

RECEIVED
JAN 09 2014
WOODBURY BLDG. DEPT.

**VILLAGE OF WOODBURY
PLANNING BOARD MEETING
DECEMBER 18, 2013**

RECEIVED
JAN 10 2014
VILLAGE OF WOODBURY

TABLE OF CONTENTS

ITEM	PAGE NUMBER
Minutes	1
Carryovers & Resolutions	
Woodbury Junction – Tax Map 225-1-3.22 et al	1 – 2
Regular Agenda	
Woodbury Junction – Tax Map 255-1-63	2 – 3
Grindrod – Tax Map 228-9-5	3 – 4
Schunнемunk Holdings LLC Tax Map 213-1-4 & 5	4 - 7

**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

DECEMBER 18, 2013

PRESENT:	M. Hunter, Chairperson	D. Lindsay
	R. Anzalone	K. O' Donnell
	C. Scibelli	R. Golden
ABSENT:	C. Correia	S. Tumer
	R. Cataggio	

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

MINUTES

R. Anzalone made a motion to accept the minutes from the meeting of December 4, 2013 as submitted. 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 – Absent

CARRYOVERS & RESOLUTIONS

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

Chairperson Hunter explained that this was to be a review of a resolution for 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 noted that on December 11th, correspondence was received from the Orange County Department of Planning stating that this was a matter for local determination. On December 16th a letter was received from the Orange County Department of Public Works referring the matter back to the Planning Board for action.

Chairperson Hunter then began her review of the resolution. When she had finished, R. Golden reminded the Board that they would need to reaffirm the prior SEQRA for this application. Chairperson Hunter made a motion to reaffirm the prior SEQRA. R. Anzalone seconded the motion. The vote was as follows:

WOODBURY JUNCTION - TAX MAP 225-1-3.22 et al (cont.)

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

C. Scibelli then made a motion to accept the resolution with the minor changes that had been made. 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 – Absent

REGULAR AGENDA

WOODBURY JUNCTION - TAX MAP 255-1-63

Chairperson Hunter explained that this was to be a public hearing for reduction of a front yard setback from 25 feet to 21 feet on builder lot number 437 within the subdivision known as Woodbury Junction. The property is located at 15 Stillman Wye in Central Valley. She then read the Notice of Public Hearing that was published in the newspaper, and asked the applicant to give the Board a brief description of what was being proposed.

Jason Pitingaro, of KC Engineering, appeared on behalf of the applicant and explained that this lot was located in the 55 plus area of the subdivision. He said that several of the lots that had been approved in this area are “quirky” in configuration and, since there are only a certain number of house plans that were approved for this area, at certain times they will need to decrease the required setbacks to fit the houses on the lots. In this case they need to reduce the front setback from 25’ to 21’.

Chairperson Hunter then asked D. Lindsay for his comments. D. Lindsay noted that there is an easement on the property and wanted to be sure that it would not be impacted. K. O’Donnell said that she had no comments on the plan, but reminded the Board that they will need to reaffirm SEQRA prior to opening the public hearing. Chairperson Hunter noted that the Board had reaffirmed SEQRA on December 4th. She then asked the applicant if they had any further comments. Since they had none, she opened the floor for public comments and questions. There were no questions or comments, so C. Scibelli made a motion to close the public hearing. R. Anzalone seconded the motion. The vote was as follows:

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

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

Chairperson Hunter then read the resolution of approval for this application, after which she informed the Board that she had spoken to G. Thomasberger who said he would accept the resolution as an original with the Chairperson's signature as there are people ready to close on this property on Friday. R. Golden noted that she would need to fill in the spaces stating how people voted and who was absent and then copies could be made for distribution. After this discussion, C. Scibelli made a motion to accept the resolution as read. 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 – Absent

GRINDROD – TAX MAP 228-9-5

Chairperson Hunter explained that this was to be a discussion and review of a proposed two-lot subdivision for preliminary and final approval. The property is located at 17 Oak Concourse in Central Valley.

Jason Pitingaro, of KC Engineering, appeared on behalf of Mr. Grindrod, who was also in attendance. He explained that this was a two-lot subdivision that had previously received a preliminary approval from the Planning Board. He said there were some stipulations that required some utilities to be built and some road widening as well as some other conditions to be met. While the applicant was completing this work, their approval lapsed. He said they are back before the Board to request that the preliminary approval be reinstated and that the Board schedule a public hearing and grant preliminary and final approval.

At this point Chairperson Hunter asked R. Golden if the Board would have the authority to waive the public hearing. R. Golden said they would not, and that the applicant has no approvals at this point in time, as they allowed the approvals to expire. Once this happens, they cannot be resurrected. The applicant would need to reapply, although they could apply for preliminary and final at the same time. However, State law requires a public hearing. R. Golden added that this could be an expedited process because the Board had already gone through SEQRA, and can go through it more quickly this time. He added that this would also need to be referred for GML 239.

GRINDROD – TAX MAP 228-9-5 (cont.)

Chairperson Hunter said that this application had been referred to the DPW and the Department of Planning on December 6th. A reply has been received from the DPW for Board action and approval. The discussion continued. R. Golden said that he and K. O'Donnell are both satisfied that the Board would be able to reaffirm its prior SEQRA. At the next meeting the Board can assume Lead Agency status and make a Negative Declaration. D. Lindsay said that there are supposed to be agreements for maintenance for the roadway and the private water line. He said these agreements have been submitted, but he did not think that anything had been concluded. He added that the applicant should start moving forward on concluding these things before the Board takes action. R. Golden said that he had reviewed the agreements and sent comments to the applicant's attorney. He added that there will be a condition in the resolution regarding these maintenance agreements, and said that the applicant's variance will expire in March.

R. Anzalone then made a motion to schedule a public hearing for January 15, 2014, and authorize the attorney to draft a resolution for preliminary and final 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 – Absent

SCHUNNEMUNK HOLDINGS LLC – TAX MAP 213-1-4 & 5

Chairperson Hunter explained that this was to be a discussion and review of a site plan submitted for a proposed use of an existing structure as a school and place of worship. The property is located at 406 Schunnemunk Road in Highland Mills. She then cited a memo from G. Thomasberger which was sent to all the Board members. She asked the applicant if he had received a copy and he had not. She said she would make sure he got a copy of this memo. She then asked the applicant to give the Board an overview of their proposal.

Kurt Rother, the engineer for the project, introduced himself and the attorney for the project, Stan Schutzman. Mr. Rother explained that the application before the Board is for a site plan and special use permit which would allow an existing structure located on the north side of Schunnemunk Road, in the R2A zoning district, to be utilized as a place of worship. He added that it is their understanding that the building has been in existence for over 25 years and there is no certificate of occupancy for the structure. He said that no building permit has been found either. He went on to say that this property was the subject of a six-lot residential subdivision known as Pine Ridge Estates. Mr. Rother said the applicant would like to preserve that subdivision approval and utilize the existing structure which is on lot number 6.

SCHUNNEMUNK HOLDINGS LLC - TAX MAP 213-1-4 & 5 (cont.)

Mr. Rother explained that the structure will be used by unmarried adult males from Kiryas Joel for religious observance. They would come to the facility in the morning and leave in the evening. They would also eat at the facility. They would be brought to the facility by a van or other vehicles. He said they anticipate about 50 young men at the site with 5 Rabbis on staff.

At this point Mr. Schutzman, the attorney, said that they are looking at this facility as a place of worship for formal religious services, and any other school functions as a nominal accessory use. He said the building is already configured with separate rooms so they designated these rooms as classrooms on their application for descriptive purposes. He reiterated that it is a place of worship for males over the age of 20 years old. He said they are looking for an expedited process before the Board, as their desire is to finish off any construction over the holidays and be ready in the Spring. There is no expansion of the building proposed for this project. He said the building is existing and asked the Board to waive a public hearing and proceed to an approval.

At this point Chairperson Hunter asked R. Golden for his comments. R. Golden said that the ownership of the property would need to be established before the Board can proceed. He also wanted to reply to the engineer's comment that they want to preserve the subdivision approval. R. Golden said that the subdivision approval that they have is irrelevant to what they are asking for. He said they are asking for site plan, which has nothing to do with the preliminary approval. He added that whether or not it impacts the preliminary approval would depend on what the applicant is asking for and what conditions this Board places on it.

D. Lindsay had a couple of comments from his five page memo to the Board. He felt that the Board should get some further clarification of the number of classrooms and how they would be used. He said there is no parking provided for that particular use, and he was not sure whether or not it would be accessory to the principal use. He suggested that the Board find out the hours of operation and the number of days a week these rooms would be used. Also, the dining that is being proposed should be defined as to whether it is just for the classrooms or for separate functions.

D. Lindsay also noted that, since there is no CO or building permit on file for this building, he believed the applicant would need to go to the ZBA for a variance for a building in a front yard. Also, an appropriate calculation of the parking should be submitted. The parking should be in accordance with the code. The Board has some discretion to reduce the parking requirements for overlapping uses. He also said he would need more information regarding drainage, waste water and water supply and storm water management. Also, because it is a large building there should be some consideration given to fire -fighting capabilities. He cited another school with similar circumstances where a water storage tank was provided for this purpose. He also suggested input from the ESO's on this application.

SCHUNNEMUNK HOLDINGS LLC - TAX MAP 213-1-4 & 5 (cont.)

D. Lindsay noted that this property is above elevation 600'. Any changes made to the outside of the building would need ARB review and approval under ridge preservation. He added that the applicant is going to have to address the comments from the Building Inspector regarding some violations on the property.

K. O'Donnell said that her memo covered a lot of the same items that D. Lindsay had reviewed. She added that the applicant would need to prepare a full site plan. She said the road that is proposed is in the same location as the road for the proposed subdivision. She said the Board may want to think about this in terms of the subdivision, should the subdivision go through.

In terms of SEQRA, K. O'Donnell recommended that this is an Unlisted Action. She said there are other involved agencies such as the Health Department and, possibly, the ZBA. She said she would prepare a Notice of Intent for the Planning Board to assume Lead Agency. A part One EAF was submitted. However, a part Two has not yet been prepared because she did not believe there was a full site plan yet to complete a part Two.

R. Golden felt that the Board should address the issue of whether or not the school function is accessory to the use. He said that from the information provided it would be impossible to tell. He asked that the applicant provide more detailed information on the intensity of use, etc. so it can be determined whether this is an accessory use or not. A public hearing is needed, and the applicant will need to comply with the requirements for ridge preservation. Also, R. Golden did not know whether this site was within 500' of any other village boundaries. If so it would require notices to be sent out the adjoining municipalities regarding the public hearing. He did say that this would not require 239 referral to the County Planning Department or the Highway Department. R. Golden also said that he would need to look at the issue of the ZBA in more detail, and what approvals they may have had that have expired.

The discussion continued. Chairperson Hunter said that M. Rubio had submitted the GML on December 6th, and on December 12th a reply was received from the DPW for local Board action or approval. No reply has been received yet from the Department of Planning.

R. Golden said that the Board could refer this application to the ZBA now. If the applicant does not need a variance, they can always withdraw their application. But this will save the applicant some time. The applicant said they would prefer that the Board make a referral, without prejudice.

The discussion continued. With regard to the parking, D. Lindsay was concerned about people parking in the circular driveway. C. Scibelli felt that the parking configuration would change based on the square footage and use of the building.

SCHUNNEMUNK HOLDINGS LLC - TAX MAP - 213-1-4 & 5 (cont.)

The discussion continued. R. Golden informed the Board that he had just been given some papers regarding a lawsuit concerning this application over an ownership issue. He was not sure whether or not this would affect the Board's deliberations. He will need to review these to see if there would be anything that would keep the Board from acting. He then asked the Board to set a date for the public hearing.

Chairperson Hunter then made a motion to authorize D. Lindsay to send a referral to the ZBA on 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 – Absent

Chairperson Hunter then made a motion to schedule a public hearing for this application for February 5, 2014 which will include ARB. 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 – Absent

R. Golden reminded the Board that they needed a motion to authorize a Notice of Intent to be Lead Agency. C. Scibelli made the motion. 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 – Absent

K. O'Donnell will make sure to circulate the Notice of Intent.


Chairperson Hunter noted that this application would be subject to review under ridge preservation. She asked the Board members if they would like to waive the balloon test that is required. R. Golden suggested that the applicant look at the code and request relief from those items that the Board can grant. This request should be submitted in writing.

The discussion continued. There was no further business for the Board to conduct , so R. Anzalone made a motion to adjourn. 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 – Absent

The meeting was adjourned at 9:18 p.m.

Respectfully submitted,



Gale A. Naugle
Planning Board Secretary

