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VILLAGE OF WOODBURY

**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

JANUARY 16, 2013

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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

JANUARY 16, 2013

PRESENT: M. Hunter, Chairperson
R. Anzalone
R. Cataggio

D. Lindsay
S. Turner
K. O'Donnell
R. Golden
P. Grealy

ABSENT: M. Christman
C. Correia

Chairperson Hunter opened the meeting with the Pledge of Allegiance and a moment of silence for our Armed Forces and all others in harm's way. She then introduced the Board members and Consultants.

MINUTES

R. Anzalone made a motion to accept the minutes from the meeting of December 19, 2012.
R. Cataggio seconded the motion. The vote was as follows:

M. Hunter – In Favor
M. Christman – Absent
C. Correia – Absent
R. Anzalone – In Favor
R. Cataggio – In Favor

REGULAR AGENDA

WOODVIEW HEIGHTS - TAX MAP 204-1-34.2

Chairperson Hunter explained that this was to be a discussion of an extension request for preliminary subdivision approval for property located on Hill Avenue in Highland Mills. Alan Lipman then appeared and explained that he had written his request letter without knowing that the Village had acquired sewer capacity from the County.

Mr. Lipman went on to say that this subdivision currently consists of raw land with no infrastructure that has been built. In addition, the project calls for off-site improvements such as a pump station for water and another for sewer.

WOODVIEW HEIGHTS - TAX MAP 204-1-34.2 (cont.)

Mr. Lipman also noted that the size of the lots has been grandfathered through this approval at a size between one-half and two-thirds of an acre. The current zoning requires one acre. He added that if he lost his preliminary approval he would most likely lose four or five lots and the project would no longer be economically feasible. He was requesting an extension of a year to hopefully bring the project into a position where the market conditions have changed to make it feasible to not only move forward, but to borrow the money that is needed for the construction of the infrastructure.

Chairperson Hunter then asked for comments or concerns from the consultants. D. Lindsay noted that this preliminary approval has been extended for nearly 12 years now and that the applicant should attempt to proceed with the application. He said that the Board could extend the approval for 12 months so the applicant can figure out how he wants to proceed. R. Golden agreed, and said that the Board has the ability to extend the approval for hardship reasons, such as the ones that were cited by Mr. Lipman.

After some further discussion R. Anzalone made a motion to extend this preliminary approval to February 5, 2014. R. Cataggio seconded the motion. The vote was as follows:

- M. Hunter – In Favor
- M. Christman – Absent
- C. Correia – Absent
- R. Anzalone – In Favor
- R. Cataggio – In Favor

CPG PARTNERS/WOODBURY COMMON/RENOVATIONS - TAX MAP 225-1-70.2 and 226-1-1

Chairperson Hunter explained that this was to be a continued review of the Final Environmental Impact Study for proposed renovations to Woodbury Common shopping center, located on Route 32 in Central Valley. L. D'Arminio appeared on behalf of the applicant and explained that they had provided the Board members with a red line copy of the changes that were discussed at the January 8th meeting. He felt that they had met the concerns of the Board and the Consultants as well, and asked that the Board adopt the document as amended. He then said they will continue to work on the Findings.

Chairperson Hunter then asked R. Golden to give the Board a timeline of what still needs to be done. R. Golden explained that, if the Board approved the FEIS, a notice of completion would need to be filed in the Environmental News Bulletin of the DEC. This begins a ten-day comment period for the public to comment on the adopted FEIS. The Board cannot adopt any Findings until this ten day period has passed. He further explained that the Findings Statement, which would be the final SEQRA document, sets forth the mitigations for the items of significant environmental impact that have been agreed upon through this process. Once the findings are

CPG PARTNERS/WOODBURY COMMON/RENOVATIONS - TAX MAP 225-1-70.2 and 226-1-1 (cont.)

adopted the Board has 62 days to make their decision on the Special Permit and Site Plan and ARB for this project.

There was some further discussion, after which Chairperson Hunter noted that on January 15th the Board received hard copies of the Final Environmental Impact Statement, dated January 11, 2013. She said that all the changes that were discussed at the previous meeting had been complied with in this document. She then asked D. Lindsay if he had any comments. He said that he had reviewed the document and it appears that all the requested changes have been made. S. Turner also agreed that the applicant had addressed everything that had been requested. He cited some sign guidelines which had been discussed and said that the signage will be addressed through the ARB and site plan review. This language was added to the document and he said he was comfortable with it, if the Board was comfortable with it.

R. Golden had no comments and said the document was fine. P. Grealy said that his comments were addressed in their entirety and felt that the document was ready.

Chairperson Hunter asked the Board members for their comments. R. Anzalone said that if the Consultants felt the document was ready then he did also. R. Cataggio had some comments and questions regarding the adaptive signal system. A discussion ensued on this subject, with D. Lindsay saying that this would all be the responsibility of the DOT. However, he did feel that the improved signal timing should be made a condition of approval in terms of additional GLA.

R. Cataggio also asked if the Board members would be receiving minutes from the meeting that was held today with the DOT. Chairperson Hunter said that she would be providing copies to all the Board members. She did inform the Board that the signal timing will be changed in six to eight weeks, as a result of the meeting.

After some further discussion R. Cataggio made a motion to accept the Final Environmental Impact Statement dated January 11, 2013 for Woodbury Common Premium Outlets.

R. Anzalone seconded the motion. The vote was as follows:

- M. Hunter – In Favor
- M. Christman – Absent
- C. Correia – Absent
- R. Anzalone – In Favor
- R. Cataggio – In Favor

CPG PARTNERS/WOODBURY COMMON/RENOVATIONS - TAX MAP 225-1-70.2 and 226-1-1 (cont.)

R. Cataggio made a motion to authorize the applicant to prepare a draft Findings Statement.
R. Anzalone seconded the motion. The vote was as follows:

M. Hunter – In Favor
M. Christman – Absent
C. Correia – Absent
R. Anzalone – In Favor
R. Cataggio – In Favor

Chairperson Hunter made a motion to authorize R. Golden to prepare a draft resolution of approval for this application. R. Anzalone seconded the motion. The vote was as follows:

M. Hunter – In Favor
M. Christman – Absent
C. Correia – Absent
R. Anzalone – In Favor
R. Cataggio – In Favor

R. Cataggio asked if the Board would be having a meeting to discuss the site plan. This began a discussion during which D. Lindsay explained that the Board had already addressed most of the site plan issues. However, he said the Board could review the memo that he had prepared and discuss any issues they might have. He said his memo was based on the plans that were dated April 21, 2012. He added that there was one item regarding the ring road behind Marigold where there was supposed to be some sort of land swap with the DOT. At this point Danielle DeVita explained that she had spoken with the DOT and they are actually trying to figure out a way to make this land swap happen. She said she was "cautiously optimistic" that this would be happening in the near future because this road will need to be one of the first things constructed, along with the parking deck. S. Turner agreed that this was a major issue for the site plan, but said that there had been several discussions regarding this matter. R. Golden asked if the Board members would like the Consultant's technical memos re-sent to them for their review. Chairperson Hunter said that any site plan issues could also be discussed at the next Planning Board meeting on February 6th. R. Cataggio said that would be fine. Also, L. D'Arminio said the site plan changes will be submitted by January 30th.

There was some discussion regarding what form the revisions should take. It was finally decided that all the Board members would receive a completely new FEIS.

HARRIMAN COMMON/PAD SITE 5 - TAX MAP 225-1-16.13

Chairperson Hunter explained that this was to be a discussion of a proposed amended site plan and change of use to include a restaurant (Panera Bread) with a 1200 square foot addition to an existing commercial building. The building is located within the Harriman Common Shopping Center on Pad Site 5 at 340 Larkin Drive in Harriman. She then asked the applicant to give the Board a brief overview of the proposal.

Dawn Kalisky, with Lanc and Tully Engineering, appeared on behalf of the applicant. She introduced Lowell Farkas, who is the franchisee for the proposed Panera Bread to be located on Pad Site 5 in Harriman Common. This location would be the vacant portion of the building which was formerly Provident Bank. Ms. Kalisky said the amended site plan would include a 1433 square foot addition to the existing building, and a slight modification to the parking layout. She said the site itself does not change much. The area in front of the bank portion where the handicapped parking spaces are currently located is where the building extension is going to be. The plan requires 42 parking spaces, and they do show 40 parking spaces, plus two handicapped spaces. She added that the site is part of Harriman Common and there are cross easements for the use of the parking lots by the pad sites. She said she had copies of those easements.

This concluded her presentation. She said she had copies of memos from both D. Lindsay and S. Turner which she would be happy to review. Chairperson Hunter explained that the Board's usual practice is to hear from the applicant, then the Consultants, and then questions from the Board. She then noted, for the record, that an affirmative response had been received from the Orange County DPW. She is still awaiting a response from the Orange County Department of Planning. Also, a short EAF was received on January 11th. She then asked D. Lindsay for his comments.

D. Lindsay explained that this site is in the IB zone, which permits restaurants. However, it still requires a site plan and special permit approval from the Planning Board. He said he would like to see what changes are proposed to the inside of the building to see if there will be any effect on utilities, etc. He did not have a problem with the parking, as he said he looked at the reciprocal easement agreement. He will send this to R. Golden for his review as well.

D. Lindsay added that he wanted to look back at the regulations regarding any coverage requirements that may have been imposed on this pad site. He said the most critical issue here is the circulation for the parking lot. He felt the site plan may have to be modified.

D. Lindsay also said he would need some information regarding drainage. He added that there will surely be more water and sewer requirements than there were for the bank. He then touched on landscaping and signage, saying that the applicant will need to show the Board the signage. The Board will also need to know what square footage restrictions were placed on this pad site for signs.

HARRIMAN COMMON/PAD SITE 5 - TAX MAP 225-1-16.13 (cont.)

D. Kalisky noted that this was not a full submission, as they wanted to get the Board's feeling for the project. She said when they return they will provide a full submission which will show the interior layout, signage, landscaping plan and such details necessary for any site modifications. She said they will also answer the question of coverage. She was sure this would not be an issue.

Chairperson Hunter then asked S. Turner for his comments. S. Turner said that he was also concerned about parking. He said that, though there is adequate parking, the location of the handicapped spaces requires handicapped persons to cross traffic to get to the building. He also noted that many of the landscaped islands in the parking lot are being retained, but expanded. He encouraged the applicant to keep the mature trees that are currently in these islands. This can be addressed in the applicant's landscape plan. He also felt the Board should discuss the use of the former bypass lane for loading and unloading. He was also concerned about the location of the drive-through window, and asked if this was a standard item for Panera Bread. Mr. Farkas said that there are about 250 stores which currently have the drive-through feature, and that Panera Bread is trying to build every new store with a drive-through window.

R. Golden noted that he does need to see the cross easements that were provided to Provident Bank. He also said that there was a declaration of covenants filed which requires that a notice be sent to both the Town of Monroe and the Town of Woodbury for any application for a change on this site. Also, a GML 239NN public hearing notice must be sent to the Town of Monroe at least ten days prior to the public hearing.

Chairperson Hunter then asked the Board members for their questions and comments. R. Cataggio was concerned about the loading berth, and its proximity to the drive-through window. He said that a tractor/trailer in this location would block half of the roadway. D. Kalisky said that they are trying to retain the existing curb lines, and that the proposed loading berth will be limited to off hours for deliveries to Panera Bread.

R. Anzalone asked about the number of handicapped spaces, and whether the two spaces are shared by the dentist's office. D. Kalisky said that the handicapped spaces are shared. R. Anzalone asked if this meets the code. D. Kalisky said that it does.

There was some discussion regarding the entrance to the site and traffic circulation. D. Kalisky said this would be addressed on their next submission.

The discussion continued regarding ways to change the circulation. Chairperson Hunter then noted that there is a canopy and a menu board for the drive-through. She wondered if a tractor/trailer would be able to access this location. Also, she asked if the drive-through window could be moved more to the end of the building, rather than in the middle, to allow for cars to wait in line. D. Kalisky said that she would need to discuss this with Panera's architect.

HARRIMAN COMMON/PAD SITE 5 – TAX MAP 225-1-16.13 (cont.)

The discussion continued. Chairperson Hunter noted that there is a proposed patio shown on the plans. She asked if this facility would have outside seating. Mr. Farkas said that outside seating is being proposed, as it is used at several Panera Bread facilities in the area. D. Lindsay said he would need to check the code on this, as parking requirements are based on seating. He added that the Board has placed rules in the special permits for other facilities in the area with outside seating. He said that they will need to police the area to be sure there are no paper products flying around. Also, the Board would place a requirement that if this becomes a nuisance they would need to come back to the Board for their special permit, rather than having it automatically renewed.

There was some discussion regarding the dumpster enclosure. It was pointed out that the dumpster is not in a good location, and that there will most likely be the need for a larger dumpster for the restaurant use than was needed for the bank. D. Kalisky said this would also be covered on their next submission.

D. Kalisky then provided R. Golden with a copy of the Reciprocal Operations and Operational Agreement. She will also provide a copy of the agreement on the existing coverage to show that they comply.

There was some discussion regarding the water and sewer usage. D. Kalisky noted that this had been reviewed and the capacities were based on the uses for the entire shopping center. She pointed out that the original approval included a Perkins Restaurant with 156 seats. This is now a retail site. Panera Bread is proposing 48 seats on the interior, so she felt that their capacity would be still be considerably less. D. Lindsay said this would need to be reviewed further, but was not sure whether it was a matter for the Planning Board.

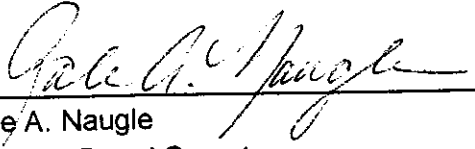
After some further discussion it was decided that the applicant would resubmit their plans and be placed on the next available agenda after the submission is received.

There was no further business for the Board to discuss, so R. Anzalone made a motion to adjourn the meeting. Chairperson Hunter seconded the motion. The vote was as follows:

- M. Hunter – In Favor
- M. Christman – Absent
- C. Correia – Absent
- R. Anzalone – In Favor
- R. Cataggion – In Favor

The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gale A. Naugle", written over a horizontal line.

Gale A. Naugle
Planning Board Secretary