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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

FEBRUARY 20, 2013

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TOWN OF WOODBURY
TOWN CLERK'S OFFICE

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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

FEBRUARY 20, 2013

PRESENT: M. Hunter, Chairperson
M. Christman
C. Correia
R. Anzalone
R. Cataggio (7:40)

D. Lindsay
S. Turner
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. She then introduced the Board members and Consultants.

MINUTES

Chairperson Hunter asked if all the Board members had a chance to review the minutes from the meeting of February 6, 2013. It was noted that there were some typo's on page one regarding the vote to accept the minutes from January 16th. M. Christman and C. Correia should be marked as "absent". With this change, R. Anzalone made a motion to accept the minutes from February 6, 2013. C. Correia seconded the motion. The vote was as follows:

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

REGULAR AGENDA

PANERA/HARRIMAN COMMONS 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 property is located within the Harriman Common Shopping Center on Pad Site 5 at 340 Larkin Drive. She then noted, for the record, that on January 23rd a letter was received from the Orange County Department of Planning stating that this was a matter for local determination. They also included some additional comments. Chairperson Hunter also cited a letter from the Building Inspector regarding the signage plan. Also, two letters were sent from Lanc & Tully to the Town of Woodbury and the Town of Monroe regarding this application. She then asked the applicant to give the Board an overview of the proposal.

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

At this point, Dawn Kalisky, of Lanc & Tully Engineering introduced herself along with Lowell Farkas who is the franchisee for Panera Bread. Ms. Kalisky said that they had received a call from the Town of Monroe Planning Board Secretary, and had forwarded an e-mail version of everything that had been provided to this Planning Board. She said the Board should be receiving a letter from the Town of Monroe Planning Board deferring all action to the Village of Woodbury Planning Board.

Ms. Kalisky then noted that there had been a lot of revisions made to the plans in response to comments from the Planning Board and its consultants, and a revised site plan has been submitted. In addition, architectural elevations have been submitted which show the signage, as well as the interior operational layout so the Board can see how the restaurant will actually work inside, and why the drive-through window has to be located in the rear. She went on to say that, originally, they had shown an addition on the northeast face of the building. This addition has been removed and recalculated for the drive-through window. The proposed additions are now a 60 square foot bump- out for the drive through window, and the 1200 square foot addition to the front of the building for a total of 1260 square feet. The total square footage of the Panera Bread would be 3,660. The dentist's office occupies 1200 square feet of space.

Ms. Kalisky said they have demonstrated that a tractor/trailer can maneuver through the site because of some modifications that have been made to the plan. She said the menu board canopy can be reduced in size, and the clearance bar can also be reduced as this area is very tight for the body of a tractor/trailer. Deliveries via these vehicles will be on off hours. This note has been included on the site plan.

There will be two spaces in the portion of the parking area near the dentist's office. One will be a handicapped space, which has the required 8' aisle width to comply with ADA. Ms. Kalisky also noted that they will be leaving the majority of the curbing that currently exists on the site, as well as the existing vegetation. She showed the Board the location of a proposed patio, as well as a handicapped parking space, with a hatched crosswalk leading to the handicapped access ramp onto the sidewalk. This is located near a proposed new stop bar. The original stop bar will be removed. Ms. Kalisky said that S. Turner had questioned the location of this handicapped parking space. She said that they have no way to provide additional parking up against the building, and felt this was the best location as it is closest to the front door of Panera Bread. She added that there is another entrance at the rear of the building.

Ms. Kalisky showed the Board the two-way access road. She noted that the Board had suggested a one-way access. However, this did not work. She said that they would be removing approximately 7' from the existing landscaped islands. There are five perpendicular parking spaces and two parallel spaces in this location.

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

Regarding drainage, Ms. Kalisky said that they can eliminate one catch basin that was going to be installed because the water flows into an existing catch basin. She said all they need to do is install a flat curb.

Ms. Kalisky also noted that they will be removing a small piece of curbing in order to expand the dumpster location. Currently this area measures 8' x 8'. It will be enlarged to 8' x 16'. She added that if the Board wishes, this area can be expanded further to 20' in width. She said one parking space was lost, so the parking now totals 37 spaces.

With regard to parking Ms. Kalisky said they were not sure whether this would be considered a fast food establishment or a restaurant according to the code. She said the counts will be revised accordingly to be sure the plan is in accordance with what the Board determines.

At this point Chairperson Hunter asked D. Lindsay for his comments. D. Lindsay noted that he had prepared a memo, which was sent to both the Board members and the applicant. He said he had a number of issues, some of which have already been addressed by Ms. Kalisky. One area of concern was the shared emergency access area for the building. D. Lindsay suggested that a condition be included that this area not be used for storage.

D. Lindsay said he had done calculations regarding fast food versus restaurant and there is not much of a change. He said one space changes, but there will need to be a determination as to what is required. He said the site is deficient by eight or nine parking spaces, and there is a question as to whether or not the reciprocal agreement allows the site to be developed with less than the required spaces because spaces are being provided in another location. This will also need to be determined.

D. Lindsay noted that the entry drive to the site is offset with the driveway that passes in front of the structure. He questioned whether the Board should require that they relocate the drive entrance to improve the traffic flow in front of Panera. He said he did not try to overlay the turning movements, which are very tight. He said the applicant should review this and inform the Board if this can be done.

With regard to the dumpster location, D. Lindsay noted that most restaurants like to have the dumpster close to the door. Ms. Kalisky pointed out that locating the dumpster near the door will also require that it is located near the outdoor dining area. She also explained that they are trying to disturb as little of the existing site as possible. Also, the existing dumpster area is the best location for access by a truck for garbage removal.

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

D. Lindsay also recommended against parking stop bumpers, as he said they always get damaged during snow plowing. Also, people can trip over them, and the rebar that holds them down usually ends up sticking up, posing another hazard to pedestrians. He suggested a curb with openings for drainage, or simply striping. Ms. Kalisky said they are proposing striping to eliminate the bumpers.

Chairperson Hunter then asked S. Turner for his comments. He said that Ms. Kalisky had addressed a number of the comments in the memo they had sent to the Board. He added that it was his interpretation that this is a fast food restaurant under the definition in the code.

With regard to the location of the handicapped space, S. Turner said that a person would be required to cross a fairly significant lane of moving traffic to get to the restaurant. He said he would prefer a better spot up against the building.

With regard to signage, S. Turner agreed that this is a matter for R. Golden and G. Thomasberger to discuss. He added that the applicant may need to appear before the Zoning Board. Also, he said the plan does not state the hours of illumination for the signs. The code requires that any signs be turned off by midnight.

S. Turner also felt that the "off hours" for deliveries needed to be more clearly defined.

With regard to landscaping, he said that there is a lot of landscaping already on the property and it should be made clear that this is a re-approval of the site plan. He said that somehow it would need to be shown on the plan or referenced that all existing landscaping will remain. Ms. Kalisky said that they will provide a sketch of the approximate locations of the existing landscaping, and added that they are keeping disturbance to an absolute minimum and leaving everything that is already there. She said that there is no landscaping near the building, so they will be adding some in this location. The only areas that will be impacted by curb removal will be the landscaped islands. She said that any existing mature trees that need to be removed will be relocated, however, she did not feel that they would be impacted at all.

With regard to SEQRA, S. Turner said that the Board would need to classify this as a Type Two action, and reiterate the fact that SEQRA was completed for the entire commercial center. This applicant would be subject to all the conditions in that SEQRA.

At this point Chairperson Hunter asked R. Golden for his comments. R. Golden said that this needs site plan approval and ARB, so it will require a public hearing. Because of the location of the site, it will also require special notice under Municipal Law 239-NN to go to both the Town of Woodbury and the Town of Monroe at least ten days prior to the public hearing. D. Lindsay can discuss this with M. Rubio to be sure this is accomplished. He noted that the 239-M report from

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the County is a local determination, but the Board should consider their advisory comments as well. He agreed with S. Turner regarding the SEQRA determination as a Type Two. The resolution will state, however, that this applicant is still bound by the SEQRA findings for the entire center.

With regard to the parking, R. Golden says there appears to be a deficiency in the parking. He said there is a provision which allows this Board to reduce the parking requirement by up to 25%. However, that provision states that the Board can only exercise this discretion if they believe there is not a need for the full requirement of the parking. Otherwise, the applicant will need to comply with the parking requirements. It was R. Golden's opinion that this applicant would need to comply with the parking regulations, even though they have the cross easement for parking in the Home Depot parking lot.

R. Golden also said that the applicant would need to demonstrate to the Planning Board that their modifications do not exceed the overall 65% lot coverage for the entire business park.

With respect to the drive-through access going past the dentist's office, R. Golden said the Board would need to determine whether they think this will pose a problem with the operation of the dentist's office.

Outdoor seating will be subject to a condition similar to other outdoor seating areas that is has to be kept clean throughout the entire use of operations.

R. Golden then began a discussion regarding signage, as D. Lindsay and S. Turner had both deferred to him on this subject. He said he looked into whether the number of signs that Provident Bank had was given by way of a variance. It was not. They were permitted to do this under the sign code at the time. The sign code has now changed. This means that the existing signage was legally proper and it is now a pre-existing non-conforming use of the signage. This means the current signs can stay forever. This ruling runs with the land. However, if there were to be changes made, the particulars of these changes would need to be reviewed by G. Thomasberger. He said he could assist G. Thomasberger if necessary, but no decision could be made until he was consulted.

The discussion continued. Chairperson Hunter asked if the stop bar and the preview board and the menu board would be in front of the glass window for the dentist's office. Ms. Kalisky said that the canopy over the menu board is in the brick area, not the glass area. The stop bar is located before the dentist's office. The preview board is in front of the first window of the dentist's office portion of the building. She cited a letter, dated February 11, 2013, to the Planning Board saying MW Dental has no concerns or issues with this. She said the Board should be receiving this letter soon. Chairperson Hunter also asked if the canopy needed to be the full 7'8". Ms. Kalisky said they had discussed reducing the size of the canopy and the clearance bar.

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

The discussion continued. With regard to signage, D. Lindsay said that the Board would need the plan to show all the signage that is on the site. He cautioned the applicant that if they wanted to add a freestanding sign, this may change their standing under the pre-existing non-conforming status. Ms. Kalisky said they will work with G. Thomasberger to find out what they are permitted to do and either work within those confines, or go to the ZBA.

Chairperson Hunter informed the applicant that they would need to bring color samples and materials to the public hearing for ARB review.

After some further discussion M. Christman made a motion to schedule a public hearing for March 20, 2013. R. Anzalone seconded the motion. 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

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

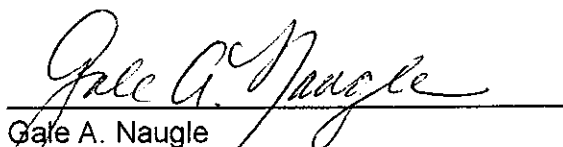
Chairperson Hunter explained that this item was to be discussed on the agenda this evening, however, at the request of the applicant this item will be deferred to March 6, 2013.

There was no further business for the Board to discuss, so R. Anzalone made a motion to adjourn the meeting. M. Christman seconded the motion. 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

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,



Gale A. Naugle
Planning Board Secretary

