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VILLAGE OF WOODBURY

**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

SEPTEMBER 18, 2013

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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

SEPTEMBER 18, 2013

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

D. Lindsay
S. Turner
R. Golden

ABSENT: C. Scibelli

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 throughout the world. She then introduced the Board members and Consultants.

MINUTES

R. Anzalone made a motion to accept the minutes of August 21, 2013. C. Correia seconded the motion. The vote was as follows:

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

R. Cataggio made a motion to accept the minutes of September 4, 2013. R. Anzalone seconded the motion. The vote was as follows:

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

REGULAR AGENDA

PRINCE - TAX MAP 230-8-3.1 & 3.2

Chairperson Hunter read the Notice of Public Hearing for a proposed 2-lot subdivision located at 18 Valley Avenue in Central Valley. She then asked the applicant to give a brief overview of the project.

PRINCE - TAX MAP 230-8-3.1 & 3.2 (cont.)

Thomas Olley, the engineer representing Larissa Prince, introduced himself. He then explained that the application is for a subdivision, but is commonly referred to as a lot line change. There are two existing parcels that total 1.07 acres located on the southeast side of Valley Avenue. One small lot exists today with a barn or garage on it. The other larger lot has a single family residence on the north side of the property. Mr. Olley further explained that the applicant had been referred to the Zoning Board because the original application had a couple of areas that did not meet the zoning. The Zoning Board granted a variance for lot width for the two-family house that is being proposed for the lot which currently has the garage on it.

Mr. Olley said that, since the last meeting they have addressed the consultant's comments and made several modifications to the plan. Also, on sheet two of their submission they have located, not only the large diameter trees, but all the trees in the immediate area that would be developed. The trees that are to be removed are noted with the letters TBR. The various symbols for the types of trees are noted in the legend. He pointed out that there are two large 36" trees on the plan. Both will be saved. The grading plan for the lot takes great care to minimize the potential impacts on these trees.

The property will be served by connection to the existing water and sewer, so there will be only a minor change in the amount of impervious surface resulting in no significant increases in runoff from that area. Mr. Olley said the deed for the property runs to the center line of Valley Avenue. They have placed an offer of dedication on the map for the land which is within 25' of this center line.

Chairperson Hunter then asked D. Lindsay for his comments. D. Lindsay explained that, other than the variances that have been received, these are compliant lots as shown on the plan, except for any existing non-conformities for the existing house. These shall remain as they are. With regard to the 25' offer for the front yard, D. Lindsay recommended that this be included as a condition as a requirement that it be submitted to R. Golden's satisfaction, and the satisfaction of the Village.

With regard to the location of the house, D. Lindsay said they've shown it in an appropriate location. The Board, in the past, has included a condition to allow a developer to move the location of the house somewhat. He recommended that the Board include a similar condition for this application. He said he mentioned five feet, but the applicant could discuss this with the Board.

D. Lindsay also made a recommendation that the Board include reasonable requirements for the Water and Sewer Superintendent.

PRINCE - TAX MAP 230-8-3.1 & 3.2 (cont.)

D. Lindsay said he had spoken with the Highway Superintendent with regard to storm water. He said the only issue is that when the 25' is granted to the municipality the discharge from the existing drainage will extend a few feet onto private property. The Highway Superintendent would like to have a small easement at the outlet pipe, so they can clean the pipe, and the drainage retains the flow that it currently has. D. Lindsay also made a recommendation to the Board that the applicant not be allowed to block this pipe so the water can continue to flow as it does now. Also, they should not be allowed to extend the pipe. These recommendations should be included as conditions in the resolution.

D. Lindsay noted that there is a hydrant located in the vicinity of the driveway. He recommended that the Highway and Water Superintendents look at this to be sure there is no potential of cars hitting the hydrant while accessing the proposed driveway.

Regarding the driveway, D. Lindsay said the applicant had reduced the driveway in terms of the bulk that they had before. He said he spoke to the Building Inspector, who did not consider the parking a violation of the front yard parking. He considered it driveway parking. D. Lindsay noted that there is now a double driveway which will accommodate four cars. He noted that there is a turnaround in the front, but still felt there could be problems maneuvering four cars and that people could be backing out into the road. He again suggested running the driveway down to the rear of the yard. He said the Board should discuss this with the applicant.

D. Lindsay also felt that there could end up being two cars parked in the driveway and two cars parked on the street.

Chairperson Hunter then asked S. Turner for his comments. He also was concerned about the driveway and suggested that parking could be designated on one side of the driveway for each dwelling unit. He said that putting identification on the ground might be a way to help the parking situation. He felt this may be less disruptive to the site than having a long driveway with parking in the rear.

S. Turner also noted that the Board had already made a Negative Declaration under SEQRA, so they did not need to do anything further.

Chairperson Hunter then asked R. Golden for his comments. He said that with regard to the parking, it would be very difficult for enforcement purposes to have the spaces marked and to make sure they stay properly striped and clearly marked. He added that, from a legal point of view, it would be preferable to have the parking that makes sense from a planning point of view and try not to fit it into this awkward spot. However, he said that was a decision for the Board to make.

PRINCE - 230-B-3.1 & 3.2 (cont.)

R. Golden also said that this was a minor subdivision and not a lot line change because that is what is required under the code. He said there are some consequences to that and one is that subdivisions have a lot of items that are required to be on the plans. There is a provision under the code that says that the Planning Board can waive whatever requirements they feel are not necessary for this particular application, except for the public hearing. He went on to say that if D. Lindsay is satisfied with the level of detail that is currently on the plans he will state in the resolution (if everyone is agreeable to it) that whatever requirements of the Village code with respect to minor subdivision detail that have to be on the plans be waived, other than what is already on there. R. Golden also agreed with the conditions that were suggested by D. Lindsay.

At this point Chairperson Hunter opened the floor for public questions and comments. There were none, so C. Correia 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 – In Favor
- C. Scibelli – Absent
- R. Cataggio – In Favor

Chairperson Hunter then asked R. Anzalone for any thoughts or concerns. He wanted to hear the applicant's engineer's responses to the consultant's points that they made. Mr. Olley said he had no problem with the condition regarding the position of the house. He agreed to the easement for the purpose of maintaining the drainage pipe. With regard to the driveway he said that at the August meeting there was a rather lengthy discussion regarding the driveway. He said that after discussions with the Building Inspector it was decided to do this more traditional type of parking rather than what had been previously proposed. With regard to the striping that was suggested, Mr. Olley said they cannot stripe it because then the Building Inspector will consider this a parking lot and not a residential driveway. He said that, with regard to S. Turner's suggestion, they could put up some signs indicating which address is to park on which side of the driveway.

With regard to running the parking to the rear of the yard, Mr. Olley said the applicant still needs parking in the front because Dennis Prince is wheelchair bound and they need handicapped access. This will require parking in the front near the first level. He explained that if they split the parking with two spaces in the front and two in the rear and run it down the southwest side of the house they will have to extend the retaining wall further along the Sciano property to be able to maintain a suitable grade. If they move the driveway to the other side it will impact the trees, which were mentioned in the Zoning Board's findings.

PRINCE – TAX MAP 230-8-3.1 & 3.1 (cont.)

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

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

JJ WOODBURY LLC – TAX MAP 225-1-34.1

Chairperson Hunter explained that this was to be a review of a revised site plan and ARB materials submitted for a proposed mixed use commercial building located at 6 Locey Lane in Harriman. She then asked the applicant to check with the Building Department regarding the use of the number 6 as an address. She then asked the applicant to give a brief overview of the revisions they had made.

Steve Esposito appeared on behalf of the applicant and referred to the July plan which showed 11 parking spaces within the front yard area of the site. This would have required them to go to the ZBA to get a variance. There was also some concern about some of the land that may be subject to taking by the DOT, and they had developed the plan to be cognizant of these areas. However, after conversations with the Board and consultants the plan has been revised to show parking in an area that at some time may be affected by a DOT taking because they are trying to maximize the parking and minimize the need for a request from the Planning Board for relief for any parking requirements. They now have a plan that shows 111 parking spaces. Thirty-three of those were pervious paving to try to stay below the maximum lot coverage. They later found out that they can't take any credit for pervious paving. They will need to look at this plan again.

Chairperson Hunter then asked D. Lindsay for his comments. D. Lindsay first wanted to address the pervious pavement. He said the applicant was trying to do the right thing. However, the code is written in a particular way that doesn't suit what they are trying to do. He said he would take a look at this. With regard to the parking on the south side of the building he explained that the applicant is working with the land they have now, rather than designing for land that will be taken by the DOT. He was still concerned about the parking in this area, as there is only one way in and one way out. Mr. Esposito explained that the previous plan showed angled parking in this area. They went back to right angle parking in this plan to maximize the number of parking spaces. He said they will come up with a hybrid plan to address these issues.

JJ WOODBURY LLC – TAX MAP 225-1-34.1 (cont.)

The discussion about parking continued. D. Lindsay had a concern about the Starbucks drive-through window. He was not sure if they met Starbucks requirements for the queuing space between the menu board and the window. Mr. Esposito showed the Board a plan which depicted cars in line for the Starbucks drive-through. He showed five cars, which is the standard requirement for Starbucks.

D. Lindsay also noted that the applicant had submitted two plans. One plan had six tenants and the other had seven. He said the Board could approve both if they were comfortable doing so.

D. Lindsay said he had spoken to R. Golden about the zoning. The code requires that you have at least two of the uses in the code. This works if there is at least one restaurant and retail. The applicant has shown one option that is all retail. They can't do all retail. They would need to have at least one restaurant to comply with the code. He wanted the applicant to be aware of this when they are doing their leasing of the property.

D. Lindsay touched on some of the other items in his memo. He was concerned about the headlights shining from the raised parking area onto Route 32. He felt there should be some sort of blockage to prevent this.

Chairperson Hunter noted, for the record, that she had a conversation with Mayor Welle of Harriman regarding the water for this project. This parcel was promised water from Harriman many years ago and the Mayor said he will honor that promise.

Chairperson Hunter then asked S. Turner for his comments. One of his biggest concerns was the traffic circulation on the south side of the building, which had already been discussed. With regard to the glare from the headlights which D. Lindsay had mentioned, S. Turner said the applicant has a landscape plan which includes quite a bit of buffering to deal with the glare.

S. Turner wanted some clarification on the freestanding sign. He said one side of the freestanding sign is 122 square feet. There is a limit of 200 square feet for a two-sided sign. That would mean this sign would be over the limit.

With regard to traffic, D. Lindsay had mentioned that the Board did not require a traffic study for this application. S. Turner noted that an extensive study was done during the Woodbury Common EIS, and as a result of that the traffic is supposed to be monitored on a regular basis. He said the applicant had spoken to a DOT engineer who said they are going to continue to monitor the signal timing in this corridor. He said the number of cars that would be generated by this individual project was between 76 and 79, which is a fairly low number.

Lastly, S. Turner said that the Board had affirmed Lead Agency status, but had not made a declaration of significance under SEQRA.

JJ WOODBURY LLC - TAX MAP 225-1-34.1 (cont.)

Chairperson Hunter noted that all the traffic lights along Route 32 have been signalized. The next step will be an interactive system. The DOT will need to determine how much this system will cost, as there is an agreement with the Village for monies to be put in place for this system. She then asked R. Golden for his comments.

R. Golden said the Board should make a condition in the resolution that all of the requirements in section 310-22 of the Village code be followed, specifically the need for establishing a central managing agency. The applicant recognizes this need and has agreed to provide same.

Chairperson Hunter cited a memo from G. Thomasberger, dated June 13th and sent to Mr. Esposito regarding the front yard and the parking. She asked S. Turner if he wanted to address this memo. S. Turner explained that he was confused as to why G. Thomasberger had to comment on which was the front yard because he thought this was a corner lot. However, G. Thomasberger never considered this a corner lot, but was merely confirming that Locey Lane was the front yard, and there would be no parking allowed in the front yard.

R. Golden reminded the Board that when this application is ready for a public hearing it would be for site plan, special permit and ARB all at once.

At this point Mr. Esposito wanted to discuss the freestanding sign. He noted that S. Turner said the two-sided sign would be over 200 square feet. He said that D. Lindsay had spoken to G. Thomasberger in this regard and found that if the sign was less than two feet wide then it would be considered one sign. He said they could modify the sign so that each panel would be 18" or less. D. Lindsay said the actual writing on the sign has to be 18" or less to be considered a one-sided sign.

Mr. Esposito then began another discussion regarding the parking requirements for the site. He said the latest plan showed a mix of uses which includes Starbucks (fast food), two conventional restaurants, and the rest retail. He said this would be the preferred mix. This plan meets or exceeds the parking requirement as discussed at the last meeting, with the 18% reduction in the required parking that the Board indicated they would be comfortable granting. If they take the 11 spaces out of the front yard they would be below the required number of parking spaces and will either have to go to ask the Planning Board to grant an additional waiver for parking or return to the ZBA to try to get the 11 spaces back in the front yard. Mr. Esposito said the current mix of uses would require 129 parking spaces. Their current plan shows 97 or 98 spaces. He felt that this number would be more than adequate, given the tenant mix and the hours of operation of the various uses. He said they would prefer not to have to go to the ZBA.

JJ WOODBURY LLC – TAX MAP 225-1-34.1 (cont.)

The discussion continued. D. Lindsay made a suggestion regarding the rear access aisle, which would not be considered parking because it is a driveway. Mr. Esposito liked this idea and said he will look into it further.

The discussion continued. Chairperson Hunter asked if there would be a patio in front of Starbucks. Mr. Esposito said there would not. She also asked about the directional sign. D. Lindsay said the Building Inspector would consider this a directional sign as long as there are no large logos on it.

Chairperson Hunter then asked Mr. Esposito if there were any plans for striping Locey Lane for right, left and straight lanes. He said they would be willing to participate in any improvements, however, they would need approval from the DOT. He feared this approval may take some time and did not want this to hold up their application approval. He added that they were going to reach out to the DOT and see if this could be worked into some sort of maintenance type program.

At this point Chairperson Hunter made a motion for a Negative Declaration of Significance under SERA. C. Correia seconded the motion. The vote was as follows:

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

R. Anzalone made a motion to schedule a public hearing for this application for October 16, 2013. R. Cataggio seconded the motion. The vote was as follows:

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

There was some discussion regarding what materials the applicant would need to bring to the public hearing for ARB. C. Correia then made a motion to adjourn the meeting. Chairperson Hunter seconded the motion. The vote was as follows:

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

The meeting was adjourned at 8:49 p.m.

Respectfully submitted,



Gale A. Naugle
Planning Board Secretary