

**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

AUGUST 21, 2019

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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

AUGUST 21, 2019

PRESENT: C. Gerver, Chairman
R. Anzalone
J. Buglino
S. Capriglione
R. Cataggio
D. Lindsay
J. Lockman
R. Golden
J. Collins

Chairman Gerver opened the meeting with the Pledge of Allegiance

MINUTES

R. Cataggio made a motion to accept the minutes from the meeting of August 7, 2019 as submitted. S. Capriglione seconded the motion. The vote was as follows:

C. Gerver – In Favor
R. Anzalone – In Favor
J. Buglino – In Favor
S. Capriglione – In Favor
R. Cataggio – In Favor

REGULAR AGENDA

HARTMAN – TAX MAP 255-1-7

Chairman Gerver explained that this was to be a Public Hearing for ARB review of a proposed single-family dwelling within the development known as Woodbury Villas. The property is located at 7 Alleghany Cross.

Mr. Hartman appeared on his own behalf and explained that this is his second appearance before the Planning Board. He also said that the Board did a site visit a few weeks ago. He then gave a brief overview of the project, explaining that nothing has changed since his last appearance before the Board. He displayed a rendering of the proposed home, and showed the Board samples of the materials for the siding and the shingles. He said the trim on the windows will be white so he did not bring a sample of that.

Chairman Gerver then asked D. Lindsay for his comments. D. Lindsay noted that this was last on the agenda on July 17th and that the Board had their site visit on August 1st. He said that on this visit you could see that the front of the property has been cleared back to the front line of

HARTMAN – TAX MAP 255-1-7 (cont.)

the proposed dwelling. The rest of the lot is wooded with secondary growth of various tree sizes from saplings to ten or twelve inches. The applicant advised the Board that it was his intent to maintain the border with the adjacent property of ten or more feet with the trees, but clear out the center section for the home and a yard area. In addition to that, he said the applicant had provided the Board with floor plans, which they did not have previously. He added that, in their role as ARB, the Board is supposed to review to make sure that homes are not too similar or dissimilar and that they fit into the neighborhood. He also said the Board had an opinion from Gary Thomasberger regarding that review.

D. Lindsay explained that, looking at the floor plan, the first floor and second floors are fully developed and have an area of 4,852 square feet. The basement first floor shows 1,132 square feet but has a large unfinished area. He said that looking at it, it is equivalent to the first floor/second floor area. If you add those two areas together it would be 9,700 square feet. He said the Board doesn't have any cubical content here so the closest comparison would be square footage versus square footage.

D. Lindsay said that in the Board's role as ARB in determining dissimilarity he also provided them with a copy of all the dwelling units that have been approved thus far in WP3. He sent this list to G. Thomasberger, who also wrote an opinion that he gave the Board as well.

G. Thomasberger also said that the list is the complete list of approved homes in WP3, although he did say that some of the names of the dwelling styles had changed because it's a new developer, but it is the same floor plan. He noted that the dwellings range in size from 1,298 to 3,700 square feet.

D. Lindsay said the height of the building of 32'6-1/4" would comply for maximum height.

S. Capriglione asked if the numbers on the list were with or without basements. D. Lindsay said when it was reviewed originally it was without basements. He said that if there was a walk-out basement that may have been included.

J. Buglino asked if this would be the largest house built to date in this area. D. Lindsay said it would be by the numbers he just gave the Board. J. Buglino asked if the subdivision was limited in building sizes when it was approved. D. Lindsay said that the first homes that were built varied in size from 1,300 square feet up to 2,700 square feet. This would include the first and second floors. J. Buglino was concerned that if this house was approved at almost 10,000 square feet you could end up with ten 10,000 square foot homes within 300' of each other. At this point R. Golden noted that this is where G. Thomasberger's memo comes in to play. He said the Board should look at this carefully. He said it is not that if there is a home that large within 300' it automatically gives you the right to build another one. He said there is a nuance to it, that it's really the neighborhood, so it could be a much larger area of WP3 that they are using to compare. He added that the houses on D. Lindsay's list are relevant to the Board's consideration as to whether or not this is dissimilar in connection with the neighborhood. He said the Board should read G. Thomasberger's memo.

HARTMAN – TAX MAP 255-1-7 (cont.)

R. Golden went on to explain that one of the elements the Board has wrestled with in determining dissimilarity was cubical content, to be able to compare visually rather than just comparing square footage. He said the way the house is structured makes it look very different. He said if a house was very wide it might look different from a house that was one third its size but was very tall. He said the Board needed to look at the home itself and not just the square footage, but also look at the surrounding homes in the entirety of the neighborhood and seeing how it fits in. R. Golden said the Board would need more than what has been presented by the applicant in order to make an informed decision as to similarity.

R. Anzalone asked if any of the homes on D. Lindsay's list had finished basements. D. Lindsay was not sure, he said he would have to look. R. Anzalone noted that if they finished the basement, they would need to get approval from the Building Department. D. Lindsay said they should, and if they did there would be a record of it in the Building Department files.

The discussion continued. R. Cataggio wanted some criteria for saying a house was dissimilar due to its mass. He asked if this had ever been done. R. Golden cited the Weiss approval on Apple Hill where the Board included a Specific Condition that there shall be no additions, expansions or alterations to the structure without returning to the Planning Board for consideration of an amended approval. R. Cataggio was satisfied with this. J. Buglino asked if this also referred to the inside of the house. R. Golden said it applied to any "alterations". J. Lockman said he did not think the Board should focus on how much of the interior of the house was finished in making their comparisons. He felt that the purpose of the ARB is the experience of the visual impact of the house on the outside as you move through the neighborhood. He noted that if you had a 10,000 square foot house with only 5,000 square feet finished inside and later you finished another 2,000 square feet inside the outside would still look the same. He said the Board should focus on the visual impact on the community and the character of the neighborhood.

Chairman Gerver then opened the floor for public comment. Mr. Lutz from Central Valley said he had a few comments and observations regarding this application. He noted that the Board has approved multiple models for this development over the past twelve years. He said that many of them were approved with multiple elevations. He said that the overall design of this particular model is, in his opinion, unlike all of the homes that are currently under construction or have been constructed. He added that this will be the largest house in this development by about 1,000 square feet. Mr. Lutz said that if the Board approves this application it will set a precedent and a new upper limit which future homeowners can request. He requested that certain conditions be placed on the approval, first and foremost, that the approval be site-specific since it is the landowner and not the developer seeking the approval. He also requested that this model not be placed into the general inventory of approved models and that any future builder wanting to construct a similar style home be required to appear before this Board. He also requested that changes to the approved design of the home prior to and during construction require an amended approval from this Board.

HARTMAN – TAX MAP 255-1-7 (cont.)

There were no further comments from the public, so Chairman Gerver made a motion to close the public hearing. S. Capriglione seconded the motion. The vote was as follows:

- C. Gerver – In Favor
- R. Anzalone – In Favor
- J. Buglino – In Favor
- S. Capriglione – In Favor
- R. Cataggio – In Favor

Chairman Gerver asked the Board members if they felt they had enough information to potentially draft a resolution on this application. R. Anzalone said he would like to see some modifications to the plan to reduce the size. He felt it was dissimilar to the other houses that are there as far as the size of the structure. Chairman Gerver asked if he would like to see an alternative presented. R. Anzalone said he would. J. Buglino wanted the alternative compared to other homes in the area to see what could be done to make it more in line. S. Capriglione asked R. Golden what information he was referring to previously that the Board would need. R. Golden said that one of the things the Board did not receive was information on the look of the surrounding homes in the area to assist them in making their determination with respect to similarity or dissimilarity. S. Capriglione said that for the Weiss application the Board had requested the applicant to provide a chart that compared the cubical content of the homes surrounding it. She thought this would be a good comparison to have. Chairman Gerver pointed out that the Weiss application was in an area that was mostly built out while this one is in an area of mostly vacant lots. R. Golden cited G. Thomasberger's memo again, which says that the 300' is only relevant if the Board is looking to disapprove something. It says the stated purpose is to assure that the ARB review prevents, among other things, "excessive dissimilarity and inappropriateness of the exterior appearance of buildings in a neighborhood because both the immediate area and the neighboring areas will be adversely affected by such dissimilarity and inappropriateness, including improved and unimproved properties".

R. Cataggio agreed that the mass size is very large. He said if the Board was going to ask the applicant to submit something smaller, they should give him some idea of what they are looking for so he doesn't have to come back two or three more times.

Chairman Gerver noted that everyone was talking about the size of the home. He asked if everyone was okay with the design of the home since it is a completely different style than anything else in the development. This began another discussion regarding the homes that had been previously approved for WP3. Chairman Gerver reiterated that the Board needed to give the applicant some guidance before he returns to the Board. He asked again if the Board members were okay with the design of the home. R. Anzalone said he thought the design was very attractive but it needs to be reduced in size.

The discussion continued. R. Golden pointed out that, under the present law, ARB decisions like this require that the Board make a determination either at the end of the public hearing (which would be right now) or at a reasonable date that they set in the future.

HARTMAN – TAX MAP 255-1-7 (cont.)

Mr. Hartman had some numbers of houses he thought might be comparable to his. This began a discussion regarding the homes he picked and whether or not they had been approved by the Planning Board. Mr. Hartman also said that – due to the design of his house – it would not appear quite so large from the road. He noted that the basement was buried in the front, and the second floor is hidden under the roofline. He was also in favor of comparing cubic content because he felt his house would be less, as the other houses had bonus rooms over the garages, etc.

R. Golden advised Mr. Hartman that anything that he would use for comparison had to be something that was approved by this Board. Mr. Hartman cited a house at 3 Patterson Pass which he said is 4,513 square feet just on the first floor and second floor. It also has 862 square feet of covered patios and decks and a garage and walk-out basement.

The discussion continued. J. Buglino noted that all the Board members felt that the house was too big. He said it is not unusual for an applicant to have to redesign their plan. D. Lindsay noted that there are no dimensions on the plan for the width of the building or the depth of the building. He said if the Board had these dimensions, they could look at the lot in terms of how the other houses sit on the lots and get a feel for its comparison to other buildings in the neighborhood without getting the square footages. Mr. Hartman said he would provide that information. He was also prepared to submit a slightly smaller design. He asked if cubical content was anything above grade level and up. D. Lindsay said it would be anything above grade level.

The discussion returned to the homes that Mr. Hartman would use for comparisons. R. Golden reiterated that they would have to be homes that were approved by the Planning Board, but also, homes that had not had any additions or alterations made to them. Mr. Hartman was confident that comparing cubical content will be the best thing, as he said his house will be smaller than the others. He added that he will try to look for homes that were approved by the Planning Board.

It was decided that the applicant will submit his revised materials by September 4th and be placed on the agenda for the September 18th meeting.

SCHLESINGER – TAX MAP 204-1-3

Chairman Gerver said he was changing the order of the agenda slightly. He then explained that this was to be a discussion and review of a revised 3-lot subdivision located off of Sequoia Trail and Schunnemunk Road in Highland Mills.

David Higgins of Lanc & Tully Engineering and Surveying appeared on behalf of the applicant. He explained that the application is for a 3-lot subdivision of a parcel that is 138 acres in size and located on Schunnemunk Road. He noted that part of the property is on the north side of

SCHLESINGER – TAX MAP 204-1-3 (cont.)

the road and part of it is on the south side of the road. It is also bordered on the east side by Sequoia Trail. He said he appeared before this Board about a year ago and since that time they have completed soil tests for each of the lots proposed. These tests were witnessed by G. Thomasberger. They also designed the septic systems and did the layouts for the wells and driveways including sight distances for that, and updated the bulk zoning table to address some prior comments that D. Lindsay had in his prior review. He said they are making their presentation tonight seeking preliminary approval so they can proceed with this subdivision.

Chairman Gerver then asked D. Lindsay for his comments. He said that Mr. Higgins laid out the history of this application. He added that it is a very large lot. There are requirements for net lot are. The applicant should show that they can comply with these. D. Lindsay said there was also a request by the Board that the lot lines include the property in South Blooming Grove. He said he did not think this was done yet, but that Mr. Higgins explained that the lot lines over there are a little difficult to establish so the area will be plus or minus a little bit. Mr. Higgins explained that when the Village of Woodbury was created the line basically went through a portion of the property and created portions of the land that was actually located in the Village of South Blooming Grove, separate from what they have shown in the Village of Woodbury. He said he had spoken with some surveyors from the County and the County is aware of this property line which split these properties as well as some others on the boundary and the County is working on where that line is going to be. He added that they are showing the perimeter of the property as it is shown on the deed, which covers the 138 acres and goes across that line as shown.

D. Lindsay continued his comments by reiterating that there will be on-site septic and they have done the testing and identified areas that are suitable for waste water. As far as water supply, he said they will need to drill wells. In this regard, he said the Board typically allows an applicant to go to a certain point in the review process before they invest money in drilling wells. However, they have to demonstrate that they have adequate water supply prior to finalizing the plat. As far as stormwater, he said there is ample opportunity for these lots to handle runoff.

With regard to landscaping, he said there is a requirement for shade trees, however, the Board has allowed applicants that are careful in their clearing of the lots and maintaining the tree lines along the roadway to waive or allow the existing trees, if they are substantial, to be the shade trees. D. Lindsay also noted that there is a fifty-foot right-of-way on Schunnemunk Road that separates the property north and south that he said he has asked them to offer for dedication. Whether it is accepted or not would be a matter for the Village Board of Trustees.

D. Lindsay noted that there are stone walls on the property that should be preserved under the code. Also, ridge preservation does apply here, but there is some question as to whether or not it will be visible from any of the view corridors. He noted that the applicant is seeking preliminary approval at this time.

SCHLESINGER – TAX MAP 204-1-3 (cont.)

D. Lindsay said he believes there is sufficient information, subject to the comments he made, that the applicant can move along to preliminary approval.

S. Capriglione asked how the Board could approve a subdivision that was in two different municipalities. Mr. Higgins said they are telling the Board what the area is, but they are not adjusting anything that is in the Village of South Blooming Grove. These lots are on the tax map as separate lots. D. Lindsay asked if they were in common ownership. Mr. Higgins said he believes they are. S. Capriglione said she would like to see the common ownership. The discussion continued. S. Capriglione asked if the Village of South Blooming Grove would need to be notified of this subdivision. R. Golden pointed out that they will receive a GML 239-NN, which is a notice of public hearing given to anyone within 500' of the border of another municipality, so they will get a special notice apart from the notice that is published. D. Lindsay also noted that, even without the property in South Blooming Grove, these lots would still be buildable lots. Chairman Gerver asked what would happen if the County surveyor comes back and there's a big discrepancy with these lines. R. Golden said it would depend upon when that happens. If it is after the Board's approval, they will have to address this with the County Clerk and try to figure out what to do with these lots. He added that if something happens before the plat is filed the applicant will have to come back to readjust it if, in fact, there is more or less property in the Village of Woodbury.

S. Capriglione asked if there had been any response from the Village regarding the water and sewer. Mr. Higgins said that they had one or two meetings with the Village Board but never asked them to render a decision. However, he said it was pretty clear that several of the Board members expressed some significant concern with allowing them to connect to the water and sewer line. After that they rescinded their application knowing that they would need a waiver from this Board for the use of private water and septic systems.

Chairman Gerver said that the GML 239 and SEQRA were done in 2018. He asked if the Board needed to redo SEQRA or renotify the GML 239. R. Golden said that with regard to SEQRA, the Board already sent out a Notice of Intent and typed the action. He said that at this meeting it would be appropriate for the Board to assume Lead Agency for this SEQRA. He said he will then prepare an EAF part two, which the Board can review at a subsequent meeting in order to make their determination of significance.

At this point, Chairman Gerver made a motion that the Village of Woodbury Planning Board assume Lead Agency status for this application under SEQRA. S. Capriglione seconded the motion. The vote was as follows:

- C. Gerver – In Favor
- R. Anzalone – In Favor
- J. Buglino – In Favor
- S. Capriglione – In Favor
- R. Cataggio – In Favor

SCHLESINGER – TAX MAP 204-1-3 (cont.)

R. Golden noted that this was subject to ridge preservation. However, if it is not likely to be seen from any of the view corridors then it won't be subject to ridge preservation. He said the Board would need a recommendation from NPV as to whether or not this would be subject to ridge preservation.

R. Golden also said that, if the Board feels they have sufficient information, they can schedule a public hearing for this application. There was some discussion regarding when to schedule the public hearing, after which Chairman Gerver made a motion to schedule a public hearing for this application for September 18th. R. Anzalone seconded the motion. The vote was as follows:

- C. Gerver – In Favor
- R. Anzalone – In Favor
- J. Buglino – In Favor
- S. Capriglione – In Favor
- R. Cataggio – In Favor

At this point the Board went into an attorney/client meeting from 9:04 to 9:25.

BRACH & MANN/24 CATSKILL HIGH RAIL – TAX MAP 254-7-2

Chairman Gerver explained that this was to be a review and discussion of a revised site plan submitted for a proposed Shul and Mikvah to be located within an existing single-family dwelling and parking area. The property is located at 24 Catskill High Rail in Central Valley.

John Queenan of Lanc & Tully appeared on behalf of the applicant. He also introduced Joel Mann, the applicant's representative and their attorney Steve Barschoff. Mr. Queenan explained that they were last before the Board proposing a Shul and Mikvah at 24 Catskill High Rail in an existing single-family home. He said they had come with a plan that included a lot that was next door to the house, a corner that was owned by the developer but offered for dedication to the Town or Village so it could not be made part of their application. This lot is where they had proposed the parking lot for the Shul. Mr. Queenan said they approached the Board, which was not interested in relinquishing the offer of dedication, so they removed the lot from the application and are now proposing a small parking area in the back of the Shul for 9 cars. He said the rest of the application was amended for the request of the other waivers based upon the loss of that area. He noted that a report was sent to the Board outlining the burden for the waivers. That is why they are here this evening to see where they end up with that.

Mr. Queenan said the plan they did was a sketch plan because they really want to get some direction on the waiver request before they tackle the main engineering design.

Chairman Gerver then asked D. Lindsay for his comments.

BRACH & MANN/24 CATSKILL HIGH RAIL – TAX MAP 254-7-2 (cont.)

D. Lindsay felt that the threshold issue here was zoning. He said both uses are permitted in the zone, however, when you apply the place of worship and you put both uses in one zone you end up with a lot that was built as a residential dwelling and now it's being used for another purpose and it doesn't have the required area, it doesn't have the required width and it doesn't have some of the other requirements, including coverage so there are a number of waivers that the applicant is requesting. He said the Board does not grant variances, however, the code does have a provision in it for a substantial burden upon the applicant's religious exercise. When this places substantial burden that the applicant has proven to the Board, then the Board has the authority to grant waivers if it would interfere with their religious practices. He added that the applicant has submitted a letter from their attorney describing what they feel to be the substantial burden on this property. He then outlined the waivers that the applicant was requesting. There was one for area, lot width, front yard, side yard, coverage and parking. He noted that the code provides for the Board to waive up to 25% for parking for any applicant. This applicant is asking for a 50% waiver. 22 spaces are required, they are proposing 11 and say they can't provide this on their property and they want any overflow parking to be on the street.

Chairman Gerver then asked J. Lockman for his comments. J. Lockman said he had written a memo dated June 13th. He cited his point number 3 in his memo dealing with the Planning Board's ability to waive certain standards for places of worship. He said it was his understanding that this ability only applied to the standards that appear in the bulk table. He said the language appears in the bulk table. He said in his analysis in their point 5 they found that there are a series of landscaping standards that are not in the bulk table, they are in section 310-27 of the zoning code which is about tree removal and landscaping. He said if they are not going to meet those the Board will have to defer to the attorney's opinion on this, but it appears that they would need variances from the ZBA rather than a waiver from the Planning Board for those specific sections of the code. He added that if there were other parking requirements and if the parking spaces are in required yards, that is also in a different place in the code. He said this is something he would like more information about.

Mr. Queenan said he did not receive a copy of J. Lockman's memo. J. Lockman provided him with a copy.

R. Golden said that, to clarify what J. Lockman had just said, clearly there is a provision in the bulk table that allows the Board to waive anything in the bulk table if the applicant can demonstrate that it would be a substantial burden on the exercise of their religion. He said there isn't that same waiver provision, necessarily, with respect to everything in the code. That doesn't mean that there may be provisions in the code that might be a substantial burden, but it doesn't fit into the Board's jurisdiction with respect to waivers. He said he would need to look at it to see if there are other provisions in the code that would allow some waivers for those particular provisions that are being referenced by J. Lockman. He added that what he would like tonight from the applicant is to know whether or not they will be able to comply with some of the "fairly discreet" items or if they are asking for relief from those as well. He cited the

BRACH & MANN/24 CATSKILL HIGH RAIL – TAX MAP 254-7-2 (cont.)

provision dealing with landscaping which he said appears that they can accommodate.

R. Golden noted that he had read the narrative that was provided and advised the Board as to their role and how the court cases have addressed similar type issues. He said the Board will make their determination at the next meeting. He said the Board is also willing to set a public hearing for the next meeting as well.

At this point, the applicant's attorney addressed the Board. He said the applicant would like the opportunity to clarify some of the items in J. Lockman's memo. He noted that there were some questions raised in the memo that they would like to look at and respond to. He said he wanted to be sure that they narrow down the issue of the Board's jurisdiction. He said there is no dispute or disagreement that the Board has the power to waive all the items that are referenced in the bulk tables. So, the only question that is open is as to matters that are not addressed in the bulk table – does the Board have the ability to waive those and, if so, under what circumstances? He said he will speak to R. Golden about this and they will try to come to an understanding together. He then talked about the dedicated property and said they will fight this out with the Village Board. He also wanted to let the Board know that they are in court with this. He said nothing would make him happier than to see this application go through with the appropriate parking waivers. He added that they will do their best to not have landscaping be an issue. He added that the applicant has sort of been pushed into this position, due to the loss of the parking on the other lot.

R. Golden noted, for the record, that there are more waivers required than just for parking. There's the lot area, lot width, setbacks and coverage as well. The applicant's attorney requested that the Board set a public hearing. He said this would be very much appreciated and help move things along.

R. Golden said he had a couple more issues with respect to this application. He said that at a previous meeting someone had raised the question regarding the HOA agreement covering the homes in this area and whether there was any prohibition in the Homeowner's agreement with respect to places of worship. He said he looked at this simply to answer that question and the answer is yes, the Homeowner's Agreement does have a prohibition on using a home as a place of worship. His advice to the Board is that this is irrelevant to their determination as it was a private matter between any of the homeowners and the HOA.

With regard to SEQRA, R. Golden said the Board could declare its intent to be Lead Agency and type the action as Unlisted. He added that the Board would need a full EAF for this application. The Board could also set a public hearing. He noted that there is no GML 239 required for this application.

At this point, Chairman Gerver made a motion that the Village of Woodbury Planning Board declare its intent to be Lead Agency for this application, and to type the action as Unlisted under SEQRA. R. Anzalone seconded the motion. The vote was as follows:

BRACH & MANN/24 CATSKILL HIGH RAIL – TAX MAP 254-7-2 (cont.)

- C. Gerver – In Favor
- R. Anzalone – In Favor
- J. Buglino – In Favor
- S. Capriglione – In Favor
- R. Cataggio – In Favor

J. Lockman noted, for the record, that there is a provision in the code that says you're not allowed to park in the front yard. Also, in section 310-40e it says "not off-street parking will be permitted in any front yard in any district". He said this is not in the bulk table so the Board will have to put this on the list of things that they need to determine how it will work.

Chairman Gerver asked what the hours of operation would be. Mr. Queenan said that this would be a full time Shul, operating all week long as well as on the weekends. He noted that during the week there will probably only be 10 to 12 people there, while on the weekend there will be 30 congregants, but they will all be walking, so no parking will be needed then.

S. Capriglione asked about parking on the street. This began a discussion as to whether there would be parking on both sides of the street. D. Lindsay thought that in the WP3 approval there was only supposed to be parking on one side of the street. He said he will check on this.

There was some discussion regarding the date for the public hearing. It was decided that September 4th would be too soon, as the applicant has some revisions to make on their plans. Chairman Gerver made a motion to schedule a public hearing for this application on September 18th. S. Capriglione seconded the motion. The vote was as follows:

- C. Gerver – In Favor
- R. Anzalone – In Favor
- J. Buglino – In Favor
- S. Capriglione – In Favor
- R. Cataggio – In Favor

AVALON – TAX MAP 226-1-5 & 6.2

Chairman Gerver explained that this was to be a review and discussion of a proposed lot- line change and site plan to construct a 4-story 130 room hotel at 94 Turner Road in Central Valley. He then gave the applicant a memo from the code enforcement officer regarding frontage and his interpretation. He said he did not expect the applicant to comment on this tonight.

John Queenan, from Land & Tully Engineering appeared on behalf of the applicant. He said that with him was Christy O'Donnell, counsel for the applicant, and David Hildebrand from the hotel group. He then said they were before the Board with an application with a couple of "moving parts" to it. He said the property is located on New York State Route 32 and Turner Road. The application is two parcels. The first parcel is the triangular parcel in front with the Karate school on it. The second parcel is behind that along Turner Road. This parcel is currently vacant.

AVALON – TAX MAP 226-1-5 & 6.2 (cont.)

Mr. Queenan went on to say that the first part of the application would be to take the first parcel and strike a new lot line or a lot line change providing 100' access from 32 into this parcel to Turner Road and merging it with the other parcel. He said this change would add about 1.1 acres to the Turner Road parcel. This makes the karate studio parcel go from 2 acres to 1.1 acres, while the hotel site will go to about 4 acres. Once that is done, he showed the Board on the map how the proposed entrance drive would go from 32 to the site where the hotel is proposed. He said the site would have two-way circulation around, and there would also be two-way circulation around the supplemental parking lot in the lower portion of the site.

Mr. Queenan explained that they are proposing a four-story 130 room hotel, which is a limited service hotel. This means that there are only rooms, no banquet hall, no on-site restaurant, no conference center. It is a limited service hotel with a breakfast nook just for the guests and then the usual amenities. There will be a patio outside, an indoor pool and fitness center all for the use of the hotel guests only. He said they are proposing 145 parking spaces. That would be one for each room and 15 for staff and some overflow. Off the access drive they have also reserved an area for bus parking. There are six spaces there. He said if all six spaces were occupied by buses the hotel would be 100% booked. The site would be serviced by water and sewer from Route 32 and Turner Road. He showed the Board on the plan where these connections would be made.

Mr. Queenan said that they have applied what was done in the hotel overlay zone to this plan, meaning they have incorporated landscape buffers on each side of fifteen feet. They are also doing landscaping along the entrance drive. He said they will be seeking relief from the Board for parking. He said they met the old code parking requirements and felt this would be adequate because they are a limited service hotel. So, they met the one space per room, and provided slightly more parking. He said they set aside fifteen spaces for employees, but don't anticipate more than five or six employees. He also noted the bus parking and said that if they get one tour bus there will probably be 30 or 40 rooms that will be full so that will be 30 or 40 parking spaces that won't be needed. He said it also makes for a much nicer plan which allows for landscape islands to break up the pavement. He said they are requesting an 11% waiver from 163 to 145 as part of this plan. He said he only saw the memo about access tonight but he is hoping to come to some sort of resolution on that as well. He then turned the floor over to Christy O'Donnell.

Christy O'Donnell, counsel for the applicant, cited the code with regard to the 25% parking waiver that is authorized in circumstances where it is deemed appropriate. She said they are asking for considerably less than that with 11%. She said this is being requested because of the nature of the type of facility and the services that are going to be provided, which are narrowly tailored to only the guests that are registered at the hotel. No one will be coming from off-site to utilize the facilities. There will not be any kitchen facilities so there will be no cooking staff preparing food and, consequently, there will be no need for room service. So the staff will be relatively small. They are proposing one parking spot per room which she said is the industry standard. She said they felt this was more than satisfactory parking and did not want to add more parking that wasn't going to be necessary and would just be more impervious coverage.

AVALON – TAX MAP 226-1-5 & 6.2 (cont.)

Ms. O'Donnell went on to talk about the bus parking which, if all the spaces were full, would eliminate the need for car parking spaces. She said they did want to get a sense from the Board of whether or not they would be amenable to this waiver request so they could move forward with this plan with the parking as is, rather than having to re-evaluate to create parking that they don't believe is necessary, and hinder their ability to move forward with the application until they come to some sort of resolution on that.

Chairman Gerver asked J. Lockman for his comments. He said he had prepared a memo on August 16th which went over the provisions of the new hotel overlay zone. He said he was concerned about the definition of the lot and whether the access really met the hotel overlay code. He said he deferred to the Planning Board's attorney's opinion and the Building Inspector, who really has the last word on such things. He cited the letter from G. Thomsaberger in which he was concerned that the hotel would have to have direct access. With regard to landscaping, he said they did meet the fifteen foot wide buffer that is in the hotel overlay zone, but street trees will also be required along Route 32 and Turner Road. He also said he did not see any calculations for landscaping on the parking lot islands. He asked the applicant to make sure the standard is met here as well.

J. Lockman was also concerned about the circulation of the buses and how they would be turning around the building to get out once they dropped off the people at the hotel. He was also concerned about the loading berths next to the building as well as the sight distance along Route 32 for the new driveway. He said there's a bit of a curve just to the north that he was concerned about. He said he was sure this would get further review. He said he felt supportive of the applicant's waiver request for the parking. He said the Board could work with the applicant on this but, as an alternative, the Board could also ask for "banked" or "shadow" parking to be shown but not built unless needed.

With regard to SEQRA, J. Lockman said that this building will be too small to be a Type One, so it would be an Unlisted action. He said one of the involved agencies that will be very concerned about the new driveways will be the DOT.

D. Lindsay then reviewed his technical memo. He said there will probably be a subdivision map required for this because he did not think it met the definition of a lot line change. He said the access and frontage on Route 32 is a critical issue that is required under the new hotel overlay zone. He noted that G. Thomasberger has opined on this. He added that this is the first instance where such an opinion was needed and there will probably need to be some further discussion to make sure that he's on comfortable ground and there's nothing else the applicant has that hasn't been considered under this request.

With regard to the loading berths, D. Lindsay suggested moving them closer to the building. He also suggested that the Board be provided with a sample floor plan to be sure that it complies with the design standards in the code. He also suggested that this be referred to the ESO's at an early date so they can opine on the circulation pattern, the traffic pattern and their ability to respond to emergencies.

AVALON – TAX MAP 226-1-5 & 6.2 (cont.)

D. Lindsay noted that this was a sketch plan and there are more details required, particularly on storm water management. He said he assumed that it would be underground, as there is nothing there now. With regard to ARB, he said this is going to be a very large structure which is very close to a residential area. He said he was sure the Board would want to see the architecture early on to make sure that it fits into the area. There will also need to be information provided for lighting and landscaping. He said the Board would want adequate lighting so it is safe for the patrons that use the facility but that it should have a “dark sky friendly” appearance for the hotel.

Chairman Gerver asked J. Collins for his comments. J. Collins said that most of his comments had already been addressed. He said he would support a waiver for the parking in this particular case because they have shown that they have sufficient parking. He said there was going to have to be some discussion with the DOT because they are going to be reluctant to have another driveway out onto Route 32. He recommended that a traffic analysis be provided for the driveway to this site indicating the current volume of traffic as well as anticipated volume generated by this facility. He said he agreed with J. Lockman that there are a number of things that can be done to this site to improve the circulation. He also felt that there should be some emergency access provided in order to get a secondary access if the main driveway is blocked. Also, for a four-story building you want to be able to get emergency vehicles in.

R. Golden noted that, with respect to SEQRA, the applicant had submitted a short EAF. He said the Board should require the applicant to submit a full EAF, which will be distributed upon receipt. He said the Board could declare their intent to be Lead Agency and type the action as Unlisted. Chairman Gerver then made a motion that the Village of Woodbury Planning Board declare their intent to be Lead Agency for this application. R. Anzalone seconded the motion. The vote was as follows:

- C. Gerver – In Favor
- R. Anzalone – In Favor
- J. Buglino – In Favor
- S. Capriglione – In Favor
- R. Cataggio – In Favor

Chairman Gerver then made a motion to type this as an Unlisted action under SEQRA. S. Capriglione seconded the motion. The vote was as follows:

- C. Gerver – In Favor
- R. Anzalone – In Favor
- J. Buglino – In Favor
- S. Capriglione – In Favor
- R. Cataggio – In Favor

AVALON – TAX MAP 226-1-5& 6.2 (cont.)

At this point David Hildebrand, director of architecture and Design for Windham Hotels appeared before the Board. He explained that the hotel would be a La Quinta and the prototype is called the Del Sol and was created in 2015. He handed the Board members brochures depicting the hotel from the inside and the outside. He also showed the Board some samples of the materials that would be used to build the hotel.

The discussion then turned to the parking. Mr. Queenan showed the Board what would happen if they had to show shadow parking on the site. He said that a lot of landscaping would be lost. D. Lindsay asked if the bus parking could be made flexible so it could also be used for car parking. Mr. Queenan said that they could because they will know in advance how many buses will be coming and can use the unused bus parking for staff parking.

R. Golden said it was good that the Board was discussing the parking. However, he cautioned against giving a waiver until after the public hearing. He said it is good for them to give their impressions, but they should withhold their determination. Also, with regard to the transfer of the access parcel, he said this would not be a subdivision but a boundary line change and a merger with the back parcel creating one property. Chairman Gerver asked if the applicant should speak to G. Thomasberger directly about his interpretation. R. Golden said that would be helpful.

It was decided that D. Lindsay will make a referral to the ESO's regarding this application.

There was no further business for the Board to conduct, so Chairman Gerver made a motion to adjourn the meeting. J. Buglino seconded the motion. The vote was unanimous and the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Gale A. Naugle
Planning Board Secretary