

**Village Of Woodbury
Planning Board Meeting
January 20, 2021**

Minutes of the Planning Board Meeting held on January 20, 2021 at 7:30PM
(This meeting held via Zoom)

Present: Christopher Gerver, Chairman
Robert Anzalone
Richard Cataggio
Sandra Capriglione
Thomas Deluca

Absent: None

Also Present: Kelly Naughton, Planning Board Attorney
Natalie D. Barber, Villag Board Engineer
Adriana Beltrani, Village Planner

Chairman Gerver opened the meeting with Pledge of Allegiance.

1. Executive Session: No Executive Session was necessary.

2. Public Comment: No member of the public had comments.

3. Approval and Acceptance of Previous Minutes:

Motion was offered by Chairman Gerver, seconded by T. Deluca to approve and accept the minutes of the meeting held November 18, 2020. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 5 Chairperson Gerver, R. Anzalone, R. Cataggio, S. Capriglione, T. Deluca

NOES 0

Motion was offered by R. Anzalone, seconded by S. Capriglione to approve and accept the minutes of the meeting held January 6, 2021. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 5 Chairperson Gerver, R. Anzalone, R. Cataggio, S. Capriglione, T. Deluca

NOES 0

4. New Business: N/A

5. Regular Agenda:

A. - Valitov - Review and discuss documents submitted for proposed site plan to include Auto Body Repair/Detail Shop, Car Wash and Car Dealership. Said property is located at 24 Laura Lane in Central Valley and is known on the Village of Woodbury Tax Maps as Section 226 Block 1 Lots 23.

Background/General – This applicant has approached the Village for a number of other similar improvements to this property, but they have not progressed further than preliminary discussions. The property is improved with

an existing single-family dwelling and deck attachment, building (use unknown), shop, and shed. The property contains a portion of Woodbury Creek and its associated floodplain.

Engineer, Steven Green representing the applicant Vladimir Valitov gave a brief description of the property and what will be its use. A house located on Laura Lane in the IB Zone and the applicant is looking to build a building measuring 3,024 sq. ft. 72 x 42. The applicant provided a sketch plan showing 4 bay garage and drive through car wash in the back of the building. Mr. Green said there are 16 parking spaces that would be put in.

Mrs. Capriglione asked if the used car dealership was associated with the application. Mr. Green said he wasn't sure, but he thinks the applicant may want to sell cars since he has the space to place as many as 10 cars. Mrs. Capriglione said if the applicant is planning to have a 3rd usage on the property it must be part of the application and the review process changes. Chairman Gerver said it would be best for the applicant to have the entire plan reviewed at once. He said If the applicant chooses to do the repair shop and the car wash now to then later add a dealership the applicant would have to set an appearance with the Planning Board for an amended site plan approval. The applicant basically would be repeating the process all over again. Mr. Green said he will consult with the applicant.

Engineer, Natalie D. Barber said a detail repair shop and a car wash in the IB Zone is not permitted, unless the applicant pursues with adding the car dealership. She said after speaking with the Building Inspector Gary Thomasberger about the different proposed uses, adding the car dealership along with car wash and repair shop can be considered relative services. She continued to explain, as per code putting those 3 uses together the car wash could not be for the public. She said there are a lot of questions the applicant needs to answer as per the H2M Memo dated January 15, 2021. She started to name a few topics noted on the memo that the applicant needs to address.

H2M Memo dated January 15 2021:

1. Zoning – This property is located in the IB District.

a. Existing Use – The existing single-family dwelling is not a permitted use in the IB District. The Code has provisions for non-conforming uses that allows them to remain so long as they are unchanged. We have received an opinion from the Building Inspector that since “the proposed site plan is considered an expansion of the non-conforming use pursuant to Section 310-43.2(B) “Buildings or Land” and therefore requires a variance and special permit from the ZBA. Section 310-43.2(C) only permits the ZBA to issue a special permit for expansion of up to 10% of the building floor area.” He is unsure if a variance could be granted for land area, which requires a ZBA interpretation. In addition to the single-family home, the site plan shows an existing “Shop” and “Building”. The applicant should discuss the purpose of these structures to determine whether these are accessory or principal and how they may affect the bulk criteria.

Proposed Use – The IB District permits the sale of used motor vehicles by the same dealership, including related service facilities, as a Special Permit Use with Site Plan Approval (#13). We have discussed this with Building Inspector Thomasberger who advised, the proposed repair and detail shop with car wash are “related service facilities” that are permitted only as incidental uses to the used car dealership. Many of the application materials describe the proposed action as a mechanic shop and car wash, but without the car dealership these are not permitted. We recommend the applicant confirm the intent and revise the application submittal accordingly. The applicant should be aware and acknowledge that the site/use cannot serve the general public as a car wash destination.

b. Bulk & Area Regulations – In other applications with an existing residential and proposed commercial use, the Building Inspector has opined that the two principal uses could be permitted, as long as the lot meets the zoning criteria for each use. Since the existing home is not technically permitted, we do not know what bulk criteria would apply. This should be referred to the ZBA. If they choose to proceed, we recommend the applicant perform the required net-lot-area calculations for the ZBA to consider the proposed application.

The applicant's plan/bulk table should be revised as follows:

- 1. Depending on the determination on what criteria is applicable for a single-family home, and if the “building” and “shop” are also permitted principal uses, the bulk table should be updated to reflect the sum of the required lot area for each use and the other criteria should be updated as needed.*

2. *The required side yard is 30-feet or 1.5x the building height, whichever is greater. The note under the applicant's bulk table is incorrect and the location of the proposed shop should be adjusted to meet the minimum requirement of 30-ft.*
3. *The bulk table should not indicate "provided commercial" but should list the Special Permit Use – Used Car Dealership.*
4. *The location of the lot width dimension indicated by the applicant is unclear, although it appears complying. We recommend this be clarified.*
5. *The lot coverage calculations should be revisited. The total lot area should not change from the existing to developed conditions.*

If the applicant chooses to proceed before the ZBA, all of the required variances should be sought and the calculations and bulk criteria provided should be carefully reviewed for compliance with the Code.

c. Parking – Car dealerships typically have three types of parking: customer/employee, display and storage. The plan lists the parking requirements for retail/sales 1 per 200 SF, which was used in other applications for car dealerships. Based on the size of the building, it appears 16 spaces are required and 16 spaces (1 handicap) are shown. However, as noted above the applicant should consider the required parking for this use – employee/customer, sales, and display and how these could be properly arranged on the site. In this case display and sales vehicles may be considered the same function since it is a used car dealership. We recommend you consider with the applicant if the required parking is sufficient and discuss whether any reasonable restrictions or conditions are required for vehicle stacking or overflow parking.

We have reviewed prior applications for car sales approved in the Village and note when the BMW dealership (IB Zone) was approved for development in 2002 that applicant received relief in a ZBA decision dated September 26, 2002 for site conditions similar to the proposal by this applicant. We note the decisions of the ZBA below and recommend you confirm with Attorney Golden whether these would be applicable to the current application or whether they will need to go to the ZBA.

1. Outside Display of Merchandise (Vehicles) – For the approved, BMW dealership, the ZBA granted relief from the provisions of the Code [§310-24] that prohibit "the outdoor commercial display of merchandise for sale, including used motor vehicles, except as an accessory use under special permit from the Planning Board". We recommend you confirm with Counsel that the determination by the ZBA can be applied to this application and not require further ZBA relief or interpretation.

2. Unlicensed Vehicles – Your Code limits storage of unlicensed vehicles to a single vehicle not exceeding six (6) months in duration [§310-40.F.]. For the BMW application, the ZBA determined the vehicles on the site were commercial display and not "unlicensed vehicles". We recommend you confirm with Counsel that the determination by the ZBA can be applied to this application and not require further ZBA relief or interpretation.

a. Performance Standards in the IB Zone – The applicant should confirm compliance with the Code requirements §310-22 for noise, industrial wastes, fire and explosion hazards, hazardous materials, etc.

b. Aquifer Protection Overlay – The applicants property contains a portion of Woodbury Creek that is protected under your new aquifer protection regulations. We believe the proposed use and incidental uses, fall under the regulated special permit use category §310-31.4.E.6.ii. This requires connection to the municipal sewer system and development of a "Water Pollution Control Plan". We also recommend you discuss with the applicant the intent for salt application and snow removal to manage this site.

3. Site Plan –

a. Access – Access to the site is from Laura Lane, which may not be improved to Village standards. The ownership and right-of-access from Laura Lane should be discussed. If this is by agreement, a copy should be provided for review by Counsel.

b. Water – The applicant's "Projected Water and Sewer Demand" form indicates the water service is existing. This feature is not shown on the plan and should be confirmed. The applicant should revise this form to include the water usage for the existing and proposed uses.

c. Sewer – It appears an existing sewer service is available, but the connection to the proposed structure is not shown. Furthermore, the "Projected Water and Sewer Demand" form does not indicate a new connection is proposed, which we

assume was inadvertently omitted. Applicant to discuss. The applicant should revise this form to include the sewer generation for the existing and proposed uses. At the appropriate time, the status of the existing facilities should be discussed with the Sewer Superintendent.

d. Drainage – Drainage is an important consideration for this site due to the proposed use and its proximity to Woodbury Creek. The recent pavement improvements could increase the volume of runoff from this site on to neighboring properties and towards Woodbury Creek. An erosion and sediment control and drainage plan should be submitted, and a Stormwater Pollution and Prevention Plan (SWPPP) should be provided.

e. Easements – A 20-ft sewer easement is shown located along the westernmost property line that contains the “existing building”. The recorded instrument of this feature should be provided to Counsel. Typically, structures are not permitted within easement areas.

f. Floodplain Development – According to mapping by the Federal Emergency Management Association (FEMA) the property is almost entirely encumbered within the 100-year floodplain, the limits of this feature should be shown on the plan. If the applicant chooses to proceed, a floodplain development permit will be required.

g. SEORA – The applicant submitted a Short Form EAF Part 1. We have a number of comments on this form and recommend it be resubmitted with the EAF Mapper available on the DEC website: Page 1 – The proposed action describes a garage and car wash bay but does not include the used car dealership. Item 5.a – The form as it is prepared is incorrect, since it indicates the proposed use is permitted under the zoning regulations and as it is listed it is not. Item 10 – Existing water supply to be confirmed. Item 11 – Connection to existing sewer facilities is not shown. Item 15 – Presence of species including the Northern Long-Eared Bat and Bog Turtles. Item 16 – The project site is almost wholly located in the 100-year flood plain.

h. ESO's – We recommend the ESO's be consulted on access to the site and clearance under the railroad overpass. i. Fire Permit – Per the Code (§154-5.A.27) a fire permit may be required for the incidental repair shop use.

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Mr. Anzalone asked Ms. Barber if Laura Lane is public or privately owned road. Ms. Barber wasn't clear as to who own it. Planning Board Attorney, Kelly Naughton said she wasn't sure if it was a public road or private and suggested that the applicant look into it, because all of that applies to the public safety when accessing the property. Chairman Gerver said he had spoken with the Highway Superintendent, Robert Weyant and Mr. Weyant said the Village does not maintain it. Ms. Naughton suggested the applicant to provide a document saying who owns it. Then it would be reviewed to see if there's any current maintenance standards, if not the Planning Board would likely consider that as a condition for the Resolution of Approval. Mr. Green said the road is privately owned by owners of each side, but the Town of Woodbury maintains it. He said it has been that way for long time. Mr. Green said it was discussed back when the applicant went over his plans for the lot. He said that information may be logged in the minutes. Ms. Barber said if the road is owned by owners on either side then there should be an agreement for access for the applicant's property. Ms. Naughton said she will reach out to find out if the Town maintains that road to clear things up.

Mr. Green said the applicant lives in the house on the lot and he explained to the applicant that if he was approved, he would have to knock down the house because its an accessory structure, and its not allowed on the lot. He continued to say to keep the house he would go in front of the ZBA for a variance, resolving the issue with the code.

Mrs. Capriglione asked Ms. Barber for some clarification on what the applicant needs to do in order to have all 3 uses. She then suggests it may be best for the applicant to appear before the ZBA. Ms. Barber the applicant should clear up some things before appearing before the ZBA. She thinks the applicant should finalize their intent so they can address everything with the ZBA.

Mrs. Capriglione asked Mr. Green to update the name of a property on the sketch plan. On the plan it's identified as Aon when it should be Divanudo. Mr. Green said he'll take a look and make the necessary changes.

Planner, Adriana Beltrani agreed with Ms. Barber, the applicant has to clear up some things. She said once the site plan (floor plans, landscaping and elevations) and variances are granted, comments will then be provided. She said Village Planner, Jonathan Lockman had comments on parking. There are no specific off-street parking requirements, but the Planning Board can determine an appropriate amount. Ms. Beltrani said Mr. Lockman believes the amount of space should be 16, although it depends on the amount of uses on the property. Mr. Deluca asked Ms. Beltrani if the 16 parking spaces for the car wash and repair shop or its also including the car dealership. Ms. Beltrani said Mr. Lockman was referring to the car wash. Ms. Barber said parking requirements for commercial sales is one space for 200 sq. ft. and based on the building size, 16 spaces comply. She said based on the renderings she received the building measured 3,285 sq. ft. which would require 17 parking spaces. She said this is another topic to discuss with the applicant, since there should be parking for customers and display sales. Mr. Green said he will discuss it with the applicant.

Chairman Gerver said Mr. Green has a lot to discuss with the applicant before the resubmission. Mr. Green suggests appearing before the ZBA and the Chairman did not think it would be appropriate since the applicant is not at that stage. Ms. Naughton explained the process the Planning Board goes through with the applicant so that the applicant can present themselves to the ZBA with all the information at hand. She suggests Mr. Green to speak with the applicant and figure out what the goal is and see if it can be accomplished. Mr. Green said he will talk it over with the applicant and resubmit the application. Ms. Barber suggests the applicant go over all the memos and try to address what was noted. Ms. Naughton said when resubmitting the application to please provide a copy of the sewer easement, so that it can be reviewed. Mr. Green said he will try to find it.

Mr. Cataggio noted an error on the agenda. It stated 34 Laura Lane. Chairman Gerver said it should be 24 Laura Lane.

- B. Cody Boys School** – Review and discuss documents submitted for site plan approval of a 2 story 4,000 sq. ft. addition to existing School/Mikvah building. Said property is located on Bnai Yoel Drive off of County Route 105 in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 225-1-45.1 & 45.2.

Engineer, Michael J. Sandor from MJS Engineering representing the applicant offered some history on the application. He said the last approval was granted in May 15, 2009 and the reason they are in front of the Board is the applicant wishes to start phase 3 of his project. The applicant would like to build a 2,000 sq. ft. addition to building #4. He said upon the approval of the application the Planning Board had a phasing schedule. Mr. Sandor gave a description of the phases. Phase 1 was to increase the population of building #3, Phase 2 was the addition of a two-story building expansion to existing building #4 and Phase 3 2,000 sq. ft. addition to building #4. He said copies of the original site plan as well as the resolution of approval were sent to the Board. He continued to say the Orange County Health Department reviewed the septic system for building #3 as well as the water supply system. He said almost all the work shown on the site plan was constructed except for the addition of building #4 addition.

The applicant went to the Building Department with plans for the addition and was told to appear in front of the Planning Board for a renewal of the original site plan approval. Mr. Sandor said he read the code and to his understanding the applicant does not get a building permit within a year the approval would be null and void. He said the applicant did get a building permit for the original phases and so he's hoping the Board reviews this application as a renewal of the original site plan approval.

Mr. Sandor began to address some comments from the consultants. As per the memos, he said he will provide the information regarding water supply, the question regarding wastewater disposal, they are willing to do a dye test and let the Town know. Mr. Sandor made reference to an additional storage tank. He said the fire department will be asked to take a look. Mr. Sandor referred to the Planners comments and believes it should not be considered a new application, it a renewal of the old application. Regarding the memos the septic replacement has been done, and as per the detail renderings and suggested to go view the building since its up,

Mr. Sandor is hoping the Planning Board sees this application as a renewal of the original application, therefore allowing the applicant to get a building permit. Mr. Sandor assured the number of populations will not change. The addition is to have extra room to the existing building and the facility overall.

Chairman Gerver said the code is clear as far as a renewal of an elapse project, if it's expired its expired. He asked Ms. Naughton for verification and she agreed with the Chairman. Ms. Naughton said she had looked at the original documents and did not see where it was specified the approval of phases as suggested by Mr. Sandor. She continues to say that this application should be treated as a new application. Mr. Sandor noted that on drawing C1 there's a phasing schedule though it does not note when it should be built. Ms. Naughton addressed the Board saying they an proceed as a new application, essentially amending a prior application because that one lapsed. The Board is to take into account the information already provided and the additional information from tonight's meeting. Chairman Gerver said a public hearing and a GML will be required because it's a new application and Ms. Naughton agreed. Mrs. Capriglione asked if a new map will be provided since its dated 2007. Ms. Naughton said there shouldn't be a new map unless something has changed. If so, it would be beneficial for the Board to recognize what was built or proposed. Mr. Sandor said he would have to provide a new map removing language "proposed" to then have it noted as "existing". Mrs. Capriglione asked about the development in the adjacent lots. She feels it might make an impact due to water and sewer. Mr. Sandor said the project in question has its own well supply and its own on-site septic. Chairman Gerver asked if recently the septic was tested by the Orange County Department of Health. Mr. Sandor said those system was tested 10 years ago. Ms. Barber asked if there were any connections made to the Orange County Sewer District and if so what's the status. Mr. Sandor said those connections were shown on the plans as future backups to the system. He said those extensions were never installed. Ms. Barber said she interpreted those plans differently and noted it be essential in the resolution of approval. She suggested it be discussed further.

Ms. Barber said the on-site septic system was review with the Building Inspector Thomasberger and noted it may not be operating properly therefore an engineer certification is requested. Ms. Barber suggested the Building Department to witness the dye test Mr. Sandor previously agreed to do, as well as visual inspection of the septic tanks. Ms. Barber continued to ask Mr. Sandor to provide documentation on the well supply and fire protection tanks.

Ms. Beltrani went over the memo and she started to say there was some discrepancies in the number of square footages in the submission letter. She continued to say the approved plan from 2008 shows a future parking area and It appears that this parking lot is already there, with a northwest and northeast driveway connection that are not shown on the 2008 approved drawing. She said it should be clarified whether the applicant intends to let this parking lot remain as built or reshape or resize it. She started to list certain topics that need confirmation from the applicant, for instance landscaping, lighting and trailer removal. She requested a copy of the approved variances. She advised the applicant to make sure all documents are filled out since the escrow account signature card was blank.

Nelson, Pope Voorhis Memo dated January 15, 2021:

1. The submitted 2008 approved (but expired) site plan indicates two additions totaling 11,800 square feet (4,000 sf on the west side and 7,800 sf on the east side). The resolution of the expired approval from 2008 indicates an approved proposed addition of 12,000 square feet. The discrepancies in these numbers should be clarified. The partially constructed additions (as compared to what is indicated on the submitted 2008 plan) should be specified on a revised site plan. It appears that the eastern part of the addition from the 2008 approval is in existence, according to the image available on Google Maps.

2. The approved plan set from 2008 shows a "future parking area if required." It appears that this parking lot is already there, with a northwest and northeast driveway connection that are not shown on the 2008 approved drawing. It should be clarified whether the applicant intends to let this parking lot remain as built, or whether it wishes to resize and reshape it and remove the northerly driveway connections, to match the configuration to the 2008 site plan. The applicant's intention to install landscaping and lighting as shown on sheets C-2 and C-3 should be confirmed.

3. *The status of the septic field replacement shown on the 2008 site plan should be clarified.*
4. *The status of the trailer removals shown on the 2008 site plan should be clarified.*
5. *Copies of the approved variance should be submitted, for reference.*
6. *Elevations and architectural details from the previous ARB and Ridge Preservations should be resubmitted for the Planning Board's review, with proposed changes from the 2008 approval, if any.*
7. *The form submitted with the application "Projected Water and Sewer Demand for Connection to Municipal System" is blank.*
8. *The Escrow Account signature card submitted with the application is blank, except for the escrow agent phone number.*
9. *We note that the 2008 site plan shows only pre-construction existing topography, and does not indicate proposed finished grades, as the Planning Board has been requiring in recent years.*
10. *We will defer to the Planning Board Attorney's opinion as to whether the SEQRA Negative Declaration of October 15, 2008 can be reaffirmed, or whether any new SEQRA procedures or submittals will be required.*
11. *We will defer to the Planning Board Engineer as to whether the stormwater management details proposed in 2008 meet current standards for treating stormwater quantity and quality.*

Mr. Sandor began to address the comments from Nelson, Pope Voorhis memo. He said he did not submit a short form or long form with the application. In reference to the water and sewer connection to the municipal, he put down not applicable. Mr. Sandor continued to say he would supply information regarding water and sewer. He said his next submission would include the addition to building #4. He made reference to the parking lot and was in agreement with Ms. Barber and Ms. Beltrani comments. He concluded saying changes were done and he will reflect them in the site plan. The site plan will show the addition to building #4, items that need to be reviewed by the Planning Board, items that were addressed in the memos.

As a reminder to the applicant Ms. Naughton said this was a type2 action under SEQRA therefore no further environmental review.

Mrs. Capriglione said since the site plan expired the variance doesn't expire. Ms. Naughton confirmed the variance continues. Mrs. Capriglione proceeded to read number 8 from the previous conditions. She asked if there had been any development.

Condition #8 The existing driveway accessing the site is presently sufficient however if there is any development of property southeast of the driveway onto Ryder Farm Road then the existing driveway must be improved to such an extent as acceptable to the village engineer or special permit will be revoked by the Planning Board.

Mr. Sandor gave a reason as to why that condition was added. He said back in the 80's there was a sub-division that was going to be single-family homes and if that was to take place that entrance would have to be looked at. Mrs. Capriglione asked if it was developed and Mr. Sandor said no and its not part of the application.

Mr. Cataggio asked if the building with the 4,000 sq. ft. is the one that will sit between the Village of Woodbury and the Town of Monroe and Mr. Sandor concurred. Mr. Cataggio asked Ms. Naughton how would it work with both entities. She said the portion in question is solely located within Village of Woodbury, so its just the Village.

Mr. Sandor said in the past Woodbury took lead agency on the whole project. Mr. Sandor confirmed he will provide a revised map. He acknowledged what needs to be done and thanked the Board.

- C. **KJ Water Treatment Facility** – Review and discuss documents submitted for site plan approval of a proposed Water Treatment Facility located at 147 Seven Spring Rd in Highland Mills. Said property is known on the Village of Woodbury Tax Maps as Section 213 Block 1 Lot 49.

Background/General – KJ is engaged in a project to connect to the New York City Catskill Aqueduct. A connection to the aqueduct requires KJ have a back-up water supply source. According to their correspondence they are in the fourth phase of this project. In 2016, the Planning Board approved two site plan applications for a pump station on Ridge Road and chlorine treatment facility on this subject property. In 2017, the Planning Board reviewed and approved these improvements for ARB and Ridge Preservation. Our inspector advises the work was completed in substantial conformance with the approved site plan.

Attorney, Marissa Weiss from Jacobowitz and Gubits representing the applicant gave a general background on this application. She said the project was a modification of a previously approved plan for a wastewater treatment plant. They are moving forward with all the documentation to other state agencies that are involved. She said this is the 4th phase of the Catskill Aqueduct project. Ms. Weiss mention her consultation with Ms. Naughton regarding SEQRA. According to Ms. Weiss, Ms. Naughton was not aware that the new proposed wastewater treatment plan was part of a previous SEQRA review. Ms. Weiss will be providing those SEQRA documents so that Ms. Naughton can make her review. Chairman Gerver asked Ms. Weiss to confirm if its wastewater or water treatment. She corrected herself and said its water treatment.

Mrs. Capriglione asked if the previous Planning Board considered this plan back in 2016. Ms. Weiss said there's currently a smaller treatment plant which is shown on the site plan. The site plan shows the addition to the existing facility. She said it's a modification of the site plan that was before the Board in 2016. Ms. Weiss noted that letters were sent to the Board regarding their position to their immunity from this review. She said they are not present to discuss, but wanted it on record. She said they did not need discretionary approval, but would like to be cooperative with the municipal dialogue.

Engineer, Tom Schoettlet shared his screen providing pictures and site plan. He proceeded to go through his presentation accepting questions along the way. Mr. Schoettlet proceeded to give some background on the project. He said since there are many phases, they were grouped into 2 phases. Phase 1 has already been completed, it involved 6.5 miles of 24-inch diameter transmission main up to the Mountainville Pump Station. He said there is a well field at that location that would serve as a backup water supply to the aqueduct connection that the village is constructing. He said there's a number of pump station, Ridge Road Pump Station and a disinfection station. The disinfection station is on Ridge Road and its purpose of that facility is to chlorinate the water before entering the Village. Mr. Schoettlet said the water treatment plant project is part of the overall larger phase, which involves the completion of the pipeline to the tapping facility into the Aqueduct and then to the water treatment plant.

Mrs. Capriglione asked if the Mountainville well be shut down. Mr. Schoettlet said yes, the plan is to shut off all the groundwater well. Looking at the plans Mrs. Capriglione asked if there will be another well to be dug and Mr. Schoettlet said yes. He said that well is not part of the CDM Smith's project, its part of another engineering that's underway. Mrs. Capriglione asked both the Mountainville well and the well on this project site will not be in use once the Aqueduct is up and running. Mr. Schoettlet said yes.

Mr. Schoettlet continued showing the project location on the screen. He proceeded to point out the site topography which shows a slope and they tired to take advantage of it by trying to incorporate so that the view from the street can be somewhat obscured. Mr. Schoettlet said they are planning to construct a new treatment facility; it would be a 2 mgd drinking water treatment plant. It'll house a filtration clarification, a small boiler room to heat the building, chemical storage, feed facility and various equipment space. He said there will be

also a 500,000-gallon water storage tank. The tank will receive water from the 24-inch water main, coming down from Mountainville. He said any equipment removed from the water will be treated, dried out, stored and eventually trucked off site. Down the road if necessary, there is room for future expansion should it be necessary. The facility is being designed for 2-million-gallon day treatment. Mrs. Capriglione asked to confirm if the tank was for Mountainville water. Mr. Schoettlet apologized for the confusion; he was referring to Mountainville as a location. Mr. Deluca asked if that tank was strictly for the Aqueduct water and Mr. Schoettlet said yes.

Mr. Anzalone asked where would the location of the generators be. Mr. Schoettlet pointed out where the outdoor generator would be by pointing to the map. Mr. Schoettlet said the building is pre-engineered metal. He provided the architect's rendering of what the building looks like. It shows the treatment equipment, where the water once treated is discharged. He continued to point out certain equipment, foundation, chemicals routinely used in water treatment, and other areas on the plan.

Chairman Gerver asked the clear water is stored underground, below the building. Mr. Schoettlet said the clean water is stored underground below the building in a clear well. Chairman Gerver asked how often will the lagoon bits be cleared. Mr. Schoettlet said probably quarterly or on how thick or opaque it becomes. Chairman Gerver asked if that would require an 18-wheeler or a small dump truck. M. Schoettlet said the Water Department will probably procure those services. He gave an example for a better understanding of what's being used at another up and running location. Chairman Gerver asked if it's considered regular solid municipal waste. Mr. Schoettlet said yes. It's also used as a daily landfill cover. Mrs. Capriglione asked if it has an order. Mr. Schoettlet said generally not. Chairman Gerver asked about water testing. Mr. Schoettlet said there are provisions for water sampling (DOH requirements). Chairmen Gerver asked if additional pumps and equipment will be kept on site. Mr. Schoettlet replied saying there isn't enough room, but there may be some spares. Mrs. Capriglione asked about noise. She asked if being outside you can hear the noise from inside. Mr. Schoettlet said the noisiest piece of equipment in the building is a blower. Chairman Gerver asked if they will use gas or diesel and Mr. Schoettlet said diesel. He confirmed the tank that's typically under will be an integral storage tank along with a chemical tank outside. He said carbon dioxide will be brought onto the site and used as a ph adjustment. He continued to say the carbon dioxide may not be required but it will be used as a precaution in the event they have water quality changes or regulatory changes down the road.

Mr. Anzalone asked if there would be smoke coming out the diesel engines or air pollution emitting from the plant. Mr. Schoettlet said there will be exhaust from the engine, but in accordance with the requirements for a standby generator in New York the state requires air pollution control. He said it shouldn't be a factor because it will be for intermittent use for exercising and during emergencies. He added saying the tanks have vents and from the street the odor/pollution wouldn't be noticed. As per H2M comments it was asked that the applicant having those tanks comply with the New York State spill prevention plan. Mr. Schoettlet said the tanks have secondary containment as required by the state regulations.

Mrs. Capriglione asked if the facility will be fenced. Mr. Schoettlet confirmed there will be an 8 ft. high chain link fence surrounding the entire perimeter.

Mr. Schoettlet provided a slide showing a schedule as to where they are time wise. He noted they already issued a contract to the firm that will be installing the next phase. He said the pipe between Mountainville and New Windsor construction is commencing. He also pointed out the schedule for the water treatment plant along with the work in New Windsor will commence late Spring of 2021 and construction days will be around 550 calendar days.

Ms. Barber made reference to her memo dated January 15, 2021. She said most of her comments have been answered by the applicant, so she tried to going over parts that were not covered. She began by saying the parcel is in a R-2A zone already improved with the chlorination building. It was confirmed by the Building Inspector Thomasberg that it is a public utility structure and it's permitted in the zone. Ms. Barber suggest the applicant to provide a bulk table and a confirmation that the compliance with setbacks is achieved. Mr. Schoettlet had mentioned Well 33 is being covered by others and after assisting the Village review the application, it was recommended that it be considered for a site plan approval. Ms. Barber said that it would be the responsibility of the applicant to include it to this site plan, to help facilitate things. She mentions the onsite septic system that's shown, but no details or soil information were provided. The disposal capabilities should be proven prior to the applicant's action and witnessed by the Building Department or H2M. Ms. Barber also recommended that the applicant confirm the separation distances from this feature on the plan per the DOH regulations. She proceeded to go through her notes mentioning stormwater regulations, chemicals and fuels to be stored, access to the site and more in her memo. Regarding access, the propose driveway cuts to a county road and it will require county approval. Ms. Barber thought a traffic consultant would be beneficial to review that access and the circulation of the site. She also said the applicant should demonstrate compliance with their new ARB enriched preservation requirements. She said any architectural treatment that would help blend the proposed structures into the surrounding area. Ms. Barber mention other sites as examples just to give the applicant ideas.

H2M Memo dated January 15, 2021:

B) Review of Submitted Materials –

1. Zoning – The applicant proposes to construct a WTP for municipal water supply. Your Code defines a “public utility” as “a use necessary for the safe and efficient operation of a gas, water, communication, electric or sewage disposal system for the benefit of the public”. This site is located in the R-2A Zoning District. The Schedule of Zoning District Regulations [§310-7, Attachment 2] for the R-2A District permits public utility structures and rights-of-way by special permit and site plan approval from the Planning Board (special permit and site plan approval use #1). In our opinion the use is permitted in the zone.

The applicant should provide a table of the zoning requirements on the plan and show the setback requirements and all improvements on the lot. We note in the Planning Board's review and approval of the chlorination plant, it was determined there were no limitations on setback requirements for public utility structures. As you did then, we recommend this be confirmed with the Building Inspector. Nonetheless, we would expect you would want to respect the setback area of the zone especially for a building of this size. And on a site this size, we believe the applicant could comply.

2. Site Plan – The Planning Board is authorized under §310-45; Article VIII of the Village's Zoning Code to review and enlargement of all buildings in all districts other than one (1) family residences in R-3A, R-2A, R-1A and R-0.25A districts...” [§310-45.C(1)(a)]. The Code also requires [§310-45.C.(1)(d)] a site plan be submitted for any application for a special permit. The Code further defines the objectives and design requirements of the site plan and provides specific site plan requirements under §310-45.I. The applicant should confirm compliance or request a waiver for these as applicable.

a. Utilities:

- i. Water – The applicant proposes a new on-site well labeled as Well 33. The NYSDEC notified the Village about the proposed KJ well as part of their review of the Water Withdrawal Application. Construction, water quality, and supply of the well will be reviewed under DEC and DOH authority. For your consideration, we recommend the applicant provide details of the proposed clearing, grading, location, and pipeline required for the well.*
- ii. Sewer – The outline of an on-site septic disposal system is shown, but no design details or soils information have been provided. We recommend the applicant confirm on the plan that adequate separation distances between water supply facilities are maintained on this and neighboring properties. We believe adequate onsite septic disposal capability (deep test and percolation test witnessed by the Village Building Department) should*

be provided prior to your action. However, if you approve this subject to demonstrating adequate septic system capacity, no building permit should be issued until a site investigation and septic design in accordance with Health Department Standards is submitted and approved.

- iii. Stormwater & Erosion & Sediment Control – Although details for stormwater management practices and erosion and sediment control (ESC) are provided, a drainage and ESC plan has not been provided. The disturbance area should be confirmed and should include what is required for the well construction. It is apparent that the disturbance area is greater than one acre and a Stormwater Management Pollution and Prevention Plan (SWPPP) is required. We recommend the applicant review the Code requirements §267 for Stormwater Management and comply.*

b. Chemical/Fuel Storage & Delivery – A list of chemicals and fuels to be stored should be provided, including their proposed storage capacities. Compliance with the DEC's Chemical and Petroleum Bulk Storage program is required including the provision for a Spill Prevention Report (SPR) (otherwise known as Spill Prevention and Counter Measures Control Plan (SPCC)) for preventing and reporting spills. This should address such issues as chemical inventory, double containment storage, delivery protection, monitoring of usage, protective pipe and pump systems with containment, separation of incompatible substances, among others. Delivery frequency should also be provided as well as confirmation that the delivery trucks can maneuver the site.

c. Layout/Traffic Circulation/Access –

i. Layout – The applicant proposes construction of the WTP in a residential area on an improved site with a chlorination treatment facility. The applicant's plans show minor changes to the arrangement in fencing to encompass both the chlorination facility and proposed WTP. A sidewalk with staircase is proposed in between the two facilities. The WTP is approximately 15-ft lower at grade than the chlorination building.

ii. Access - The applicant proposes access via a new curb-cut to Seven Springs Road in addition to the curb cut provided for the chlorination building. Access will be to a County Highway with a new curb-cut requiring County approval. A GML referral is required and we expect Orange County DPW will provide some response. The access is near the crest of a steep grade and chemical delivery trucks will need to move slowly to turn. You may wish to have your traffic consultant review this arrangement and compliance with your Code, as well as any needed safety measures.

iii. Circulation – Dimensions of the driveway, aisles, and parking stalls should be provided.

d. Retaining Wall – Details of the retaining wall should be provided, including elevations shown on the plan and materials of construction.

e. Landscaping – We recommend the applicant provide details on landscaping to the satisfaction of your Board and Planner.

f. ARB – Architectural review is required in connection with any application for special permit and is an important consideration for this application. The applicant has provided a rendering of the proposed building. As noted in the Code for Architectural Review Board Findings and Purposes [Chapter VIII Section 8-1], you should review the design of the proposed structures to see if they adversely affect the desirability of the immediate area and the neighboring areas for residential and business purposes. As noted in the ARB regulations the purpose is to prevent harmful effects of improper exterior appearances of buildings erected and to promote the health, safety, comfort and general welfare of the community and to protect and promote the public conveyance and prosperity for the most appropriate use of land within the Village. The applicant should provide your ARB form with regards to materials of construction. When you consider ARB, you could consider any reasonable means for blending this structure in to the surrounding area. An example would be to request a barn type façade, roof line, materials, and doors. This is to your discretion. You may also want to consider the overall site and other features proposed. The materials for lagoon and storage tank construction may be limited, but landscaping and architectural treatments could be used to mitigate potential visual effects.

Ms. Beltrani said Ms. Barber addressed most of the comments she has in her memo. She said broken area standard should be included in a table. She said in the site plan, landscaping should be provided, ARB review is also required, and the memo also discusses ridgeline protection overly or region preservation regulations.

Chairman Gerver said the area is not highly developed as of now, but as it was alluded the Board is looking at a few applications for sub-division in that area. He asked if the area can be concealed more than it is. Even with the few trees you can see a big steel structure standing out, so he suggested some landscaping. He said the

Board will have to see the ARB showing the actual colors of what the building will look like. In reference to the storage tank for the raw water, he asked how much of a visual of the water tank and the building would he have standing at street level. Mr. Schoettlet did not have a site section view from the street, so he will try and get that before the Board. Chairman Gerver suggested taking a photo from the street or having an aerial view would help. Mr. Schoettlet said he will consult with the architect to see if he may already have it. Chairman Gerver said the Board understands the need for the treatment, but they just want to make sure it fits with the neighborhood.

Mrs. Capriglione asked Ms. Barber where she can find pictures of other treatment plants that help blend into its surroundings. Ms. Barber said they can be found online; one is in Pennsylvania and the other in Putnam in West Chester County.

Chairman Gerver asked Ms. Naughton about the GML and public hearing. Ms. Naughton said the GML can be sent out, but this application is not ready for public hearing. She said initially she was going to suggest SEQRA but as Ms. Weiss previously mentioned this application is part of a bigger project. Ms. Weiss is to send those documents to Ms. Naughton for review.

Mr. Deluca noticed a discrepancy on the Orange County Application, the address has 142 Seven Springs Road when other documents have 147 Seven Springs Road. Mr. Schoettlet said it was his error. Chairman Gerver double check and the correct address is 147 Seven Springs Road. The Chairman advised to have that correction made by the next submission if possible. Mrs. Capriglione also advised to correct the zip code for the Village of KJ, it seems to go between 10950 and 10949. She feels it should be consistent throughout all documents. She also pointed out the form Village of Woodbury authorization for inspection, the top part of page 3 is blank and it needs to be notarized. Ms. Weiss said they would make sure it's taken care of.

Mrs. Capriglione referred to #9 and #10 in the general notes of the Water Treatment Site Plan.

9. Contractor shall restore all lawns, driveway (including culvert pipes), walls, walks, curbs, fences, etc. To a condition at least as good as they were before being disturbed. Mailboxes, posts, etc. Shall be protected or removed and replace exactly as they were before being disturb. Items damaged through contractor negligence shall be replaced at the contractor's expense. Contractor is advised that some of these items are old and the condition of them cannot be guaranteed. It will be the responsibility of the contractor to replace these items which are damaged during construction activities, regardless of the pre-existing condition of the item. The cost of this work shall be paid for under the bid item for miscellaneous work and cleanup.

10. Box all trees and house all shrubs and hedges before placing earth against or near them. Shrubs & hedges which must be removed during construction shall be replaced in as good a condition as they were before their removal. Any damaged trees, shrubs and/or hedges shall be replaced at the contractor's expense.

Mrs. Capriglione asked if this type of language gets bonded. Ms. Naughton said not for landscaping, usually it can be included as a condition. Mrs. Capriglione then referred to #16 in the general notes.

16. Route 32 and Route 94 are under the jurisdiction of the New York State Department of Transportation (NYSDOT), and Riley Road is under the jurisdiction of the Town of New Windsor.

She asked if Ridge Road and Seven Springs Road needed to be added as ownership. Ms. Naughton doesn't think it needs to be added unless the applicant has that information and would like to add it on the next submission. the Board. He said the cover sheet shows the other work site it was redacted to avoid confusion. Mrs. Capriglione referred to #20 and asked who monitors it and will it be a responsibility for KJ.

20. Contractor shall install and utilize filter bags and other erodin control measure for all dewatering operations in the vicinity of streams, swales and drainage culverts to prevent sedimentation.

Mr. Schoettlet said CDM Smith will be serving as the construction manager. He said the project is being funded by the SRF. Mrs. Capriglione also asked about #22. Mr. Schoettlet said #22 has the same answer as #20. Mrs. Capriglione then referred to #28.

22. Contractor must have an operational mechanical sweeper onsite at all times during construction, excessive sediment on the roadway shall be removed as needed or as directed by the resident inspector.

28. Future maintenance on the water main will be coordinated by the Village of Kiryas Joel as needed. Contact the Village at 845-783-8300 for future repairs.

Mrs. Capriglione asked what water main is the notes referring to. Mr. Schoettlet said they are referring to the high-pressure line coming off the treatment plant. Mrs. Capriglione then referred to #30.

30. No trenches are to be left open overnight. Installation of plates over the opening will be at the discretion of the field representatives and the Roadway Authority. In general over night plates will not be allowed. In addition, no equipment will be parked or stored along the side of any roads overnight.

Mr. Schoettlet said it's a general note that cover a part of the project taking place in New Windsor. He said there will be excavation in the public right away at that location; the notes apply to a piece which is outside the jurisdiction. Mrs. Capriglione asked if there will be piping. Mr. Schoettlet said no, but there will be a connection coming off the main, a final connection. He said he'll provide details.

Chairman Gerver asked during construction there will be one spot that will be considered permanent confined space, does CDM rely on local emergency services to provide access should an accident occur or will the applicant have their own train staff. Mr. Schoettlet said the contractor will prepare a site for a healthy and safety plan. Its not in place yet, but when it's built it would be considered part of the health and safety plan approval process.

The Board had no more questions for the applicant. Ms. Weiss and Mr. Schoettlet acknowledge the list of things they need to have in place before their next meet with the Board.

Adjournment:

With no further business to discuss, a motion was offered by T. Deluca, seconded by S. Capriglione, to adjourn the meeting at 9:19 PM.

ADOPTED

AYES 5 Chairperson Gerver, R. Anzalone, R. Cataggio, S. Capriglione, T. Deluca
NOES 0

Claudia Romanisin, Planning Board Secretary