

**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

September 4, 2019

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

Also Present: Karen Ungerer; Zoning Board of Appeals, Jesus Gomez, Andrew Giacomazza; Village Trustees

Chairman Gerver opened the meeting with the Pledge of Allegiance

MINUTES

S. Capriglione, made a motion to accept the minutes from the meeting of August 21, 2019 as submitted.
R. Cataggio, 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 stated as a general reminder to have information submitted in a timely manner, which would be 10-14 days prior to any meeting so the board as well as the consultants have time to overlook the information and submit comments.

REGULAR AGENDA

A. Congregation Ohev Shalom d' Highland Mills –

Review revised plans and other materials submitted for proposed conversion of a portion of an existing single-family dwelling to a shul with site improvements. Said property is located at 230 Schunnemunk Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 247 Block 3 Lot 4.

A traffic study was submitted for board review by J. Collins of Maser Consulting, the following are his recommendations.

1. The design of the driveway should be such to permit emergency vehicles to enter the site in a single maneuver.
2. The proposed use will not significantly impact traffic operations at this location
3. To address the adequacy of the sight distance at the driveway, the Applicant was requested to establish the 85th percentile speed along Schunnemunk Road. The 85th percentile design speed is the speed where 85% of the vehicles are operating at a lower speed and is the normal standard for Stopping Sight Distance. A review of this information indicates that the sight distance provided meets or exceeds those required.
4. The applicant has proposed 24 parking spaces which meet the Village Code. However, they are requesting a land banking for 7 of those spaces. Based on the anticipated use, we do not disagree with 7 spaces being land bank spaces. However, we suggest that the Board evaluate the potential to move these banked spaces from the rear of the building to the access drive, there by reducing the potential for queuing onto a public street due to parking maneuvers.
5. The transportation study also addresses pedestrian traffic to and from the site. Currently, there are a number of pedestrians that walk to and from the site along each of the adjacent roadways. Some use the existing driveway to access the site, while others walk across the lawn to reach the house. The applicant has proposed a hard surface in this area. We concur with the proposal. Noted: While religious entities are exempt from ADA regulations, we would suggest that the applicant elect to meet ADA standards to the maximum extent possible. Due to the potential for pedestrian activity to the site, we would support the Applicants request to eliminate on-street parking along the site's frontage on Schunnemunk Road.

Mr. Collins then stated he would like to ask the applicant if there is any potential for buses in the future, because if there is, they would have to design for it. Chairman Gerver, asked about the road signs, and Mr. Collins stated that would have to be a request made by the board or the applicant to the Village Board for them to consider it for road frontage signs. Chairman Gerver, asked if that could be a condition of approval, Attorney Golden answered yes. Mr. John Queenan, stated he would like to go on record and state that their will be no buses on site. Chairman Gerver, stated that they have had reports from neighbors who have seen buses unloading children at this location. Mr. Mahn, stated that it will not be a school, just a shul, however buses may drop children off to the parents that are attending the shul. Attorney Golden, stated that depending on what the board decides buses or no buses it must be a condition of this application. S. Capriglione, stated that if this is a "destination" by buses to do a drop off then they must make it a condition to not allow. Attorney Golden, stated it is incumbent upon the owner to not allow that to happen, otherwise the owner will get a zoning violation, he then stated if buses are going to be there then a traffic study needs to be done. Mr. Mahn, stated he will check on that to see if that is going to be done and buses are going to be used to drop people off in front of the shul.

J. Lockman, stated that the board received a report dated August 29th stated that they were in agreement over the parking requirement calculations. He then went on to talk about the 7 banked parking spaces that are proposed. He then stated if the board would be inclined to allow the banking of the parking, he would recommend that in the resolution and the notes that a triggering mechanism be required for the parking spaces to be constructed if there is overcrowding and that parking spaces need to be utilized. He then stated he looked through the requirements for the landscaping in Section 27 of the Zoning code and saw that street trees were put in when the subdivision was created and they meet the requirements and the plantings around the building were adequate as well as it being a small parking lot and the interior parking islands meet the requirements. He stated that when D. Lindsay's office reviewed they picked up standards that were missed by his office. In section 310-42 there are supplemental regulations for parking that is adjacent to a residence district. When a commercial district abuts a residential district 5 ft. hedges are supposed to be in place along the perimeter; due to this being a religious use in the middle of a residential neighborhood it may be a question or an interpretation from the other consultants. Chairman Gerver, asked how a trigger gets triggered in reference to Land Banking? Attorney Golden state it would depend upon how the board words the resolution and the board would determine the trigger. The most efficient way would be to utilize the building Inspector, if he believes there is a problem whether it be that he observes or hears from others and goes out and observes, if he then determines that some or all of the bank parking needs to be utilized as active parking then he would then efficiently have the applicant do that, instead of making the applicant return to the board.

D. Lindsay stated that in the code, the board has some discretion about quantity of parking, and are allowed to reduce up to 25%. He then in terms of landscaping and buffering where the religious section is located as far as substantial burden there is a section there that a lot size or shape or existing structure make it infeasible to comply with the requirements of a front landscaped area or a landscaped parking area and may contain plant boxes or pots, trees or shrubs to comply with the intended use of the regulations. The buffering is at the discretion of the board, because usually you don't have something like this in the middle of a residential area, so the board should decide how they want it landscaped.

J. Queenan then discussed pedestrian traffic around the neighborhood and stated that the closest shul from this neighborhood is over a half a mile away which is not safe at night to walk on these roadways. The board requested an outline of roadways, turns and intersections. D. Lindsay, stated that every 400ft is standard for lighting the roadways within the Village. S. Capriglione, requested that the applicant submit a map to map out where the streetlights are around the neighborhood to make sure it is safe enough for pedestrians to be walking at night to the shul. She then stated that as far as google maps goes, there are multiple shul's already in the area and discussed multiple shul's with the applicant. The board also requested a new ARB submission due to the applicant re-designing. They then discussed stormwater management due to this being a residential lot and the fact that it is now becoming 3x bigger. J. Buglino, stated that maybe a leach pit or roof drainage would be a good idea. The board also discussed not being gender specific and due to them being a governmental agency they can't discriminate against gender. The board discussed that they have not completed SEQRA yet and the EAF part 3 was not yet finished. The board discussed the land banking and snow removal when the time comes, they decided to ask the applicant to submit new plans for the parking

after taking a few parking spaces away so in the future snow can be placed in those locations. The applicant stated that 16 spaces will be sufficient. The board then discussed lightning and whether or not the lights would be on all night. D. Lindsay stated the lights will be shielded with not glare and that would be an approved condition. He then stated that the lights would be on the building and not bothersome to residents in the area. The applicant stated that they are waiting for word from Kiryas Joel about the Water and they would be part of the Village of Woodbury Sewer, in which they would have to reach out and discuss it with the Water and Sewer Department. Attorney Golden, stated that the hours of operation would be condition and would be restricted based on what the board and the applicant/congregation to decide hours of operation and to stick with those hours of operation.

Chairman Gerver stated the applicant had some homework to do, and that the applicant would need to submit an ARB. S. Capriglione requested a rear-view rendering and the applicant stated he would supply it, even though nothing is changing.

B. Homeland Towers –

Discuss and set public hearing date for site plan submitted for proposed wireless telecommunications facility to include a 110-foot monopole with a 2,584 square foot multi carrier equipment compound at the base. Said property is located at 11 Abrams Road in Central Valley and is known on the Village of Woodbury Tax Maps as Section 226 Block 1 Lot 38.

Mr. Gaudioso, the Attorney representing Homeland Towers, stated he is here on behalf of the applicant. He then went on to say they received the responses from Mr. Musso, and they should have the responses in shortly, as well as their intent to file the freshwater wetlands permit.

Mr. Musso stated for the record he is working with the Village of Woodbury on this specific application. He stated that the last time he and the applicant were in front of the board was in July. The Board at that point declared intent to be SEQRA lead agency and he sent the board a document for review. He stated he believes the application is substantially complete at this point, however multiple comments from different consultants are going to change the drawing set. He stated, based on the situation of the proposed tower he would like to see some information on the stealth tree option, there was other information on a different site analysis that was provided by Homeland. He stated they looked into multiple carriers sharing the same pole/ location and it may or may not work. He stated conditions will have to be placed in the decision in regard to the emergency generator and specs on the drawing. He stated they received letters back from Shippo as well as the County and the County Highway stating there was no negative impact. He then asked if in the future they may want to have a height increase with the ability of having other carriers on the tower as well; being that this tower is relatively low-lying, and the Village has had other cell towers with co-habitation.

S. Capriglione asked Mr. Musso with the ability of having co-location the tower could go from 110 feet to 150 feet. Mr. Musso stated that in the future there could be a height increase, how the code is written it encourages co-location on cell towers. However; if they were to go above Verizon and increase the tower it would be a 10% increase and would need a variance. Mr. Gaudioso, stated they would never build a tower to extend to 150 feet it wouldn't be safe. A 110-foot tower would not have the support to support a 40-foot extension. The board suggested a tower foundation with a hinge point and a fall zone of half of the tower as well as a stealth tree looking tower. R. Cataggio asked if the stealth tree material was fireproof, and Mr. Gaudioso stated it was fiberglass.

Mr. Gaudioso stated they intend to fill out an application for the freshwater wetlands public hearing as well as a rendering of the tower, and they will have that in prior to the public hearing.

It was decided that the applicant will submit his revised materials by September 18th and be placed on the agenda for a public hearing on October 2, 2019. Chairman Gerver made a motion that the Village of Woodbury Planning Board declare its intent to be Lead Agency for this application, J. Buglino 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

C. Weiss / Apple Hill –

Review revised plans for proposed single family home located at 26 Apple Hill Drive in Highland Mills. This property is designated as a critical environmental area pursuant to SEQRA and subject to the village regulations for ridge preservation (310-13). Said property is known on the Village of Woodbury Tax Maps as Section 204 Block 2 Lot 2.

Mr. Mann stated he submitted a letter today with the revised plans and stated all elevation was complete. D. Lindsay stated there were minor changes to the septic system, the front yard, side yard and rear yard had minor setbacks that changed slightly. A rear deck, a front patio, and full finished basement were added as well as two bathrooms in the basement with multiple stalls in each. S. Capriglione asked that if this is a single-family home, and every bedroom has a bathroom was the original plan for this to be a women's / men's mikvah and was the big playroom going to turn into a shul. The applicant stated the owner has a big family who lives in Brooklyn, he has married off all his children and he wants to have a place where his whole family can congregate for summers and holidays. There are two toy rooms which will remain toy rooms. The smaller toy room will be converted to a sukkah during appropriate times, since the room is open to the sky.

It was decided that the applicant will submit his revisions and add an additional exit and stairwell in the basement, once the building department receives the changes from the applicant, D. Lindsay will request the opinion of the Building Inspector as to what he thinks of the extra stalls in the bathroom, due to the board members still being uneasy about allowing multiple stalls in a single family home.

The Planning Board authorized their attorney to draft a resolution of approval to be voted on at the next meeting on September 18, 2019. As long as all of the revisions are submitted to the building department in a timely manner.

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by S. Capriglione, to adjourn the meeting at 9:56 PM.

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

Jessica McClennan