

**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

JULY 17, 2013

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VILLAGE OF WOODBURY

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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

JULY 17, 2013

PRESENT: M. Hunter, Chairperson D. Lindsay
 R. Anzalone S. Turner
 C. Scibelli J. Echevarria
 R. Cataggio

ABSENT: 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. Cataggio made a motion to accept the minutes from the meeting of June 5, 2013. C. Scibelli seconded the motion. The vote was as follows:

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

CINGULAR WIRELESS PCS,LLC/AT & T

Chairperson Hunter explained that this item was not listed on the regular agenda, however, she wanted to ask the Planning Board to make a motion to set a public hearing for an application for the above mentioned applicant at 101 Maher Lane. She said an application was received on July 3rd. The application has been submitted to the Orange County Department of Planning, and the Board would be able to act on this application at their next meeting. R. Anzalone then made a motion to schedule a public hearing for this application on August 7, 2013. C. Scibelli seconded the motion. The vote was as follows:

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

CINGULAR WIRELESS PCS,LLC/AT & T (cont.)

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

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

REGULAR AGENDA

KLOSS – TAX MAP 225-4-10 & 11

Chairperson Hunter explained that this was to be a discussion and review of a proposed lot line change within the subdivision known as Woodbury Junction for existing single family dwellings located at 5 and 9 Southfield Falls. Travis Ewald of KC Engineering appeared on behalf of the applicant and explained that the proposal is to relocate a common boundary line between the adjacent two lots owned by the Kloss family and Mr. Canfield. He said the property line would be adjusted to be more perpendicular to Southfield Falls, and more in line with the orientation of each of the existing dwellings, and to more closely follow the natural boundaries. He said there is a small rock retaining wall between the two properties. This lot line change would, in his opinion, make lawn maintenance more natural. Currently, one property owner mows almost directly behind the deck of the other property owner. With the proposed lot line change, both lots will still meet all applicable bulk requirements. Even though Mr. Canfield's lot will be decreased by 3,100 square feet it will still have sufficient lot area to meet the bulk requirements. Mr. Ewald then asked for the Board's direction.

Chairperson Hunter then asked D. Lindsay for his comments. D. Lindsay said that the proposal makes logical sense in terms of the property lines and the way the houses are situated on the lots, so he has no objection to what they are proposing. He added that, although one of the lots is considerably smaller, the lots are still complying. He said that one of the side yards will actually become more conforming after this change. D. Lindsay also pointed out that there are two gas mains which are currently located in separate yards. However, after the lot line change these gas mains will both be on the same parcel. He was not sure if this would create any problems in the future.

D. Lindsay said there were a couple of typos that need to be corrected on the plan, and he also recommended that the tables be supplemented to show the lot areas and the side yards, as noted in his memo.

KLOSS - TAX MAP 225-4-10 & 11 (cont.)

At this point Mr. Ewald explained that he had contacted Orange and Rockland with regard to the gas main and whether or not there was an easement. He said that even if there is no easement, the applicant will provide an easement for gas and electric for the Kloss residence. He added that D. Lindsay was correct in saying that all the water and sewer services are far away from this boundary line, so there is no issue there.

Chairperson Hunter then asked S. Turner for his comments. He said there were no planning issues. However, he had suggested that the applicant make some corrections to the map to make sure the filed map is accurate. He said the property is in the R1A zone, but it is a Conservation Cluster Overlay. He wanted to be sure this was noted on the map.

S. Turner said that this action would not be subject to SEQRA. J. Echevarria agreed. She also said that there would be no GML 239 referral required, as there is no building permit being issued. The lot is in a ridge preservation area. However, because there is no building being done there is no need to re-review ridge preservation. She said a public hearing is required, but the Board could waive it. There is also a requirement for the applicant to provide topographical information. The Board could waive this requirement as well.

There was some discussion as to whether or not to waive the public hearing. All four Board members in attendance agreed that the public hearing should be waived. All four Board members also agreed to waive the requirement for topographical information to be provided.

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

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

CARDAROPOLI - TAX MAP 226-1-88

Chairperson Hunter explained that this was to be a review of an application for a previously approved site plan for an office building, which has lapsed. The property is located on Corporate Drive in Central Valley.

At this point Nick Cardaropoli, the applicant, introduced himself and explained that he did not let the application lapse. He said he came back from Florida on May 5th and contacted the Building Department because he knew his approval would expire in a month. He was told there was a

CARDAROPOLI - TAX MAP 226-1-88 (cont.)

letter that had been sent to him, and he should receive it in a day or two. He said he received something in the mail and went to the Building Department and filled out an application requesting an extension of his approval. He said he waited three weeks and heard nothing. When he contacted the Building Department he was told he would need to start the application process over again. Mr. Cardaropoli explained that there is now somebody interested in this building. Nothing has changed on his application, and he is asking for an extension of his approval for one year. He said he would address the Planning Board if there are to be any changes to the plans in the future, but he's hoping the interested party likes everything the way it is. He said a year would give him the time he needs to work on this.

At this point Chairperson Hunter asked J. Echevarria to explain how the code had changed, and why this application did expire. J. Echevarria explained that, according to the code, the approval did lapse, so the Board would need to re-approve this application. She added that if nothing has changed this should be easy to do. The resolution will be the same as before and all the conditions will be the same as before. However, the consultants will need to make sure that nothing, in fact, has changed and that all the plans are the same. The Board will also need to make sure that the environment has not changed in terms of SEQRA. Chairperson Hunter further explained that a public hearing will need to be held. She felt this could be resolved in two meetings, depending on the outcome of the public hearing.

D. Lindsay further explained that, according to the code, a site plan lapses two years after a building permit is issued. It also lapses in six months if construction on the site stops. The building permit for this site was granted on June 1, 2010. With no activity it would have lapsed in 2012. He said the Board now has an application, and it is appropriate that they act on that application. He then began his review of his technical memo, which he said is very short because nothing has changed. He said that he had reviewed the original plan and, based upon the approval of the Board, recommended that it be signed by the Chair. It was, and it was filed. This is the plan the Board has before them tonight. He said there was a typo on the plan where there were three parking spaces that the applicant failed to recognize as handicapped spaces. This will be just a note that has to be added to the plan. D. Lindsay also wanted to confirm that the ARB that the Board reviewed last time is the same ARB that they now want to construct. He did confirm that there was no change in the ARB. His final comment was that the final plan should carry the seal and signature of the professionals that prepared it, so it can be filed with the Building Department.

S. Turner advised the Board that they could re-affirm the prior SEQRA that was done for this application. He also suggested that the applicant submit a short EAF.

CARDAROPOLI – TAX MAP 226-1-88 (cont.)

J. Echevarria informed the Board that this application was referred in 2009 under GML 239. The Department of Public Works responded at that time that there were no impacts, but the Department of Planning did not respond. She said it would be up to the Planning Board whether to re-refer this matter for 239 review. She added that if the Board was planning to hold a public hearing at their next meeting, there will not be time for such a review and it is within the Board's discretion not to re-refer it. The Board will still need to schedule a public hearing on this application.

After some discussion, the Board agreed that this application did not need to be re-referred to the County for 239 review. R. Cataggio then made a motion to schedule a public hearing for this application on August 7th. C. Scibelli seconded the motion. The vote was as follows:

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

R. Anzalone made a motion to authorize the attorney to draft a resolution of approval for this application. C. Scibelli seconded the motion. The vote was as follows:

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

Chairperson Hunter noted, for the record, that this property is in a Limited Commercial zone. The application says "commercial". She wanted the applicant to be aware of this.

1051 CORP. /HAZZARD LANE – TAX MAP 207-1-10.2

Chairperson Hunter read the Notice of Public Hearing that was published in the paper for this application for a proposed 3 lot subdivision located on Route 32 and Hazzard Lane in Highland Mills. She then turned the floor over to Charles Brown, who is the engineer for the applicant. He explained that the proposal is to subdivide an 11.5 acre parcel into three residential building lots. All three lots meet the zoning, and all three lots will be serviced by driveways off of Route 32. Two of them will be a common entrance with the driveway splitting at the property line. The third will have its own driveway off of Route 32. He said they met with the DOT and they signed off on the location of the driveways. The individual lots will be serviced by individual wells and septic. The designs for these have all been completed.

1051 CORP./HAZZARD LANE - TAX MAP 207-1-10.2 (cont.)

Chairperson Hunter then asked D. Lindsay for his comments. D. Lindsay said that, as Mr. Brown indicated, the lots do comply with the zoning requirement's bulk and area regulations. At the Board's suggestion at the last meeting they have changed the configurations to show buildings with a footprint of the type they may possibly build. The plan also gives them the flexibility to move the buildings approximately ten feet in any direction, as long as they don't violate the code requirements on setbacks.

D. Lindsay said that another matter in his report had to do with water supply. He was not sure what the applicant had done as far as well testing. Mr. Brown said that two wells that are on the site are both very, very shallow. He said they actually started drawing and then stopped for some reason. These wells will be abandoned. They do not have any well test results at this time. D. Lindsay noted that this had been discussed at the last meeting. He said he has no objection with proceeding with preliminary approval. However, prior to any final action there should be an indication that the lots do have adequate water supply. He also recommended that no building permit be issued until there is a guaranteed water supply.

D. Lindsay was concerned that the driveways should be able to adequately handle the runoff that comes off of them. Also, there is runoff from Route 32 towards Woodbury Creek that runs through this property. The applicant should make sure that any improvements they are proposing will not impede this natural flow. Mr. Brown said he will note this on the drawing.

D. Lindsay was also concerned about some discrepancies on the property description. He said he had tried to contact the surveyor but had no reply. Mr. Brown said he has a letter from the surveyor and he will submit it.

D. Lindsay was also concerned about the shared driveway. He said there have been issues with shared driveways in the past and the Board has required some sort of maintenance agreement. He deferred to J. Echevarria on the details of this.

Chairperson Hunter asked S. Turner for his comments. S. Turner said that the applicant had already addressed a number of items in his memo. With regard to SEQRA, S. Turner said that he had originally suggested that the Board hold off on making a Negative Declaration. However, he said the Board could not schedule a public hearing until after the Negative Declaration was made. He recommended that the Board not approve a lot that can't be used, so a preliminary approval with a condition about the water supply is all the Board can grant at this time.

Mr. Brown informed the Board that there is a "cross maintenance agreement" for the shared driveway. J. Echevarria requested that a copy of this be submitted for review by R. Golden.

1051 CORP./HAZZARD LANE - TAX MAP 207-1-10.2 (cont.)

J. Echevarria said that R. Golden is also in agreement that a preliminary approval is the only thing that is appropriate at this time because the wells have not been tested yet.

At this point Chairperson Hunter asked the Board members for their comments and questions. R. Anzalone was wondering when the water issue would be resolved. Mr. Brown said he would defer to his client in this regard. Alex, the applicant, said that his well man was busy and he expected to have the well tests done in the next two weeks.

R. Cataggio wanted to know why there had to be a shared driveway and why the second driveway could not be moved over ten feet so the lot had its own driveway. Mr. Brown said that they met with DOT and it was their recommendation that the driveways be combined because of the sight distances. Chairperson Hunter then cited a letter from Ms. Zacharia of the New York State Department of Transportation dated May 23rd which states, "the Department is in favor of limiting the number of access points along the State highway and we agree that the common access serves this purpose". Chairperson Hunter then asked that the access points from the driveways to Route 32 be paved. Alex said it was his intention to pave all the driveways. Mr. Brown said he will note that the driveways will be paved.

At this point C. Scibelli made a motion for a Negative Declaration of Significance under SEQRA. R. Anzalone seconded the motion. The vote was as follows:

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

Chairperson Hunter then opened the floor for public comments and questions. Matt Higgins of Highland Mills had concerns about the line of sight on Route 32. He said the speed limit is 55 miles per hour in this section of the road and people exceed the speed limit. He said it would be difficult to make a left turn onto 32, especially during rush hour. Mr. Higgins felt that it would be dangerous to have these driveways on Route 32.

Mr. Higgins was also concerned about Woodbury Creek and the runoff from these homes, as he said it is a trout breeding area. Finally, he said he would like to see a copy of the DOT approval. Chairperson Hunter informed him that it is available on the web site.

Terrance Bradley, the owner of the property adjacent to the proposed development, requested a copy of the proposed development so he could study it. D. Lindsay told him that copies are available in the Building Department during business hours for inspection. However, he did lend Mr. Bradley a copy to look at.

1051 CORP./HAZZARD LANE – TAX MAP 207-1-10.2 (cont.)

Chairperson Hunter asked J. Echevarria if the Board could close the public hearing. J. Echevarria said that if the Board believed they had all the information they needed they could close the hearing. However, once the hearing was closed the Board would have 45 days to make a decision on this application. The applicant could also extend or waive the 45 day time limit.

Mr. Higgins had another comment to make. He said the slopes to these homes are very steep. He did not think that drivers on Route 32 would be able to see people exiting from the driveways. He said the Board should look this over very carefully before they approve it, even though the DOT has given its approval. J. Echevarria quoted the second paragraph of the DOT letter which states, "we also agree to the proposed locations of the driveways as they comply with our requirements for adequate sight distance for the posted speed limit in this section of Route 32". Chairperson Hunter said she understood Mr. Higgins' concerns as she also lives in this area. She said she has been attempting to get the speed limit reduced for some time, however, because Route 32 is a dedicated truck route the speed limit cannot be reduced. D. Lindsay further explained that there is a requirement that the existing steep slope be flattened out from the shoulder edge of the road. This means a car waiting to exit one of the driveways will not be on a steep incline. Also, the applicant has complied with all the requirements for the posted speed limit, and has complying lots. He added that he will take a look at the issues of some of the other comments that were heard this evening.

Chairperson Hunter asked Mr. Bradley if he had any comments now that he has had time to look at the plans. Mr. Bradley said he did. He said that the area encompassed by Lot 1 has some graves on it. He said there were three that he knew of. He felt that these graves should be preserved, and offered to point them out to anybody that would like to see them. Chairperson Hunter asked if there were headstones. Mr. Bradley said there are headstones, but they have sunken into the ground. D. Lindsay said this is something that should be looked at. S. Turner said this could affect the Board's Negative Declaration. He said the State is very clear about preservation of cemeteries. He was not sure about individual graves. He said the Board may need some legal advice on this issue. D. Lindsay said that there is no development proposed in this area, but the stones should be identified. Chairperson Hunter asked J. Echevarria if the public hearing should be held open. J. Echevarria said it would be up to the Board's discretion, however, this new information may require the Board to reverse its Negative Declaration. Also, an EIS may now be required or, at least consideration of these facts as part of the Board's discussion of the environmental impacts. D. Lindsay also noted that this is something that should be noted on the plat.

1051 CORP./HAZZARD LANE – TAX MAP 207-1-10.2 (cont.)

Chairperson Hunter said that the applicant should meet with Mr. Bradley to go and identify these graves. She asked if G. Thomasberger should accompany them. D. Lindsay said it would be good for the applicant to take advantage of Mr. Bradley's knowledge. Also, G. Thomasberger may have some recollection of graves in this area, as Mr. Bradley said the graves were from the Ford family, which was one of the original families in the area. S. Turner said that the Historical Society does have an inventory of cemeteries in the area. He was not sure about individual graves.

There was some discussion regarding easements and other protections for grave sites. Mr. Brown said they would do whatever is necessary. He said if they have to provide a conservation easement that would be fine.

After some further discussion, Chairperson Hunter made a motion to continue this public hearing to August 7th. R. Anzalone seconded the motion. The vote was as follows:

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

ORANGE COUNTY BMW – TAX MAP 225-1-10.421

Chairperson Hunter read the Notice of Public Hearing for a proposed amended site plan to include additional display spaces, relocation of parking spaces and changes in curbing and islands. The property is located at 101 Maher Lane. She added, for the record, that a letter was received on July 1st from the Orange County DPW stating that they have no problem with this application. The Board also received a memo from G. Thomasberger dated June 25th. The applicant said he had not received a copy of that memo. D. Lindsay gave the applicant a copy of G. Thomasberger's memo to review.

At this point, Peter Catizone of Catizone Engineering introduced himself as representing Orange County BMW. He said his client, Sammy Osner or Orange County BMW was also present to answer any operational questions. Mr. Catizone said that the proposal is for a minor site plan modification to maximize the parking and display spaces on the site. They are proposing 17 spaces along the Larkin Drive frontage north of the entrance, and an additional 9 spaces to the south of the entrance. They received approval from the Zoning Board of Appeals on December 14, 2011. When completed there will be a total of 230 spaces on the site.

ORANGE COUNTY BMW - TAX MAP 225-1-10.421 (cont.)

Mr. Catizone said that nothing else would change on the site such as aisle widths and such. He added that they did receive a memo from Riddick Associates, and would be happy to review those comments if the Board desired.

Chairperson Hunter then asked D. Lindsay for his comments. D. Lindsay said there were a lot of things in the memo that were informational for the Board, and he did not want to go over everything this evening, however, there were a couple of things that he wanted to note. The first item had to do with the relief that was granted from the ZBA in 2002. He said the action called for a reduction of two to three feet. The new action involves some spaces that are closer to Maher Lane. They received approval for a 1.9' setback. This is noted in the new action by the ZBA. He said the applicant has a 1.7' dimension by the entrance on Larkin Drive that was not in the original approval in 2002. He said he was not sure what exactly was approved, and added that if the applicant could demonstrate what was approved back in 2002 this issue could be resolved. If not, he suggested moving it back, and making it 1.9', because that was what the ZBA granted. Mr. Catizone said that what was constructed was basically what was granted back in 2002. He agreed with D. Lindsay's approach of making the number 1.9' if there is no objection from the Planning Board. After some further discussion it was decided that the dimension would be changed to 1.9'.

D. Lindsay also noted that the ZBA granted 131 general parking spaces for employees and customers and 99 display spaces. However, the ZBA also said they had no opposition to interchanging parking spaces between customers and vehicles for sale. They said they would allow the applicant to use the spaces in this manner, subject to Planning Board review.

D. Lindsay noted that there is some tandem parking on the site. If this parking is to be used for customer parking, customers should not be blocked in. He recommended that the front row of parking be for display vehicles only. Mr. Catizone said that this interchange of parking was specific to the intersection of Maher Lane, and the parking in the area along Larkin which he pointed out on the plan. He added that, at times, there were a lot of vehicles being serviced and they used some of the Maher Lane display spaces for customer parking. He said it was specific to relocating 17 display vehicles from Maher Lane and was not a site-wide relief.

There was some discussion regarding drainage. Mr. Catizone suggested moving some sub-surface retention. D. Lindsay said that would be sufficient.

D. Lindsay cited the memo from G. Thomasberger in which he made some recommendations based on his observations of the site. D. Lindsay suggested that the Board review those observations, discuss them with the applicant, and use them as a condition of their action if there are no objections from the applicant. If there are objections they should be discussed with the applicant so a reasonable understanding of the conditions that are required can be reached in order to have a free-flowing site that will serve the customers as well as the Emergency Services Organizations.

ORANGE COUNTY BMW – TAX MAP 225-1-10.421 (cont.)

D. Lindsay referred to the un-striped parking area which the applicant plans to use for delivery of newly purchased vehicles. He was concerned that people would park here, and suggested some signage on the wall to prevent customer parking in this area. Mr. Catizone said that the purpose of not striping these spaces is to discourage parking. He said if restrictions were going to be placed on these spaces they would almost rather stripe them. This began a lengthy discussion of the pros and cons of striping versus not striping. At the end of the discussion the applicant agreed that they would stripe the spaces in question.

J. Echevarria reminded the Chair that the 30 day time limit for a response from the Orange County Department of Planning had not yet run out. Chairperson Hunter said it would run out on July 20th. This means the Board can make no decisions on this application tonight.

At this point Chairperson Hunter opened the floor for public comments and questions. There were none, so C. Scibelli made a motion to close the public hearing. R. Anzalone seconded the motion. The vote was as follows:

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

Chairperson Hunter then began her review of the Resolution of Approval beginning with the Specific Conditions. Condition number 8 stated that a sign should be posted to indicate that parking should be in striped spaces only. This began a discussion, as the applicant had never had such a sign, and did not know where he would put such a sign. Chairperson Hunter asked if this was something new, as she could not recall ever having done this with any other applicant. D. Lindsay explained that it was new, and it was recommended because of the conditions that were experienced in the past, and problems with the ESO's being able to access the site safely. He said it was up to the Board whether they wanted such a sign or not. Chairperson Hunter said that she could not recall any instances where BMW had been brought back before the Planning Board for parking problems. She asked the Board members if they thought the parking sign was necessary. All three Board members felt the sign was not necessary. However, R. Cataggio wanted to address the items in G. Thomasberger's memo at this time. The Board discussed the memo with the applicant. At the end of the discussion, D. Lindsay pointed out that if vehicles park in the striped spaces, all the issues noted in the memo will go away.

ORANGE COUNTY BMW - TAX MAP 225-1-10.421 (cont.)

After some further discussion, Chairperson Hunter suggested that condition number 8 read, "vehicles, whether customer or display, should be parked in striped spaces only." She wanted to delete the rest of the condition. All three Board members in attendance agreed. She then resumed her review of the resolution. Item number 12 was deleted, as it referred to the location of the parking sign.

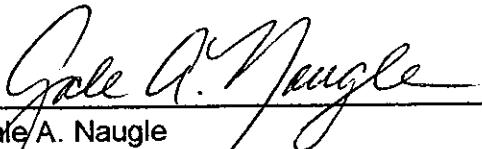
The review of the resolution was completed. Chairperson Hunter said that the Board will have a revised resolution at the next meeting which will reflect the changes made this evening. At that time the Board may take action.

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

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

The meeting was adjourned at 9:27 p.m.

Respectfully submitted,



Gale A. Naugle
Planning Board Secretary

