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VILLAGE OF WOODBURY

**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

NOVEMBER 6, 2013

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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

NOVEMBER 6, 2013

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

D. Lindsay
K. O'Donnell
R. Golden

ABSENT: S. Turner

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

C. Correia made a motion to accept the minutes from October 16, 2013. C. Scibelli seconded the motion. The vote was unanimous.

HARRIMAN COMMONS

Chairperson Hunter noted that there was an additional agenda item concerning Harriman Commons. She said the Board was in receipt of a copy of correspondence from the Code Enforcement Officer to Mr. Lithgo, the attorney, in regard to Harriman Commons and RD Management. There was also a letter sent from the New York State Police Department to the Building Inspector, as well as a copy of a memo dated April 22, 1999. Chairperson Hunter went on to say that there was an ESO meeting held on October 29th regarding traffic on the Route 32 corridor for the upcoming Black Friday weekend. She said that RD Management did not attend this meeting. She asked Mr. Lithgo if he had spoken with G. Thomasberger. Mr. Lithgo said that he had, and that he has made arrangements to be sure that they get a notice of any ESO meetings. He explained that the representative that was listed has left the firm and no one else got the notice. He added that they are making arrangements with the State Police to discuss how to handle the upcoming holiday traffic, and they will be working out a more permanent solution as well.

It was decided to list this item on the agenda for the meeting of November 20th.

CARRYOVERS & RESOLUTIONS

JJ WOODBURY LLC - TAX MAP 225-1-34.1

Chairperson Hunter explained that this was to be a review of a draft resolution for site plan and ARB submitted for a proposed mixed use commercial building located at 6 Locey Lane. She then began her review of the resolution, starting with the Specific Conditions. After the review of the resolution, C. Correia made a motion to accept the resolution with the minor changes made this evening, and authorize the Chair to sign it. C. Scibelli seconded the motion. The vote was as follows:

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

REGULAR AGENDA

GREENS OF WOODBURY II - TAX MAP 218-2-60 et al

Chairperson Hunter asked the applicant to give the Board a brief overview of their proposal. Steve Reineke appeared as the attorney for the applicant and explained that the application before the Board tonight is to amend some of the wording in the resolution of final approval for the Greens II subdivision located on Smith Clove Road, across the street from the golf course. He said the primary thrust of this request was a modification to allow a permit to be issued by the Building Inspector prior to commencement of the construction of the infrastructure. This would include drainage and the roadway. The remaining resolution conditions would need to be complied with prior to the issuance of permits to construct single family homes.

Chairperson Hunter noted that on October 25th, correspondence was received from the Orange County Department of Planning stating that this was a matter for local determination. Also, the Orange County DPW has no objection to the creation of a homeowner's association, and will be issuing a highway work permit for this subdivision. On October 22nd a short EAF was received as well.

Chairperson Hunter then asked D. Lindsay for his comments. D. Lindsay explained that the Board had previously spent a lot of time and review during the SEQRA process. He said what the Board now had before them was a request for a change in some of the specific conditions of the resolution so that they can proceed with the development of the roadway. He further explained that G. Thomasberger generally considers the first permit as a building permit and there were certain conditions that impacted their ability to start which may not be relevant to a roadway construction. They would be more relevant to the construction of the dwellings.

GREENS OF WOODBURY II - TAX MAP 218-2-60 et al (cont)

D. Lindsay pointed out that there were still some conditions attached to the construction of the roadway, such as easements that would be required for the detention basins that would be constructed. These easements would need to be perfected at the time of the road permit.

D. Lindsay noted that there is a condition in the resolution that refers to septic systems. He said when this application was approved there was a sewer moratorium in effect. So the applicant designed septic systems, as well as dry sewers in the street. Since there is no longer a moratorium, he felt that it would not be necessary for the applicant to install septic systems as they will be connecting to the sewer. He wanted to be sure that it was clear in the resolution that the applicant does not have to build the septic system to be in compliance.

Chairperson Hunter then asked K. O'Donnell for her comments. K. O'Donnell said that they had reviewed the EAF and found it to be acceptable. She also recommended that the proposed modification to the resolution is consistent with the previous resolution, so the Board could reaffirm the previous SEQRA.

Chairperson Hunter asked R. Golden for his comments. He said that he had some small changes, and would read them when the Board gets to that point in the proceedings.

At this point Chairperson Hunter read the Notice of Public Hearing, and opened the floor for public comments and questions. Steve Brander of Winding Lane said he was at last month's meeting where there was a discussion regarding the Homeowner's Association and the bylaws associated with it. He wanted to know if the Board planned on addressing this issue. He noted that the consultants had expressed their concerns regarding the maintenance of the detention basins, and what kind of enforcement would be associated with such maintenance. He added that he looked forward to a successful resolution to this project.

Mark Kalish, of Pine Hill Road, was concerned about whether there would be any access from the property onto Pine Hill Road.

Mitch Aftel, also of Pine Hill Road, wanted to know how much of the tree line would remain between Pine Hill Road and Carriage Lane.

Rich Mednick, of Pine Hill Road, asked if any of the Board members have any personal business dealings with the developer. C. Scibelli said that his company represents Mr. Corts. He added that none of those dealings had to do with this particular project. R. Golden said that there was no conflict that would mandate his recusal. However, due to the appearance of a conflict he suggested that C. Scibelli recuse himself from this portion of the proceedings. C. Scibelli then recused himself and took a seat in the audience.

Chairperson Hunter noted that she was on the Board during the original application and assured the public that there would be no direct access to Pine Hill Road from this subdivision.

GREENS OF WOODBURY II - TAX MAP 218-2-60 et al (cont.)

With regard to the tree line, D. Lindsay said there is a 100' buffer from the roadway, but on the side yards there is a 50' buffer. He added that there is also a water line being constructed next to Pine Hill Road. This will be a distribution system that helps everyone. D. Lindsay said this would require cutting down a swath of trees that may appear to be a connection to Pine Hill Road, but it is not. The water pipeline will connect to the existing water line on Pine Hill Road. There is also a clearing limit for the trees that will have to be delineated before any construction begins.

With regard to the HOA bylaws, D. Lindsay said he did not have the HOA bylaws. There is a condition in the resolution that states that if the Town Board does not take over the drainage and open space there need to be alternative solutions. The HOA is such a solution and they will be responsible for the maintenance of any facilities that are designated. R. Golden added that the HOA must be in place prior to the first Certificate of Occupancy, according to the condition in the resolution. Mr. Reineke said that Mr. Corts did receive a draft HOA from the firm that is handling this and they were not satisfied with just the general provisions that were in it. He said they are addressing it and are confident that they will have a satisfactory document for the Board to review.

Chairperson Hunter noted that the road that will be built will be offered for dedication as a Town road.

At this point Chairperson Hunter asked if there were any further comments or questions from the public. Kira Herbert of 44 Pine Hill Road wanted clarification on how the water line is going to make the water better for everyone. D. Lindsay said he was speaking in terms of distribution. He explained that if there is more than one connection it increases fire flow and reduces head loss. Also, if there is a break in the line there is an alternate route for the water to take. He added that more connections do not provide more water or new water or storage for the water, but it does improve the distribution system.

A discussion ensued regarding the water line and the 100' buffer versus the 50' buffers. Mr. Kalish asked what would prevent people from cutting down trees in the buffer. R. Golden said that there are deed restrictions with respect to open space. The Village or the Town would be able to enforce these restrictions.

Rich Mednick of Pine Hill Road wanted to know who would control the easement for the actual water line. Chairperson Hunter said that Mr. Corts, the owner of the property, would control it.

The discussion continued. Mr. Mednick was concerned that people would be parking in the right-of-way for the water line. He also wanted a definition of the buffer. D. Lindsay said there would be a 20' easement for construction of the water line through the 100' buffer. Mr. Mednick

GREENS OF WOODBURY II - TAX MAP 218-2-60 et al (cont.)

also wanted to know how this buffer would be protected. Chairperson Hunter said that this would be one of the HOA's responsibilities. After some further discussion about the buffer, Mr. Mednick said he would like to see it revisited, as that is what this hearing is for. R. Golden explained that there was an approval for this project which ended up in a map that is already on file with the County. This public hearing is with respect to modifications that were requested by the applicant to refine certain requirements for building permits, and to address the HOA that is going to be responsible for drainage and the open space areas. These modifications, or amendments, are what caused the public hearing to be held.

Mr. Mednick was still concerned about parking in the 20' easement. R. Golden said there would be no way to police it but it would be illegal for someone to do that and if someone does and there is a complaint it would be up to the Building Inspector, as the Zoning Code enforcement officer, to cite them for it. Also, the HOA could take action against the person for trespassing.

Mr. Mednick also asked if the developer or his attorney could give the members of the public a time frame when things will be happening on this project so they can prepare. Mr. Reineke said that the water line is part of the overall infrastructure. When the project starts the roadway has to be cleared. There will also be tree clearing in the easements. The installation of the roadway, the water line and the sewer line would all run sequentially. Mr. Reineke said the goal is to have the roadway installed so that by the Spring they would be in a position to begin constructing single family homes. He said the HOA document would insure that there is no travel way in easement for the water line. He added that ultimately this easement is in favor of the municipality because it is a municipal water line. The only vehicles that would be allowed in this area would be municipal vehicles doing inspections or repairs to the water line. Mr. Reineke said he would be coming back to the Board for approval of the HOA. R. Golden corrected him by saying that all homeowner's association grants must be reviewed by the Attorney General of the State of New York. It will also be reviewed by the local attorney and engineer. In accordance with the resolution condition the applicant would not come back to the Planning Board, but would present the HOA documents to R. Golden and D. Lindsay for review.

Mr. Kalish wanted to know if construction vehicles would be coming from Pine Hill Road or the cul-de-sac. Chairperson Hunter said that construction vehicles would gain access from Smith Clove Road.

Ken Schweizer had a question regarding the drainage. He cited the previous conversation which said "if" they have an HOA. Chairperson Hunter said the "if" was because the Board does not know if the HOA will be approved. Mr. Schweizer said this would all be for nothing if the HOA is not approved. R. Golden explained that there is a condition in the resolution that indicates that if an HOA is not going to be approved with respect to the maintenance of the

GREENS OF WOODBURY II - TAX MAP 218-2-60 et al (cont.)

drainage and open space, then the applicant is required to come back before the Board for a discussion as to how they will be maintained so the Board can be satisfied that there are adequate remedies in place for them to properly maintain these areas.

Mr. Mednick asked how the installation of this water line was going to benefit him and the other surrounding homes. D. Lindsay referred to his previous comments regarding the water distribution system.

There were no further comments from the public, so R. Anzalone made a motion to close the public hearing. C. Correia seconded the motion. The vote was as follows:

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

At this point R. Anzalone made a motion to reaffirm the prior SEQRA that was done in 2007. C. Correia seconded the motion. The vote was as follows:

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

Chairperson Hunter then began her review of the Specific Conditions of the resolution. When she had finished, R. Anzalone made a motion to accept the resolution with the changes made this evening, and authorize the Chair to sign it. R. Cataggio seconded the motion. The vote was as follows:

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

AT & T NEW CINGULAR/MAHER LANE - TAX MAP 225-1-10.421

This item was postponed until the meeting of November 20th.

WIRELESS CONSULTANT

Chairperson Hunter explained that documents had been received from a firm called HDR, which will be potentially replacing Tectonic as the Board's wireless consultant. After some discussion Chairperson Hunter made a motion to go forward with HDR as the new wireless consultant, subject to review by either the Planning Board attorney or the Village attorney as to the form of the agreement. R. Anzalone seconded the motion. The vote was as follows:

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

There was no further business for the Board to conduct, so Chairperson Hunter made a motion to adjourn the meeting. C. Correia seconded the motion. The vote was unanimous, and the meeting was adjourned at 9:20 p.m.

Respectfully submitted,



Gale A. Naugle
Planning Board Secretary