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**VILLAGE OF WOODBURY  
PLANNING BOARD MEETING  
FEBRUARY 6, 2013**

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FEB 21 2013  
VILLAGE OF WOODBURY

**TABLE OF CONTENTS**

| <b>ITEM</b>   | <b>PAGE NUMBER</b> |
|---|--------------------|
| Minutes   | 1                  |
| Regular Aгенad  |                    |
| Dom's Custom Homes Inc./Woodbury Junction<br>Tax Map 255-3-31, 32, 33, and 34 | 2 - 4              |
| CPG Partners/Woodbury Common/Renovation<br>Tax Map 225-1-70.2 and 226-1-1     | 4 - 9              |

**VILLAGE OF WOODBURY  
PLANNING BOARD MEETING**

**FEBRUARY 6, 2013**

|          |                        |              |
|----------|------------------------|--------------|
| PRESENT: | M. Hunter, Chairperson | D. Lindsay   |
|          | R. Anzalone            | K. O'Donnell |
|          | R. Cataggio            | K. Naughton  |
|          |                        | P. Grealy    |
| ABSENT:  | M. Christman           | S. Turner    |
|          | C. Correia             | R. Golden    |

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.

**MINUTES**

R. Anzalone made a motion to accept the minutes from the meeting of January 8, 2013.  
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

R. Anzalone then made a motion to accept the minutes from the meeting of January 16, 2013. Chairperson Hunter seconded the motion. At this point, R. Cataggio had a question regarding a sentence in the minutes which stated that the Board would have 62 days after adopting the findings to make a decision on Site Plan and Special Permit. K. Naughton stated that this number should actually be 30 days. Now that this has been clarified, she said the minutes could be accepted. At this point Chairperson Hunter called for a vote. The vote was as follows:

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

## **REGULAR AGENDA**

### **DOM'S CUSTOM HOMES INC./WOODBURY JUNCTION - TAX MAP 255-3-31,32,33 and 34**

Chairperson Hunter explained that this was to be a review of submitted documents for ARB approval of single family home styles and materials for lots located in Phase 4 of the previously approved subdivision known as WP3/Woodbury Junction pursuant to Village of Woodbury Code Section 8-4. Dwellings are located within an area designated as a critical environmental area, and are subject to the Village regulations for Ridge Preservation (310-13). The property is located on Dunderberg and Nininger Road in Central Valley. She then asked the applicant to make his presentation to the Board.

Dominic Alfieri, of Dom's Custom Homes, appeared on his own behalf and explained that they are proposing a European style colonial home for these lots. These can be built with or without a garage. He showed the Board a front elevation of the proposed house style. He said they will be using earth tone colors to blend into the ridge as well as possible. He also said there are different floor plans and different color schemes for the four lots.

At this point Chairperson Hunter asked D. Lindsay for his comments. D. Lindsay said that the Board has seen the application for these four lots which are located on a cul-de-sac in WP3. He said the Board should look at the differences that are being proposed in the basic model to see if they provide the diversity required in the code. He informed the applicant that there cannot be two houses adjacent to each other or within 300' of the property line that have the same color scheme or style. D. Lindsay noted that the applicant only shows four color schemes. This means that after two homes have been sold, the colors are very restricted for the other two lots. He added that the Board has not been this restrictive in the past. He suggested that the applicant provide the Board with reduced sized plans showing the four suggested elevations for each lot. This way the Board will know exactly what is being approved, and it will be easier for the Building Department to know what is going on.

D. Lindsay said that he had scaled the drawings and thought that the homes would comply with the 35' height restriction, but wanted more information on this. He said the model home is being listed as 3400 square feet, and did not know if there was any kind of variation proposed for this. He added that the Board had approved a range of homes for this development ranging from 1298 square feet up to 3700 square feet. He said he had given the Board a list of all the homes that were previously approved.

Chairperson Hunter noted that each elevation seemed to have a lot number associated with it. She took this to mean that only this home could be built on that lot. K. Naughton said that this was correct and said that the applicant could simply note the elevations as Option 1, Option 2, Option 3 and Option 4. This will give them some added flexibility. Chairperson Hunter explained

**DOM'S CUSTOM HOMES INC/WOODBURY JUNCTION - TAX MAP 255-3-31,32,33 and 34 (cont.)**

that this will allow any of the four options to be built on any of the four lots. She added that this application will need to have a public hearing, so everything will need to be corrected before the public hearing is held.

At this point Chairperson Hunter asked K. O'Donnell for her comments. K. O'Donnell said that the original approval for WP3 limited the roof shingle colors to slate gray and brown. She said this is why applicants are asked to provide a sample of the actual shingles so the Board can see the colors because the names of the shingle colors don't necessarily identify them as slate gray or brown. She added that this applicant has also proposed a tin roof option which has not been done in WP3 before. The resolution does not address tin roofs at all. She said this lack of regulation would actually be in the applicant's favor. However, it would be up to the Board whether they would prefer a tin roof. The Board will need to give an opinion on this.

K. O'Donnell agreed that it will need to be confirmed that the height of the structures is consistent with the zoning. Also, she said that the applicant needs to show where the buildings are proposed to be located on each lot. She added that the ridge preservation regulations refer to locating the structure to blend in with the topography. This cannot be determined from the elevations that were provided. She also noted that these lots are small and the proposed houses are large. This means there will not be a lot of room to move the houses on the lots.

There was some discussion regarding the view corridors and where this house would be visible. It was decided that it would probably not be visible from County Route 105, but would be visible from Route 32 and the Route 6 overlook.

With regard to SEQRA, K. O'Donnell said that WP3 went through a full SEQRA review and generally the Board determines that the plans are consistent with the earlier SEQRA, therefore not further SEQRA review is required. Chairperson Hunter asked about GML referral and K. Naughton said that these homes are not within 500' of a County or State road so this would not be subject to GML referral.

At this point the applicant made their presentations of the proposed colors for siding and roofing. There were some samples that were missing which the applicant will bring with them to the public hearing.

There was some discussion regarding the tin roof alternative. D. Lindsay suggested that the applicant bring a sample photo of a house with a tin roof for the Board to look at, since none have been built in Woodbury. He felt the Board should see how it would blend into the community.

**DOM'S CUSTOM HOMES INC./WOODBURY JUNCTION - TAX MAP 255-3-31,32,33 and 34 (cont.)**

The applicant further explained that the house trim will be wood and it will be white. There are also some tapered square columns proposed in white. Windows will be Andersen 200 Series, non-glare. The cultured stone samples were then displayed for the Board to see in Aspen, Ledgestone and Fog, Southern Ledgestone.

The discussion continued. Chairperson Hunter explained to the applicant that their ARB application it should include manufacturer's names, styles and colors all typed out on one sheet. This sheet should list all the colors and styles the applicant wishes to use. The applicant will need to submit their information prior to February 20<sup>th</sup> to be on the March 6<sup>th</sup> agenda. The applicant said they could do this, so R. Anzalone made a motion to schedule a public hearing for this application for March 6, 2013. 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/RENOVATION - TAX MAP 225-1-70.2 and 226-1-1**

Chairperson Hunter explained that this was to be a discussion of SEQRA Findings, Draft Resolution and issues related to proposed renovation to a shopping center. The property is known as Woodbury Common Shopping Center and is located on Route 32 in Central Valley. She then asked the applicant for their comments.

Lou D'Arminio of Price, Meese, Shulman and D'Arminio appeared as the attorney for the applicant. He said the first item of business would be to get comments from the Board on the red-lined version of the findings that had been submitted to the Board for their review. He said they are also prepared to discuss the site plan, as copies of this had also been submitted to the Board members with bubbles showing the areas where changes had occurred. He also said he appreciated receiving a copy of the draft resolution, and would like to get some comments on this so work can begin on revisions and clarifications for this document.

At this point Chairperson Hunter noted, for the record, that the Orange County Department of Planning had sent an e-mail stating that the plans and FSEIS are consistent with the principles promoted in the Orange County Comprehensive Plan, and the recommendation was for approval. The letter was signed by David Church, Commissioner of Planning and was dated February 1, 2013.

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

Chairperson Hunter also noted that the Village Board of Trustees is working on a Developer's Agreement and may vote on it at their meeting of February 14<sup>th</sup>.

Chairperson Hunter then asked D. Lindsay for his comments on the newest red-lined version of the Findings. D. Lindsay had some questions and clarifications. He cited page 4 of the findings where the first red-lined item stated, "upon granting of the height variance for relief, the proposed action became approved". He suggested that the words "permitted variance" under the zoning be included somehow. Chairperson Hunter suggested that it read, "the proposed action was approved as a permitted variance".

There was some further discussion of changes that were made that were fine with the Board members. D. Lindsay cited section G-12 which dealt with the access by the Market Hall and the restriction of deliveries in this area. It states that traffic personnel should be stationed at each side of the Market Hall to assist any delivery drivers needing access to the receiving areas, and that no tractor/trailers will be accepted through these points at peak times. He said he did not think that this was limited to the twelve peak days identified by the applicant. He asked the applicant to comment on this. Dave Mistretta explained that the twelve days that were identified are the busiest days of the year. Therefore, the demand to the stores is the greatest. This means the stores will need to re-stock their supplies at times during these days. No tractor/trailers are used during these times, only U-Haul type trucks. He added that there may be other days during the year when it is necessary to have personnel posted in this area as well. D. Lindsay suggested adding language to include these twelve days "and such other days as are mutually agreed upon by the ESO's, Building Department, and Woodbury Common staff through their ongoing meetings". He also suggested that call boxes could be placed in these areas. D. Mistretta said he understood D. Lindsay's concerns but felt that they are upgrading the current situation by adding the raised walkways and additional personnel on the major holidays. R. Cataggio said that his notes reflect that traffic personnel were to be placed in these locations every Saturday and Sunday. D. Lindsay did not think this would be necessary, especially on weekends during the winter. However, he still felt there would be more than twelve days a year when this would be necessary. Finally it was agreed that D. Lindsay's suggested language would somehow be incorporated.

Chairperson Hunter asked K. O'Donnell for her comments. She said that the issue of the landscaping for the retaining walls had been handled with language proposed in an e-mail from L. D'Arminio. He then read the language for the Board which stated, "where possible, retaining wall surfaces visible to the public will be treated with fast-growing and long term vegetation with descending habit of growth planted at the tops of the wall and vegetation with an upright habit planted at the bottom of the wall to provide immediate and permanent mitigation".

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

K. O'Donnell and S. Turner have both signed off on this language.

Chairperson Hunter then asked K. Naughton for her comments. K. Naughton said she had a list of changes to review. She said she could e-mail these changes to the Board. She then proceeded to review the changes. The first item had to do with the additional 60,000 square feet. She said that after reviewing everything from 1997 they suggested revising this bullet point to say, "addition of 60,000 feet of infill retail space that was previously discussed in the 1997 SEQRA review but not fully mitigated in the findings statement and not approved for construction in the 1997 approval." She explained that this means it was studied, but not mitigated in the findings statement. L. D'Arminio did not agree, and wanted to do some further review to be sure this is a true statement. It was decided that this would be an issue for the attorneys to discuss further.

K. Naughton's next comment had to do with the storage of de-icing salt. The finding says, "except for limited periods of time under limited circumstances, de-icing salt shall be stored inside a building". She did not feel this mitigation was very precise. D. Mistretta explained that the salt for Woodbury Common is stored in the salt shed every day of the year. However, if there is an anticipated snow event on a holiday weekend, they store small amounts of salt in places other than the salt shed so that it can be accessed during high traffic conditions if necessary. This would happen on limited occasions. There would be a tarp placed on the ground, then the salt, then another tarp on top. As soon as the snow event is over, the salt would be returned to the salt shed. It was decided that K. Naughton would prepare some language to cover this.

K. Naughton continued her review. There was an item regarding the use of Gators. The ESO's will not be pursuing this avenue, so much of the language in this finding will be removed. At this point, D. Lindsay asked Chairperson Hunter to advise the Board on what had happened during the ESO meeting which was held today. Chairperson Hunter explained that some of the Ambulance Corps' concerns had been discussed, particularly with regard to the elevators. She said they wanted to confirm that two of the elevators in the parking deck can accommodate a stretcher and Ambulance personnel. They also reviewed training for such personnel in the parking deck. D. Lindsay noted that all three elevators will accommodate stretchers, but two of them will have generator back-up. They will also have key operators to stop the elevators so they cannot be used while Ambulance Corps personnel are in there. He added that the use of the Gators would not be an advantage, as far as the Ambulance Corps is concerned, and would not be the appropriate mitigation that they are looking for. D. Lindsay added that communications was also discussed, both in the garage and around Woodbury Common. He said there will be some requirements and some commitments by Woodbury Common to make sure that there is good communication within the garage, and better communication throughout the Common for all the ESO's.

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

At this point, Chairperson Hunter asked P. Grealy for his comments. P. Grealy said he had an additional item which will be item G-14 which deals with the monitoring of internal intersections for potential signalization. He cited item G-12 regarding the peak times, and suggested that the same language be added to item G-9 and possibly to item G-4 as well.

With regard to item G-14, P. Grealy said there are three intersections that were identified which management controls during peak time periods. One is Woodbury Outlets Boulevard where it intersects with the outer ring road. There is also a concern near the parking garage, and where the entrance road intersects with the outer ring road near the bus area. He said that traffic management personnel works fine, but there may be days when a traffic signal is needed. He then read the following language to the Board: "The concept of internal traffic signalization at the intersection of the outer ring road and Road B (road B is near the garage) and road E and the possible modification of the operation of the intersection of Woodbury Outlets Boulevard and the outer ring road was discussed between the applicant and the Board. However, it was determined to be unnecessary at this time due to the use of WCPO personnel who physically manage traffic at that intersection. Regarding traffic signalization, the applicant's traffic consultant, as well as the Board's consultant, agree that the use of personnel was superior to installation of a traffic signal during these peak times. If, however, the applicant determines that a light is warranted at these intersections in the future based on continued monitoring, the applicant will not require amended SEQRA or Site Plan approval in order to implement. Operational changes would be made as necessary". L. D'Arminio said he would work with the traffic consultants to refine this language.

It was decided that the applicant would work on the document, and have the changes ready for the Board's meeting on February 20<sup>th</sup>. R. Cataggio asked about time limits for approvals once the Findings are approved. K. Naughton explained that, once the FSEIS is approved the Board has ten days to give the public time to comment. That ten days was up on February 8<sup>th</sup>. Thirty days from the date of the filing of the FSEIS, the Board has to adopt a Finding Statement and take an action. The FSEIS was filed on January 23<sup>rd</sup>, so the February 20<sup>th</sup> meeting is within that time frame.

R. Cataggio then asked if the minutes from the DOT meeting could be incorporated into tonight's Planning Board minutes. He was concerned because he said there were three "action" items in the memo that was sent to the Board. He said the first had to do with the signal timing. That was to be accomplished in six to eight weeks. The second item was the Developer's Agreement, and the third was to get the Exit 131 project moved to an earlier date. D. Lindsay pointed out that by saying this, these items are now incorporated into the minutes. P. Grealy also assured him that all three items were moving along, and DOT is looking at the adaptive system as well.



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

Chairperson Hunter noted that all Board members had received revised plans with "bubble" to show the changes. She then asked D. Lindsay for his comments. D. Lindsay said the applicant has made major strides in meeting all the requirements that he had. There are still a couple of items that his office is reviewing, and he needs to go over a few items with P. Ruskin to make sure he understands them. He expects to have a memo for the Board shortly.

K. O'Donnell agreed with D. Lindsay that the majority of their comments had been addressed as well. She said they need to look at the landscape plan in more detail, but will be ready by the meeting on the 20<sup>th</sup>.

K. Naughton had no comments on the plan other than to say that the resolution could be updated to include the revised dates.

P. Grealy said they are continuing to review the signing and striping, but their major concerns have been addressed on the plans.

There was some short discussion regarding the plans, after which Chairperson Hunter wanted to begin the review of the draft resolution. L. D'Arminio had some comments at this point. He said that, with regard to bringing forward all conditions of prior approvals, that they had reviewed the prior approvals and he had an issue with regard to the timing of some of the conditions of the resolutions. Some of the conditions were linked to the signing of the plans, some to obtaining a building permit and others to the granting of a Certificate of Occupancy. He said he would like to discuss some of these with both R. Golden and D. Lindsay and provide them with a revision as to some of the timing. He said he could have comments to R. Golden by Monday. He thanked the Board for the opportunity to preview the draft and have some input.

Chairperson Hunter then began her review of the draft resolution. The applicant and consultants made comments and changes where necessary. The draft will be brought back to the meeting of February 20<sup>th</sup>. D. Lindsay pointed out to the Board that the three fundamental documents that come out this review: the Findings Statement, the Resolution, and the Site Plan. These documents will control the development. The Board needs to be sure that this development meets the code requirements and that nothing on the Site Plan conflicts with anything in the Resolution, and that nothing in the Resolution is in conflict either. He said if there is something the Board wants on the Site Plan they should let the consultants know.

There was no further business for the Board to conduct, so Chairperson Hunter made a motion to adjourn the meeting. 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

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

  
Gale A. Naugle  
Planning Board Secretary