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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

DECEMBER 4, 2013

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VILLAGE OF WOODBURY

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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

DECEMBER 4 2013

PRESENT: M. Hunter, Chairperson
R. Anzalone
C. Correia
C. Scibelli
R. Cataggio
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 welcomed the members of the public and introduced the Planning Board members and Consultants.

MINUTES

R. Anzalone made a motion to accept the minutes from the meeting of November 20, 2013 as submitted. C. Correia 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

Chairperson Hunter asked the Board members if they would all be in attendance at the meeting of December 18, 2013. Only one Board member said he would not be there. Chairperson Hunter then made a motion to cancel the meeting of January 1, 2014. 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

SPRINT/NEXTEL - MAHER LANE - TAX MAP 225-1-10.121

Chairperson Hunter explained that this was to be an extension request for previously approved site modifications for replacement of existing panel antennas and installation of 3 panel antennas, one dish antenna and related equipment including additional equipment cabinet within an existing fenced compound. The property is located at 101 Maher Lane in Harriman

Cara Bonomolo, an attorney with Snyder & Snyder, appeared on behalf of Sprint and explained that Sprint had received an extension of the site plan approval that was granted by this Board on November 21, 2012. She said that Sprint is still in the process of addressing some of the conditions of the approval, and is requesting a one-year extension in order to complete this process. C. Correia then made a motion to grant an extension of this approval to December 3, 2014. R. Cataggio 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

TGI FRIDAY'S/WOODBURY CENTRE - TAX MAP 225-2-1.12

Chairperson Hunter explained that this was a continuation of a public hearing for ARB of proposed exterior reimage renovations to an existing restaurant located within the Woodbury Centre shopping center. The property is located at 5 Centre Drive.

Ricardo Sorvini then appeared on behalf of TGI Friday's. He showed the Board samples of the proposed materials, and said that other information had been sent to the Board such as the landscape plan. He said that he did not believe that the rendering had been submitted, but he had one with him. Chairperson Hunter said the Board could not accept it tonight. He gave it to D. Lindsay, who will submit it to the Building Department. He then explained that, in response to an inquiry from the previous meeting, the brick on the building will remain as is. Mr. Sorvini said that the Board should also have received a detail of the proposed lighting, and the material list as requested. He added that he would be happy to answer any questions the Board may have.

At this point Chairperson Hunter asked D. Lindsay for his comments. D. Lindsay said that he had sent a memorandum to the Board, and the only issue he wanted to discuss was the signage. He said that at the last meeting the applicant said they would comply with the original resolution for signs on two sides of the building. He said the applicant indicated that they were going to keep the signs on the same sides of the building that they currently occupy, which would be the south and west sides. The elevations submitted show signs on the south and east.

TGI FRIDAY'S/WOODBURY CENTRE - TAX MAP 225-2-1.12 (cont.)

D. Lindsay said that, whether this matters to the Board or not, there should be a clear understanding of where the signs will be. He said it should be to the Board's satisfaction, and the plans that are submitted for signature and for filing with the Building Department need to show the signs on the sides where they are proposed. He then asked Mr. Sorvini if the signs were being proposed on the south and west or south and east sides of the building. Mr. Sorvini was not sure.

D. Lindsay then noted that the applicant had submitted a landscape plan showing the modifications they are planning to make in one section of the building. The remaining portions will stay as they are. He said the Board should take a look at this plan and make sure that it is to their satisfaction.

The discussion returned to the location of the signs on the building. Chairperson Hunter asked if the Board could approve the signs on either side of the building. R. Golden said that the Board could say that the signs will remain in the exact same locations and no other renderings would be necessary. Or, the signs will be placed as they are on the renderings that were submitted, which will be a change to the east side of the building. Chairperson Hunter asked that language to this effect be placed in the resolution.

Chairperson Hunter then asked S. Turner for his comments. S. Turner said that his office had also prepared a memo with only some minor issues. He said they reviewed the landscape plan and it is consistent with the guidelines in the code. With regard to SEQRA, he said this is a Type Two action, so it would not rise to the level of any further SEQRA analysis. He added that, normally the Board has been asking applicants to submit a short form EAF even before they make a determination that something is a Type Two. However, the forms have been modified by the State and are more complex. In these cases he would recommend that the submission of the form be waived. He said in this case he did not believe that an EAF would be required because there is no addition being proposed to the building.

Chairperson Hunter then asked R. Golden for his comments. R. Golden agreed that this application was clearly a Type Two action, and there was no need for an EAF. At this point, Chairperson Hunter made a motion to declare this application a Type Two action under SEQRA. 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

TGIFRIDAY'S/WOODBURY CENTRE - TAX MAP 225-2-1.12 (cont.)

Chairperson Hunter then wanted to discuss the landscaping. She said that some large trees were being removed in favor of low growing shrubbery. She was not in favor of this change. However, the rest of the Board members had no problem with it.

At this point Chairperson Hunter opened the floor for public questions and comments. There being none, C. Correia made a motion to close the public hearing. 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

Chairperson Hunter asked if this needed to be sent to the County for GML 239. R. Golden said he had a note that it is not required to be referred to the County because it is solely an ARB review.

At this point Chairperson Hunter read the resolution of approval, beginning with the Specific Conditions. R. Golden read the changes that would be made with regard to the signage on the building. When she had finished her review, R. Anzalone made a motion to accept the resolution with the changes that had been made. C. Correia 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

WOODBURY JUNCTION - TAX MAP 225-1-3.22 et al

Chairperson Hunter explained that this was to be a public hearing for review of a re-phasing plan of the previously approved subdivision known as Woodbury Junction. The property is located on Dunderberg Road in Central Valley. She then read the Notice of Public Hearing which was published in the Times Herald Record.

Jason Pitingaro from KC Engineering appeared on behalf of the applicant, Bill Brodsky, who was also in attendance. He explained that the last phasing plan that was presented included a color map, which included everything. At the request of the Board and its consultants, the mapping has been modified to include a single overall sheet, and sheets that show each individual phase of the construction sequence.

WOODBURY JUNCTION - TAX MAP 223-1-3.22 et al (cont.)

Mr. Pitingaro then introduced Mr. Brodsky to explain some of the details, and the necessity for the required changes in the phasing plan.

Mr. Brodsky then thanked the Board for hearing his application. He explained that the Board made recommendations to the Town Board so his sewage could be gravity fed, rather than being routed to a pump station. He said that the Board, its consultants and the Sewer Department all agreed that the gravity fed system would be the better way to go. He added that today he had submitted information that the Town Board had requested, and he hoped to appear at the next Town Board meeting to get the gravity fed system approved. He also informed the Board that he is now the owner of Julien Court, so all that is needed now is a 10' x 20' easement from the Town Board.

With regard to tonight's application, Mr. Brodsky explained that Phase 6 would now be broken into 6A, B and C. Phase 6C includes fifteen or twenty houses. He wants to be able to bring these houses into the existing facilities so they do not have to wait for the new improvements to be completed.

Chairperson Hunter then asked D. Lindsay for his comments. D. Lindsay said that what Mr. Brodsky explained may be the immediate intent of the applicant, but what the Board needs to consider is a phase plan that is before them that shows the building blocks to get the full buildout through the completion of 451 units. He said he reviewed the plan and the applicant did exactly what was requested by showing each segment, the phases, and the order in which they would be constructed, and the improvements that would be associated with that particular phase. He said that there were also some questions he had with regard to some things that were labeled wrong and some items that he was not sure whether they were completed or not.

With regard to Phase 6C, D. Lindsay said it is connected to a developed area. The waste water flows in that direction and there is a pump station. The water supply is readily available and the infrastructure is completed. He went on to say that he had submitted a five page memo, which he was not going to go over at this time. He cited some plan notes that needed to be removed regarding the build order, and said he would be happy to answer any questions the Board may have. In response, Mr. Pitingaro said there were no issues with making the corrections that D. Lindsay had requested.

Chairperson Hunter asked S. Turner for his comments. He had none.

R. Golden noted that this application is subject to 239 referral, which was made on November 22nd. No response has been received from the County, so the Board has no jurisdiction to make any final determination on this application until the 30 days elapse (which would be December 21st or 22nd) or, the County provides a response.

WOODBURY JUNCTION - TAX MAP 225-1-3,22 et al (cont.)

The discussion continued. Chairperson Hunter then opened the floor for public comments and questions. Dan Whisk, a resident of Woodbury Junction, wanted to be sure that there was not going to be any capacity added to the existing sewer lines because of the re-phasing. Mr. Brodsky said there would not.

There were no further questions or comments from the public, 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 – In Favor
- R. Cataggio – In Favor

It was decided that this item would be placed on the agenda for December 18th as long as a reply is received from the County. Otherwise, it will be on January 15th.

WOODBURY JUNCTION - TAX MAP 253-1-63

Chairperson Hunter explained that this was to be a discussion of a proposed reduction of a previously approved front yard setback from 25 ft. to 21 ft. on builder lot number 437 within the subdivision known as Woodbury Junction. The property is located at 15 Stillman Wye in Central Valley.

Mr. Brodsky appeared and explained that he may have to appear from time to time for a similar purpose within the Active Adult section of the development due to the smaller size of the lots. He went on to explain that the lot in question backs up to the open space. However, the front yard has the problem which requires the 21' setback because the lot lines needed to be skewed. He said these lots are either thin and deep or long and shallow. He added that he had come before the Board previously to do this on another lot, number 433.

D. Lindsay said there is an easement in the front. He wanted to know if this easement would be affected. Mr. Brodsky said there would be no impact on this easement whatsoever. D. Lindsay had no further comments. S. Turner asked if there was any access over the easement. Mr. Brodsky said there is no way to get over the easement and that it was physically impossible.

R. Golden said the Board could reaffirm its prior SEQRA. He also wanted to confirm, for the record, that lot 437 is not within 500' of any of the GML triggers, so it would not require a referral. This will also need a public hearing as it is an amendment to a prior approval.

WOODBURY JUNCTION - TAX MAP 255-1-63 (cont.)

R. Anzalone then made a motion to reaffirm the prior SEQRA findings. C. Correia 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

D. Lindsay checked the records in the Building Department and confirmed that the lot in question is 510' from any of the triggers for GML 239, so no referral is required.

C. Scibelli then made a motion to schedule a public hearing on this application for December 18th, and authorize the attorney to draft a resolution of approval. R. Cataggio 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

HIGHLAND STONE AND GRAVEL - TAX MAP 203-1-8.21

Chairperson Hunter explained that this was to be a discussion of the status of an application and updates for a proposed expansion of use to include a construction and demolition recycling/processing center. The property is located at 911 Route 32 in Highland Mills within the R2A zoning district. She went on to say that the Board had a site visit on July 9, 2013 with members present from the Planning Board, Zoning Board of Appeals, the applicant and his engineer.

At this point Kevin Patton, the engineer for the project, appeared on behalf of Highland Stone and explained that, since their last appearance, they have made some progress on the project, including a new survey of the proposed facility area. This allowed him to work out some drainage issues which had been raised at the last meeting. Mr. Patton said he has also performed a noise assessment study for the site, which was also a big issue. He said he was prepared to discuss the noise study and any other questions the Board had on the materials that had been recently submitted. He added that he followed New York State DEC guidelines for his noise study.

HIGHLAND STONE AND GRAVEL – TAX MAP 203-1-8.21 (cont.)

Mr. Patton further explained that the straight line sound versus distance relationship showed that the proposed facility has a potential to impact properties up to a quarter mile away. He added that his first level of evaluation was just distance. Taking into account the vegetation that is there, the sound reduction that would occur due to the existing woods showed that sound levels at the adjacent properties would be approximately equal to the background noise. In other words, the sound that is emitted by the facility to those properties would be in the background. Chairperson Hunter pointed out that this property is almost on the same level as the Thruway, which is quite loud. She asked if these noise levels were taken into account, and if the noise from the Thruway is the same or less than this project. Mr. Patton explained that 62 decibels is considered the normal background for a suburban daily environment. This was the level his study showed. He said that, based on this study, he did not expect any significant noise impacts on the adjacent properties.

Mr. Patton also said that he looked at impacts from the backup alarms, which will be the single most noticeable noise source on the site. The study showed that the sound level from these will be about the same as the background level, but will definitely stand out as it is a very focused tone. He said they are planning to route the truck traffic to minimize the backup noise so that when trucks are backing up they are backing away from the occupied areas.

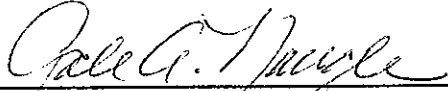
Chairperson Hunter asked D. Lindsay for his comments. D. Lindsay said that he had not really reviewed it, although he did take a look at it. He said that, subject to a full review, he thinks this is a plan that the Board can work with. With regard to the noise study, he wondered if there was anything the applicant could do, because of the elevation, to shoot the noise upward. He suggested a small wall or a berm. He asked the applicant to consider this.

There was some discussion regarding when this item could be placed on the agenda for further review. R. Golden reminded the Board that their next action under SEQRA is to make a Determination of Significance. This means the Board would need enough information on environmental impacts to say that there are either no adverse impacts, or there are. If there is at least one adverse impact this would be a Positive Declaration. If not it would be a Negative Declaration and the Board is finished with SEQRA. A Positive Declaration would require that more steps be taken. He also said that the ZBA cannot make a decision until the Planning Board concludes SEQRA.

It was decided that this application would be listed for the agenda of January 15, 2014.

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 unanimous, and the meeting was adjourned at 9:22 p.m.

Respectfully submitted,



Gale A. Naugle
Gale A. Naugle
Planning Board Secretary