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**VILLAGE OF WOODBURY  
PLANNING BOARD MEETING**

**MARCH 6, 2013**

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**VILLAGE OF WOODBURY  
PLANNING BOARD MEETING**

**MARCH 6, 2013**

PRESENT: M. Hunter, Chairperson  
M. Christman  
C. Correia  
R. Anzalone  
R. Cataggio

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

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 welcomed everyone, and introduced the Board members and Consultants.

**MINUTES**

Chairperson Hunter cited the minutes from February 6<sup>th</sup> which had been corrected. She then asked for a motion to accept these minutes. R. Anzalone made a motion to accept the minutes from February 6<sup>th</sup> as corrected. Chairperson Hunter 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

Chairperson Hunter then made a motion to accept the minutes from the meeting of February 20, 2013. 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

**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 parking requirements for a proposed amended site plan and change of use to include a restaurant (Panera Bread) with a

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

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 in Harriman. She further explained that the applicant was appearing for purposes of clarification prior to holding the public hearing.

At this point Dawn Kalisky, with Lanc & Tully Engineering, appeared on behalf of the applicant and explained that she was here this evening to request that the Planning Board favorably consider a 19.6% reduction in the parking requirement, as permitted by the code. She further explained that the combined uses on Pad Site 5 actually generate less than what the code requires for the parking requirement. She said Panera Bread would require 34 parking spaces, based on 1350 square feet of customer service area. The dental office requires one space per 100 square feet of floor area. The floor area is 1200 square feet, resulting in a requirement of 12 spaces. Ms. Kalisky added that the code has a caveat regarding the word "office", as she said this is a very generic term. She said that a dental office requires at least 3 spaces per practitioner. Since there is a single practitioner at MW Dental, this means that 3 spaces are required. Therefore, Ms. Kalisky concluded that 37 spaces would be required for the combined uses on this site. There are currently 37 parking spaces provided on this site. She added that this was due to the clarification of "office" use as specifically a dental office.

At this point Chairperson Hunter asked D. Lindsay for his comments. D. Lindsay noted that under the most severe interpretation for a fast food restaurant the code would require 46 parking spaces. The applicant is proposing 37, which is 19.6% fewer spaces. He said the 9 parking stalls would be within the Planning Board's authority to grant, should they make such a determination. R. Golden cautioned the Board that it is not up to them to figure out how to interpret the code to determine the specific parking requirements, unless it is by a plain reading of the code. It would be up to the Building Inspector to determine what the parking requirements are for each use. He said the Planning Board did have discretion, once they know how many parking spaces are required, to determine that this particular use will generate less than the requirement and can reduce the parking up to 25%.

R. Anzalone asked if employees would be parking on the site. Ms. Kalisky did not know the answer to this question. However, D. Lindsay said that the code is drafted so that the parking requirements include employee parking.

After some discussion, Chairperson Hunter made a motion, at the Planning Board's discretion, to allow 19.6% (or 9 less parking spaces) for this particular pad site. C. Correia seconded the motion. The vote was as follows:

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

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**

A stenographer was present for the applicant for this portion of the meeting.

Chairperson Hunter explained that the Board would adopt Findings and review the site plan and resolution of approval for proposed renovations to the shopping center known as Woodbury Common Shopping Center, located on Route 32 in Central Valley. She said a letter had been received from the Orange County Department of Planning, dated January 31, 2013, giving their approval for this project. Also, the Board members have received a copy of the Developer's Agreement that was made between the Village Board and the applicant. Chairperson Hunter also noted that a memo had been received on February 21<sup>st</sup> from P. Grealy regarding the Route 32 signal timing improvements.

Chairperson Hunter then cited an e-mail which was received from Matt Higgins on February 22<sup>nd</sup>. Copies of this e-mail were also sent to the Village Board. The e-mail was a copy of a letter that was written to Scott Geiger regarding the I-86 corridor and exit 131. She said she thanked him for his concerns, and told him that most of them had already been addressed.

At this point Chairperson Hunter was ready to review the site plan. R. Golden suggested that prior to reviewing the site plan and resolution the Board should complete the SEQRA process by adopting the Finding Statement. R. Cataggio then made a motion to adopt the Finding Statement as submitted. 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

At this point Chairperson Hunter began the review of the site plan, explaining that there were some questions from the Board members. Lou D'Arminio of Price, Meese, Shulman and D'Arminio appeared as counsel for the applicant and explained that there was a question

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

about the rear of Marigold. He said they had submitted plans that showed this area, but have prepared a more illustrative plan of what this area will look like. He then handed out copies of the illustrative plan to the Board members and Consultants. D. Lindsay asked if the site plan would be changed. Mr. D'Arminio said that nothing will change. The items shown are on page C6 of the previously submitted materials.

At this point Patty Ruskin of PS & S explained that the plan that was just handed out is actually a blowup of information that the Board already has. She noted that there are two plans containing information. One plan is labeled SK S2. This is a blowup of sheet C6. She then showed the Board the three sections that were illustrated at the back of Marigold, with the new proposed retaining wall and a "screen wall" that was shown on B26 SK1 that was submitted in January. She explained that the HVAC equipment is proposed to be placed on top of this screen wall on a type of catwalk. The equipment would be screened so it would not be visible. The screen wall is proposed to be 16'8" high to screen the equipment as well as provide clearance so people can walk under it with their hand trucks. Ms. Ruskin then pointed out a 16' opening in the curb that can be driven over so that trucks could exit from the service area directly to the ring road if necessary. She added that there is enough room in the service area for the trucks to do a K turn.

The discussion continued. Ms. Ruskin said there had been a question regarding the dumpsters. She said the dumpsters that are there today will later be consolidated into a compactor in this location. There may be a compactor and two dumpsters. The exact number has not yet been determined.

R. Cataggio noted that there were two sets of plans. Sheet C6 shows the proposal without the acquisition of land from the Thruway, while sheet C6A is with the acquisition of the land. He asked which plan the Board would be approving. Chairperson Hunter said that both plans would be approved.

There was a question regarding a note on the plans which stated that the HVAC equipment would be placed on the roof. The equipment is proposed to be placed on the catwalks. This wording will be changed accordingly.

After some further discussion, R. Anzalone made a motion to accept the site plan. R. Cataggio seconded the motion. The vote was as follow:

- 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 (cont.)**

R. Golden pointed out that the motion was unnecessary, as the true approval of the site plan is the approval of the resolution.

D. Lindsay also noted that there were several items discussed in his memo to the Board. He said that the applicant has accepted all of his recommendations.

At this point Chairperson Hunter began her review of the draft resolution. R. Golden said that he would be adding an item number 21 to page 7 of the resolution which identifies the plan sheet that the Board just reviewed. This item will be listed as B26 SK2. Chairperson Hunter then began her review of the Specific Conditions.

On Specific Condition number 10 D. Lindsay had suggested some additional language. R. Golden suggested adding a sentence that would read, “notwithstanding the above, the applicant and not the Village retains the responsibility for such construction safety”.

Condition number 18 had to do with the pavers. D. Lindsay recommended that, because a decision would need to be made, the following language be added: “to the satisfaction of the Building Inspector”.

Condition number 20 stated that the Village Planner and one member of the Planning Board shall inspect the landscaping. C. Correia suggested carrying that language through this condition to be consistent.

Condition number 35 had to do with the relocation of a gate behind Marigold. After some discussion it was decided that language would be added to state that the gate would be moved “to the maximum extent practical”.

Condition number 36 requested an inventory of existing plants. K. O'Donnell did not feel that anything would be gained by the applicant supplying such an inventory. She felt it would be better to have a listing of the proposed landscaping. It was decided that the word “existing” would be replaced with the word “proposed”.

The review of the resolution was completed, so Chairperson Hunter asked for a motion to authorize her to sign the resolution of approval with the changes that were made this evening. R. Cataggio made the motion. 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

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

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

  
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Gale A. Naugle  
Planning Board Secretary