WHEREAS” paragraph above and amends the Village Code to establish this local law:

Chapter 255. Zoning

Article

§ 255-76. DEFINITIONS.

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

A. Person – An individual, firm, estate, partnership, company, corporation, limited liability corporation, trustee, governmental subdivision or other public or private entity.

B. Unlicensed Business – A business that has not been issued a license by the Office of Cannabis Management (OCM), as of the effective date hereof.

§ 255-77. TEMPORARY MORATORIUM AND PROHIBITION.

- A. For the period of ninety (90) days following the effective date of this article, no new nor currently operating unlicensed retail businesses or person shall transfer, distribute, sell, or grow cannabis within the Village of Spring Valley, whether or not accompanied by any other purchase.
- B. During the effective period of this article:
- (1) The Village Planning Board shall not consider and/or approve any site plan related to a proposed business involving the transfer, distribution, sale, or growth of cannabis.
 - (2) The Village Zoning Board of Appeals shall not consider and/or grant any variance or other permit related to a proposed business involving the transfer, distribution, sale or growth of cannabis.
 - (3) No Code Enforcement Officer shall consider and/or issue any land use permit or other permit related to a proposed business involving the transfer, distribution, sale, or growth of cannabis.
 - (4) This moratorium and prohibition shall apply to all real property within the Village.
 - (5) Under no circumstances shall the failure of the Village Board, the Zoning Board of Appeals of the Village, the Planning Board of the Village, or the Code Enforcement Officers for the Village to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Village-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.
- C. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of: (i) that date which is ninety (90) days after said effective date; (ii) the effective date of a Village Board resolution affirmatively stating the Village Board has determined that the need for this moratorium and prohibition no longer exists; or (iii) the conclusion of any extension hereof.
- D. The lawful use of any premises on the effective date of this article operated under a permit or license issued by the Village of Spring Valley or other appropriate state or federal agency may be continued.

§ 255-78. HARDSHIP VARIANCE RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this Local Law following a noticed public hearing before the Village Board. It is specifically intended that this moratorium shall supersede New York State law which would otherwise confer exclusive variance authority to the Village's Zoning Board of Appeals.

Following a written request for hardship variance relief, within thirty (30) days of receipt of such request, a noticed public hearing shall be held, at which hearing the Village Board may, but is not limited to consider:

- A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other areas of environmental concern.
- B. The impact of the proposed application on the applicant's premises and upon the surrounding area.
- C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.
- D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Village of Spring Valley.
- E. The written opinion of the Village of Spring Valley Planning Board and the Village of Spring Valley Building Inspector that such application may be jeopardized or made impractical by waiting until the moratorium is expired.
- F. Evidence specifying in detail the nature and level of any alleged hardship imposed on the property owner(s) as result of this moratorium.
- G. Such other considerations and issues as may be raised by the Village Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Village Board may obtain and consider reports and information from any source it deems to be helpful with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon property owner (or if there are multiple property owners, a determination that each such owner shall suffer an unreasonable hardship) which is unique to the property owner(s), a finding that there are sufficient existing regulations to adequately govern the application for which a hardship waiver is being requested, and a finding that the grant or an exemption will be in harmony with, and will be consistent with an existing Village of Spring Valley Zoning Ordinance and the recommendation of the Comprehensive Plan as such may exist.

An application for relief from the prohibitions of the moratorium shall be accompanied by fee of \$500, together with an applicant's written undertaking in a form to be approved by the Village Attorney, to pay all of the expenses of the Village Board and any agent or consultant retained by the Village Board to evaluate and consider the merits of such application, including but not limited to any fees incurred by the Village of services provided by the Village Attorney or other professionals.

§ 255-79. PENALTIES.

- A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500) or imprisonment for not more than 10 days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500) or imprisonment for a period of not more than 30 days, or both. Each day that a violation of this Local Law exists shall constitute a separate and distinct offense.
- B. Compliance with this Local Law may also be compelled and violations restrained by order or by an injunction of a court of competent jurisdiction, in an action brought on behalf of the Village by the Village Board.
- C. In the event the Village is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Village relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property(ies) within the Village on which the violation occurred, by including such expense in the next annual Village tax levy against such property, and such expense shall be lien upon such property until paid.

§ 255-80. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be extended, modified or abridged by the Village Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation for Zoning Ordinance provision.

§ 255-81. EFFECTIVE DATE.

The effective date of this Local Law shall be immediately upon its adoption.

BE IT FURTHER RESOLVED, if any clause, sentence, paragraph, subdivision, or portion of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be modified by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or

part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

BE IT FURTHER RESOLVED, that the Village Board hereby directs the Village Clerk to file said Local Law in the Office of the Secretary of State; and

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

On Roll:

Mayor Simon	Yes
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Absent
Trustee Smith	Yes

Dated: December 17, 2024

Deputy Mayor Gross moved to set a Public Hearing for the applicant O&R Utilities for January 7, 2025. Applicant is seeking a Special Permit to construct a 3 Story Building with an expanded parking lot. Motion was seconded by Mayor Simon and carried by all present.

Trustee Grossman read the November 2024 Spring Valley Police Report into the record.

Resolution No. T-283-12.17.2024

Moved by Deputy Mayor Gross, Seconded by Mayor Simon

**RESOLUTION AUTHORIZING POLICE OFFICER
POWEL DUDZINSKI TO ATTEND THE 2025 ANNUAL
NEW YORK STATE CHILD PASSENGER SAFETY
TECHNICAL CONFERENCE IN LAKE PLACID, NEW
YORK FROM MAY 6 THROUGH MAY 8, 2025**

WHEREAS, the New York State Annual Child Passenger Safety Technical conference teaches police officers effective child passenger safety training, as well as raising awareness about proper child restraint usage; and

WHEREAS, the Village would like to send Police Officer Powel Dudzinski to attend the 2025 Annual Child Passenger Safety Technical Conference in Lake Placid, New York from May 6 through May 8, 2025; and

WHEREAS, the Village would authorize Police Officer Powel Dudzinski to use a Village Police Department vehicle and the Village's gasoline card for travel to and from the conference, which cost will be fully reimbursed through the New York State Governor's Traffic Safety Grant and no additional overtime will be necessary.

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and authorizes Police Officer Powel Dudzinski to attend the 2025 New York State Annual Child Passenger Safety Technical Conference in Lake Placid, New York from May 6 through May 8, 2025 as detailed above.

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

On Roll:

Mayor Simon	Yes
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Absent
Trustee Smith	Yes

Dated: December 17, 2024

Resolution No. T-284-12.17.2024

Moved by Deputy Mayor Gross, Seconded by Mayor Simon

**RESOLUTION AUTHORIZING THE PURCHASE OF A
MESSAGE TRAILER WITH PLATE READER UNDER
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE
SERVICES LAW ENFORCEMENT TECHNOLOGY
GRANT IN THE AMOUNT OF \$55,485.00**

WHEREAS, the Village had previously been awarded \$131,404.55 from the New York State Law Enforcement Technology Grant;

WHEREAS, the Village Police Department wishes to purchase a Message Trailer with Plate Reader in the amount of \$55,485.00 with the funds awarded;

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and authorizes the purchase of a Message Trailer with Plate Reader for use by the Police Department in the amount of \$55,485.00, using the above detailed grant funding.

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

On Roll:

Mayor Simon	Yes
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Absent
Trustee Smith	Yes

Dated: December 17, 2024

Resolution No. T-285-12.17.2024

Moved by Deputy Mayor Gross, Seconded by Mayor Simon

**AUTHORIZATION TO PAY HARRIS BEACH, PLLC IN
THE AMOUNT OF \$22,936.07 FOR SERVICES RENDERED
FROM NOVEMBER 1, 2024 THROUGH NOVEMBER 30,
2024**

WHEREAS, the Village has retained Harris Beach, PLLC to provide legal services in a variety of matters; and

WHEREAS, Harris Beach, PLLC has submitted invoices for legal services rendered from November 1, 2024 through November 30, 2024, totaling \$22,936.07; and

WHEREAS, the Village Board wishes to authorize payment of \$22,936.07.

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and approves the payment of the invoices totaling \$22,936.07 to Harris Beach, PLLC.

Section 2. The Board directs staff to take whatever steps necessary to make payment thereof.

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

On Roll:

Mayor Simon	Yes
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Absent
Trustee Smith	Yes

Dated: December 17, 2024

Resolution No. T-286-12.17.2024

Moved by Deputy Mayor Gross, Seconded by Mayor Simon

**AUTHORIZATION TO PAY WHITEMAN OSTERMAN &
HANNA, LLP IN THE AMOUNT OF \$2,368.00 FOR
SERVICES RENDERED THROUGH NOVEMBER 30, 2024**

WHEREAS, the Village has retained Whiteman, Osterman, & Hanna, LLP to provide legal services in a variety of matters; and

WHEREAS, Whiteman, Osterman, & Hanna, LLP has submitted invoice #747347 for legal services rendered through November 30, 2024, totaling \$2,368.00; and

WHEREAS, the Village Board wishes to authorize payment of \$2,368.00.

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and approves the payment of the invoices totaling \$2,368.00 to Whiteman, Osterman, & Hanna, LLP.

Section 2. The Board directs staff to take whatever steps necessary to make payment thereof.

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

On Roll:

Mayor Simon	Yes
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Absent
Trustee Smith	Yes

Dated: December 17, 2024

Resolution No. T-287-12.17.2024

Moved by Deputy Mayor Gross, Seconded by Mayor Simon

**AUTHORIZATION TO HIRE KRISTINA BERISHA TO
THE FULL-TIME POSITION OF OFFICE SERVICE AIDE
IN THE BUILDING DEPARTMENT**

WHEREAS, the Village is in need of assistance in various capacities; and

WHEREAS, Kristina Berisha has applied for a position with the Village; and

WHEREAS, the Village Board wishes to hire Kristina Berisha to the position of Office Service Aide in the Building Department.

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village Board hereby authorizes the hiring of Kristina Berisha as an Office Service Aide in the Building Department.

Section 2. The Board directs staff to execute any documents required to hire Ms. Berisha as detailed above.

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

On Roll:

Mayor Simon	Yes
Deputy Mayor Gross	Yes
Trustee Grossman	Abstained
Trustee Eisenbach	Absent
Trustee Smith	Yes

Dated: December 17, 2024

Resolution No. T-288-12.17.2024

Moved by Deputy Mayor Gross, Seconded by Mayor Simon

**AUTHORIZATION TO HIRE ANN QUATTROCHI FOR A
FULL-TIME POSITION OF SECRETARY TO THE
ZONING BOARD OF APPEALS**

WHEREAS, the Village is in need of assistance in various capacities; and

WHEREAS, Ann Quattrochi has worked in the Village Building Department; and

WHEREAS, the Village Board wishes to hire Ann Quattrochi to the position of Secretary to the Zoning Board of Appeals.

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village Board hereby authorizes the hiring of Ann Quattrochi as the Secretary to the Zoning Board of Appeals.

Section 2. The Board directs staff to execute any documents required to hire Ms. Quattrochi as detailed above.

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

On Roll:

Mayor Simon	Yes
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Absent
Trustee Smith	Yes

Dated: December 17, 2024

Resolution No. T-289-12.17.2024

Moved by Deputy Mayor Gross, Seconded by Mayor Simon

**RESOLUTION SETTING A PUBLIC HEARING TO
CONSIDER A LOCAL LAW AMENDING VILLAGE CODE
CHAPTER 255, SECTIONS 46 AND 58 DEALING WITH
THE EXPIRATION OF SITE PLAN AND VARIANCE
APPROVALS**

WHEREAS, the Village has considered amending Village Code Chapter 255, Sections 46 and 58 to modify provisions relating to the expiration of Site Plan and Variance approvals for the Village Planning Board and Zoning Board of Appeals;

WHEREAS, the Village Board would like to schedule a public hearing for January 7, 2025 to consider the proposed local law;

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and sets a public hearing for January 7, 2025 to consider a local law amending Village Code Chapter 255, Sections 46 and 58 relating to the expiration of Site Plan and Variances approvals issued by the Village Planning Board and Zoning Board of Appeals.

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

On Roll:

Mayor Simon	Yes
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Absent
Trustee Smith	Yes

Dated: December 17, 2024

At 9:00 pm Deputy Mayor Gross moved to adjourn the meeting, seconded by Mayor Simon who closed the meeting in prayer of recognition for the school shooting in Wisconsin and ordered that the Village Hall Flag be flown at half-mast. Mayor Simon’s second was carried by all present.