

**Village of Woodbury
Planning Board Meeting
April 7, 2021**

Minutes of the Planning Board Meeting held on April 7, 2021, at 7:30 PM
(Meeting held via Zoom)

Board Members Present: Christopher Gerver, Chairman
Robert Anzalone
Richard Cattagio
Thomas Deluca

Representing for the Village of Woodbury Planning Board:
Richard Golden, Attorney
Natalie D. Barber, Engineer
Jonathan Lockman, Planner
Philip Grealy, Traffic Consultant

Board Member(s) Absent: Sandra Capriglione

Chairman Gerver opened the meeting with the 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:**

A motion was offered by Chairman Gerver, seconded by T. Deluca, to approve and accept the minutes of the meeting held on March 17, 2021. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairperson Gerver, R. Anzalone, R. Cattagio, T. Deluca
NOES 0

4. **Regular Agenda:**

- A. **Shops of Woodbury** – Review submissions for proposed site plan, special permit, and ARB review for a mixed-use development to include retail stores, restaurants, and a hotel. Said property is located at the intersection of Route 32 and Locey Lane and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lots 34.1 & 34.22

The application is for a mixed-use commercial center development with retail, restaurant, and hotel uses totaling 52,650 SF in footprint area. The northern portion of the site is occupied by the County Park and Ride Facility, which the applicant indicates will be accessible during construction and “at all times”.

Background: The sketched plan review was considered back in 2018 with a referral to the Zoning Board of Appeals and the ESO’s. The ESO’s met in May and June of 2018, May of 2019, and November 13, 2020. SEQRA was concluded in February 2019, when the Planning Board agreed that the potential adverse impacts mitigated through the prior review and findings for Cabela’s were applicable to this application. On June 13, 2019, the Village Board of Trustees adopted legislation approving a Hotel Overlay District encompassing the subject property and eliminating the need for some of the variances under consideration by the ZBA (e.g., hotel use and building height). On January 8, 2020, the applicant received a decision from the ZBA on issues including lot coverage, side yard setback, and front landscaped area. The applicant was last before the Planning Board on December 2, 2020 at which time a public hearing was held and closed. At that time, the Board requested the applicant to pursue the outstanding threshold issues with the Village Board of Trustees to include: Melody Lane right-of-way transfer, contribution for infiltration and inflow, among others.

Attorney, Dominic Cordisco introduced the team Engineers, Steve Esposito and Kevin VanHise, Traffic Consultant, John Canning who are representing the applicant, Aaron Goldklang. Attorney Cordisco said they had resolved some issues with

the Village Board. They are in a signed developer's agreement that covers all open issues and are in the process of working to resolve those issues to have this project moving forward.

Engineer Barber spoke of the recommendations the Planning Board's requested back in December 2020. A list of necessary action with the Village Board of Trustees, a listing of outstanding issues for review as well as a letter from the Water Sewer Administrator for the sewerage were amongst that list. She's hoping the letter be provided before the applicant's next meeting. Engineer Barber mention H2M's memo distributed in January 2021 listing comments/questions that need to be answered, she noted the important issues that need to be addressed. She mentions the certified survey provided by Lanc and Tully indicating the 8.36 acres, different from the 9.6-acre development that was previously reviewed. She believes it may be due to losing the right of way of Melody Lane, something that should be confirmed by the applicant due to the coverage relief given by the ZBA. Engineer Barber said the January plans show a shift in the buildings affecting the side yard and the building height table causing a conflict with the ZBA action. She believes this issue can be remedied by adjusting the plan back to the prior configuration. Engineer Barber mentioned the parking waiver, a topic discussed numerous times. In one of those discussions, the applicant was asked to provide a parking analysis on industry-based parking, showing a maximum parking demand of 377 parking spaces is expected but 468 parking spaces were proposed. As per the H2M memo she briefly spoke of the percentage difference and noted it may be due to the changes in the requested waiver, something the Planning Board will have to decide on. About the retaining wall, the applicant was previously asked to provide additional information on the construction and compliance to the code to the height of the walls. The recent plan submission near building 3 and building 4 the wall is about 16-ft in height and close to the property line. Engineer Barber noted the separation requirement as per the code is 2-ft off the property line or half the height of the wall. Indicating the plan should be adjusted. She also mentions the possibility of having ARB (Architectural Review Board) and safety included in phase 1, suggesting it should be resolved now rather than requiring another submission for just ARB. Engineer Barber referred to the Fire Truck Maneuvering Plan, a topic that has not been discussed before. In recent applications, the Fire Department provides a truck turning template since they will be purchasing a 100-ft ladder truck. She noted in the plan the ladder truck used is smaller than what the Fire Department is looking to purchase, suggesting the truck turning template to be incorporated into the plan revisions.

Engineer Barber said she was trying to make things easier by coming up with resolutions and conditions as the application progressed. The Planning Board usually has a condition regarding lighting, and it refers to no off-site glare and nighttime friendly dark sky lighting. Since it's a commercial area, she said it's not likely for it to be an impact on residences around the area, but for the hotel application, the Board may require after 11 pm the site lighting should be dimmed for security purposes. If the Board would consider it as a condition, she would be happy to work with Board on something more appropriate.

Engineer Barber then raised two issues that were not mentioned in her memo. One, the applicant added personal service uses to the building heights, side yard table, side parking, and loading tables. She noted that this was not previously reviewed by the Board. Since it has different demands as to water and sewer and/or other potential sites she requests it is deferred to an individual site plan review in case the applicant proceeds with those uses, but for now, she suggests removing it from the plan. Second, the monument sign was previously discussed with the applicant, applying for an ARB 120 days after the site plan approval. She said the location and height are compliant. She continues to say that due to the grading adjacent to the sign when one is coming north it would be difficult to see the 3 lower rows of panels. Meaning 6 shops will not be visible. She said the applicant may want to review and if the Board agrees she suggests removing the monument sign from the application since the applicant must make another application for ARB.

H2M Memo dated April 2, 2021:

**Bulk/Area –*

i. Lot Area – Applicant has confirmed the gross lot area by way of as-built documents from the NYSDOT and field survey by Lanc & Tully on November 11, 2020. In their current submission, the applicant provided a certified survey per the Code requirements. We have the following comments as a result:

- a. The gross lot area is 8.364 acres, not 9.6 acres as represented on subsequent sheets. This is a significant change from the prior representations by the applicant and needs to be clarified – it may be the difference in right-of-way areas that are resolved with the property transfers noted below. However, if the property to be developed is 8.364-acres, we recommend the coverage calculations*

be confirmed on the plan and for compliance with the ZBA action received. Accordingly, the plans should be revised to reflect the gross lot area post lot consolidation and property transfers.

b. The tax parcels under consideration by the Planning Board are 225-1-34.1 & 225-1-34.22. The plans should be updated as needed to reflect the proper parcel designation.

ii. Access/Frontage Zone – The Village of Woodbury Tax maps show Locey Lane and a portion of Melody Lane separating the parcels in question. We defer to Counsel on the status of the Melody Lane transfer with the Village Board and whether the copy of the deed conveying Locey Lane to Cabela's transfers to the Shop's.

For the limited portion of Locey Lane that will provide access to their property, we recommend a maintenance agreement be established⁸, which the applicant advises they will provide. We recommend this be a condition of your resolution and have drafted language in the latter part of this memorandum for you to consider.

iii. Side Yard Setback – We have the following comments on the “Building Heights & Side Yards” table provided on Sheet C3.0a and C3.0b:

a. Building 5 – The minimum side yard is shown on the plan is 30.0', limiting the height of the building to 20.0'. Applicant to revise.

b. Hotel –

- The ZBA granted a variance for the hotel side yard setback. At the time they considered a setback equal to 38.1'. Although many of the buildings have been modestly shifted in the most recent submission, the Hotel is now shown at 38.0', which appears to conflict with the ZBA decision. We recommend the applicant adjust the building location to comply with the ZBA decision.*

- The applicant should adjust the footnote on this table so that it is under the columns regarding side yards. As far as we are aware, a variance for the hotel height was not granted.*

c. The rows in this table identifying Building 4 and Building 8 should be labeled accordingly (Building 2 shown currently).

iv. Front Yard – As noted above, the plan was revised showing a slight shift in many of the building locations. The current configuration shows an encroachment of the northeast corner of Building No. 1 in the front yard setback. This should be revised.

**Parking–*

– The calculation for parking identifies a deficiency in the required number of spaces (4,689 vs 578 or approximately - 19%). The planning board has the authority to grant a waiver for up to 25% reduction in parking required if it is determined that the combination of uses on the lot will generate parking needs that are less than required by the Code. As the plan is presented, a waiver is required.

We defer to your traffic consultant regarding the shared parking analysis and Industry Parking Demand submission.

The applicant has provided the ultimate land banked parking arrangement per our prior request. It appears the alternate arrangement only provides 20 (488 total and 16% deficiency) additional parking spaces rather than the 25 (493 total and 15% parking deficiency) identified on Sheet 3.0b. Unless there are spaces we missed, we believe this should be updated and as the planning board considers the request for waiver, the degree of this waiver should be clearly defined.

Site Plan – There are certain details of this site plan that will be decided when individual building site plans and architectural review applications are submitted. Nevertheless, this applicant is seeking site plan approval from the board and, if the details of the site plan being acted on are insufficient for issuance of a building permit, a condition should be included noting this and confirming the need for supplement specific site plan information and approval before a building permit application/approval so it is clear what has been granted and the conditions applicable to that approval. Accordingly, where issues have been discussed but not reflected on this plan, we have attempted to track these as potential conditions for your action. In our opinion, the remaining issues to be addressed on this plan follow:

*Retaining Walls

– To address our prior comments, the applicant has extended the retaining wall southwest of the proposed hotel (Building No. 9). Further they have provided top of wall elevations along all of the retaining walls proposed, which helps identify the overall height of these proposed structures. The retaining wall east of Buildings 3 and 4 varies between 2- and 16-ft. The detail provided indicates retaining walls over four feet in height will have fencing, which we think is appropriate especially in this location. We note the applicant should revise the top of wall elevation “583” and subsequent bottom of wall elevations if required in this area, which we believe is in error. The applicant indicates they understand Planning Board, ARB, and a Building Permit are required for these features. If you agree to defer this to a later date, we have recommended a resolution condition to capture this outstanding approval. However, we believe the following needs to be addressed at this time:

- i. It is not clear when the retaining walls will be constructed, but it appears it will be done as part of the infrastructure improvements in Phase 1. If that is the case, it might be appropriate to resolve the ARB for these features at this time.
- ii. The Code (§310-28) requires retaining walls “be a minimum of two feet, or a distance equal to half the height of the wall off the property line.” The applicant should confirm constructability in relation to property lines. As shown, the retaining wall near Building 3 and 4 does not meet the separation requirements and at the North end it crosses the property line.

*Firetruck Maneuvering Plan

– The ESO’s took no exception to the general maneuvering plan provided. There are a couple of areas where the plan shows truck maneuvers crossing curb lines. In one area (west of Building No.1) the applicant proposes a mountable curb. Applicant’s correspondence indicates they would prefer to maintain the mountable curb rather than lose a parking space. The detail for mountable curb requires adjustment, we are not familiar with Belgium block manufactured in the shape noted, please review and revise. In another area, southwest of Building No. 9 (hotel) there appears to be a conflict with the curb and guardrail that should be corrected. We note, recently, the Village Fire Department provided a truck template for a 100 ft ladder truck. The turning movements shown on the applicant’s plan are for a smaller truck. Upon the Planning Board’s referral, we will forward the truck template for the applicant to confirm adequate movements through the site.

*Lighting

– The applicant should provide additional details on lighting proposed including a detail for each fixture type. We recommend you consider an acceptable plan for lighting hours of operation that could meet minimum safety requirements required for the hotel and center. Relocated light pole on C3.2 and LC-01 is within the sidewalk. We recommend this be relocated to the grassed area just south of this location.

Chairman Gerver was concerned about the acreage percentage since it affects the ZBA decision. He also wasn’t aware of the special uses and doesn’t know how that would work out since the water and sewer usage was already calculated and determined. Attorney Cordisco said there was an oversight from the surveyor, the acreage acquired by the village in connection to Melody Lane was not included. Therefore, the survey will be recalculated to include Melody Lane and Locey Lane. As per the personal use, he agrees with Engineer Barber of deferring the issue to a later time. He said the use isn’t allowed under the zone, but it was added just in case a tenant would qualify within that use group. It may then lead to additional analysis for water and sewer. Chairman Gerver wasn’t pleased. There were too many open items close to signing.

Attorney Richard Golden said due to the outstanding issues presented by Engineer Barber the application will have numerous conditions. These open issues will need to be resolved before the signing of the plan, before building permit, or CO. He said there would be several conditions due to the applicant not knowing what tenants they may have. Attorney Golden said he will work with Engineer Barber in forming resolution and conditions as per the Board’s approval.

Chairman Gerver asked if there will be a condition on the parking waiver and Attorney Golden said the Board can reduce the requirement up to 25%. Traffic Consultant Phil Grealy added that the shared parking analysis that was compared to the industry standards supports the shared parking on the site. He referenced comments in his memo of November 2020. One was depending on the building the amount of parking may be limited and land bank parking. He continues to say the waiver is fine if Engineer Barber’s condition will be to the future potential need of any use of those land bank spaces. Engineer Barber then asked if the applicant agreed with her comments in her memo to land banking or if the applicant has an ultimate proposal for the Planning Board. Traffic Consultant John Canning suggested that they go with Engineer Barber’s number.

Planner Jonathan Lockman asked with the adjustment of the retaining wall position would there be changes to the parking spaces. Engineer Kevin VanHise said no, they can resolve the retaining wall without having to impact the parking.

Chairman Gerver expressed his disappointment with how things are not moving along as they should. There are too many open issues that should have been taken care of at this time. He asked what number of parking spaces should be waived. Between Engineer Barber and Traffic Consultant Canning and they came up with a 16% reduction.

A motion was offered by Chairman Gerver, seconded by T. Deluca, in accordance with the Village of Woodbury code to reduce the number of required parking spaces from 578 to 468 parking spaces with 20 land bank spaces. The vote was as follows:

ADOPTED

AYES 4 Chairperson Gerver, R. Anzalone, R. Cattagio, T. Deluca
NOES 0

Chairman Gerver asked the Board if it would be right to authorize counsel to draft a resolution of approval with the conditions from H2M's memo as well as issues that have been brought up since the start of this application. Mr. Deluca asked if the retaining wall will be addressed. Attorney Golden said the applicant must submit new plans as well as a new survey as soon as possible. He will work along with Engineer Barber with coming up with the resolution of approval. Attorney Golden continues to advise the applicant of what needs to be done. He noted some conditions need to be satisfied since they can affect the building permit, which is very significant to the applicant.

Mr. Anzalone asked about a well on the property. Will it be demolished, or will it be used? Engineer VanHise said no it will be abandoned.

A motion was offered by Chairman Gerver, seconded by R. Anzalone to authorize counsel to draft a resolution of approval. The vote was as follows:

ADOPTED

AYES 4 Chairperson Gerver, R. Anzalone, R. Cattagio, T. Deluca
NOES 0

- B. Beer World** – Review and discuss proposed site plan and special permit for the construction of a single story 15,110 square foot commercial building for the use of 2 retail stores to include the sale of beverages (Beer World) and redemption center for return of recyclable cans and bottles. Said property is located 159 Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 226 Block 1 Lot 9.2.

General – This is the first appearance of this application for a 15,110 SF building for beverage sales to include a 3,000 SF recyclable redemption center and warehouse. The eastern part of the parcel is currently improved with The Dug-Out ice cream stand, a tent for shaded seating, and a shed. The western portion is entirely wooded. The 1.97-acre parcel fronts on Route 32 with the entire length of frontage cleared for a gravel parking lot and access to the site. A portion of the property is paved surrounding the ice cream stand that is used for seating and queuing of pedestrians. Proposed improvements include the 15,110 SF building with loading area, paved parking, sidewalks along Route 32, stormwater management, lighting, and landscaping.

Attorney Dominic Cordisco introduced the team. As Project Manager John Safe, Engineer Larry Marshall, and Traffic Consultant Carlito Holt representing the applicant. Attorney Cordisco said the team has tried to get most of the engineering done on this project to give the Board an overall proposal. Engineer Marshall began by sharing his screen to show the site plan and renderings on this project. He began to show the existing conditions plan (survey) and spoke of the location noting the facilities on the lot as well as the neighbors. Engineer Marshall then spoke of improvements that will take place on the site. He pointed out the outlined areas that would be cleared and removed. Engineer Marshall spoke of developing a single building of 15,110 sq. ft. Beer World would be the main facility and the second use would be the redemption center. The entrance to the site will be controlled to a single commercial entrance which will be lined up with the proposed hotel. He proceeded to talk about the parking. They are proposing 50 parking spaces, although it is required to have 62 parking spaces, they are seeking for a reduction on the amount of parking.

Engineer Marshall began to speak on the preliminary renderings of the building. The building showed a peaked roof, covered entrances for the storefronts, stone façade, pillars on the sides and corners, hearty plank sidings, standard asphalt shingles, and trimming. Chairman Gerver asked about the roofing and Engineer Marshall said it wasn't a 3-tab shingle, but an architectural shingle. The renderings will be looked at and clean up providing a different view. Engineer Marshall said a traffic study was added as well as a stormwater pollution prevention plan. As he went over the Planning Board consultant's comments and he doesn't see any difficulties in resolving those issues. He said they will be taken care of.

Engineer Barber said the plan was well prepared, but there's a threshold issue where the LC zone allows retail development up to 8,000 sq. ft. and the applicant is proposing 15,000 sq. ft; 12,000 that is designated to retail. IN her opinion this application needs to be referred to the ZBA. She also brought up the applicant proposing to have the building fit the lot, having two signs shown. She said the code allows two signs, but if it's intended to have a sign on the north and east then that should be discussed with the ZBA. Her suggestion to the Planning Board if they are to make a referral to the ZBA then the signage issue can be included. That way the ZBA can solicit their opinion early. Engineer Barber said early DOT (Department of Transportation) input for the access improvements will be required since there are a few applications concerning that area. Assuming the applicant has applied to the DOT, she suggested the applicant notify the Board of the status. The rest of her comments will come to future revisions.

Chairman Gerver asked Engineer Marshall if the applicant applied to the DOT. Traffic Consultant Carlito Holt said the application will be sent next week to DOT. He said it was previously discussed with DOT on a call along with the two hotel applications. The curb return is the entire site frontage, he believes the DOT will look at it positively.

Traffic Consultant Grealy prepared a memo dated April 1st. Just as Traffic Consultant Holt mentioned there was a meeting with the DOT to discuss the hotel applications and there was a composite plan created by Engineer Barber. Showing the relationship of the hotels and the applicant it was too early for DOT to provide detailed comments, but they liked the access to the property idea. Traffic Consultant Grealy spoke of his memo's comments and went through them briefly. He continued to say the traffic volume in DOT's study was reasonable and consistent with data presented by the hotel(s) project. There seem to be half a dozen projects in the area and so they projected traffic for various projects. Traffic Consultant Grealy said it made sense for the applicant to request a parking waiver due to the type of use, but it would be helpful for the Board, DOT, and himself to see data from the other facilities to help support that. He continues to briefly go over his comments on access, left turns into the site, the reconstruction of Turner Road, and the analysis of what would happen without the improvements of other projects. Traffic Consultant Grealy proceeded to say that due to previous discussion with the hotel applications the input from DOT is needed on the realignment of Turner Road, widening of Rt. 32 and the possibility of positioning a traffic signal.

About the site lines, Chairman Gerver noted there is a crest that comes up going south on Rt. 32, where the potential turning lane and realignment for Turner Road will be. He's concerned it would sneak up on drivers. He said he wanted to know how it would work out for the entrance. As for parking that would be a change since his thoughts are on traffic during holidays like Memorial Day and July 4th Independence Day and people barbecuing during warm weather, so he would like to see some real-world statistics. He made a comparison to the New Windsor location, how the parking lot can get full during a certain time.

Attorney Golden said the Beer World stores that he's seen vary in size, and the size of the one in this application happens to be big and is in the middle when indicating traffic that should be considered.

Chairman asked about the comparison of size with other locations. Engineer Marshall said the Beer World in this application is bigger than the one in Middletown or the Town of Wallkill. Although the Town of Wallkill location is consisting of corporate offices. Traffic Consultant Holt said during Covid it slowed down preparations for a survey concerning size, parking, and traffic, but now they are confident the data will get will be more reliable. Attorney Cordisco mentioned locations like Wallkill and Kingston that are most up to date to having similar designs and presentations. Mr. Deluca asked if those locations have redemption facilities and Mr. Marshall said yes, some have it in one building and others have separate buildings but next to the store.

Chairman Gerver asked about the size of the delivery trucks. Engineer Marshall said the size of the delivery trucks will vary. It depends on which wholesaler is making the delivery. Chairman Gerver said a maneuvering plan will then be in need. Engineer Marshall said that was discussed previously with Engineer Barber.

Chairman Gerver asked about the disposal of recyclables. He asked where will it be stored and how often it's collected. Engineer Marshall said there's no outside storage, so it's stored inside and as for pickup it depends on the size of the facility, and how busy they are with redemption. If it's not as busy the pick-up is then schedule. Chairman Gerver asked if pick-ups are scheduled late at night or throughout the day and if an odor from fermented bottles/cans. Engineer Marshall said there won't be any overnight hours, it would be done during the time the store is open. During redemption, there will be washing to reduce odor. Chairman Gerver asked if about water usage. He asked if they would be recycling the water or will it be constant freshwater usage. Engineer Marshall said an estimate was provided since Engineer Barber had brought it to their attention. Engineer Marshall couldn't provide an answer now, but they will provide more information for the Board. Attorney Golden asked Engineer Barber if getting a comparison of the water usage in the other redemption locations would help to estimate the water usage. Engineer Marshall said they can provide a thorough breakdown to give a better estimate.

Board Member Cattagio asked if the DOT would give an estimate as to when they will approve where the traffic light would go. Traffic Consultant Grealy said no, the discussion was whether they would consider a traffic signal in the area and they are depending on the generation of traffic along with Beer World to the two hotel applications. Board Member Cattagio said if the traffic signal is to be placed right by the entrance of Beer World by Turner Road, it will present an issue. If so, he asked if the applicant would have a chance to revise the site plan.

R. Anzalone asked if the property was already purchased or under contract. Attorney Cordisco said it's under contract.

- C. Crystal Springs Holdings/110 Seven Springs** – Review and discuss documents submitted for site plan of proposed residential development of a 21-lot cluster subdivision. Said property is located at 110 Seven Springs Road in Highland Mills and is known on the Village of Woodbury Tax Map as Section 213 Block 1 Lot 7.

Background: Crystal Springs Holdings LLC (Applicant) submitted a pre-application for a subdivision designed as a cluster development on a 54.54-acre lot. The proposal dated March 8, 2021, shows 22 lots, each with a single-family home. The lots take access from a proposed extension of Serpi Road which runs north to south, joining the existing cul-de-sac at the end of Serpi Road through to Seven Springs Road. The total area of the 22 proposed house lots in the cluster development proposal is 25.59 acres, according to sheet C-6. Three parts of the site, totaling 28.95 acres or 53% of the site area, are set aside for conservation or stormwater management purposes. Homes are proposed to be served by individual wells and septic fields. The property is in the R-2A Zoning District at 110 Seven Springs Road (SBL 213-1-17), on the north side of the road across the street from the intersection with Bakertown Road.

Architect David Niemotko said he received the comments from NPV and H2M and they had a chance to review and reply. He said they are trying to use the 1995 plans that were preliminarily approved, and, in the process, they have run into some issues. He began to list them, the connection from Seven Springs off Serpi Road, meeting the slope requirements, an appropriate width for vehicle access, and a two-lane road. He continues to say the lots were divided accordingly along the road and they have two cul-de-sacs. Architect Niemotko said the difference between the previous plan and the conventional plan is the two cul-de-sacs. As per the previous memos and meets they allocated a recreation area, re-designed the layout of some of the lots. He said they agree with previous comments regarding wetlands and stormwater, and they will address it.

Attorney Golden advised the Board that they should consider the conventional plan put forth and not think of it as a cluster subdivision. His advice to the Board was to look at the formation of the lots, whether the cul-de-sacs are too long. Items that the Board would look for to approve is how the Board should approach this conventional plan. He said it would help to define the number of lots and whether the subdivision would be one the Board would approve. He said going straight to the cluster view would be skipping a very critical step, determining the number of lots. Once determined the Board can then go to try and save open space and or other intentions/purposes of a cluster subdivision.

Engineer Barber was in total agreement with Attorney Golden. She went over her comments and referred to the easements and the net lot area calculations that the applicant needs to include. The other issue in her memo had to do with unable to reconcile the slope areas with the gross calculation that was provided on the plan. Numbers did not add up in the plan based

on the bulk table. She would like to see an overall basis so that she can see everything accounted for. Lastly, under the code requirement for net lot area, the definition for it requires that 80% of the gross minimum lot area of the underlying zone contain in slopes less than 15%. She thought it meant the applicant is proposing for example a two and a half-acre lot that should have 80% or less of slopes that are less than 15%. She then sought advice from Engineer Dennis Lindsay, and he didn't agree, he said it's two acres because that's the underlying zoning criteria. Turns out they needed more clarification, so it was decided to speak with Building Inspector Thomasberger. After speaking with the Building Inspector, he needs to investigate it a little further and will get back to Engineer Barber. With the permission of the Board, she likes to go over things and conclude with the Building Inspector Thomaberger to then provide the information to the applicant. The applicant can then revise their plan. She continues to list things the applicant needs to address. The lot width, submission of a realty subdivision application that needs referral to the DOH (they will review the individual well and septic systems. She said she would like to see the confirmation of the sufficient grade and width for the cul-de-sac, and the length of the cul-de-sacs. She references the cul-de-sacs, she said from the information on the plan the cul-de-sacs are approximately 425 and 550 ft. long. The code stipulation she's going by is 270 233. It says in general the length of the cul-de-sacs should no be greater than 400 ft. Architect Niemotko asked for the code and Engineer Barber said it's 272-23E.

Attorney Golden mentions two codes that restrict cul-de-sacs. One is 269-27B6 means cannot be more than 1200 ft. in length and the other is 227-23E, saying cul-de-sacs shall not in general exceed 400 ft. in length. The "in general" is not specified.

Chairman Gerver said he would like to hear from the Highway Superintendent regarding clearing snow, as in how far to push it all. Attorney Golden agreed, he thinks these two codes are codes that limit the length of cul-de-sacs and it probably has to do with emergency service providers, so that if something gets blocked off there's a way to get in, for purposes of maintaining the roads, and snow plowing. The Board agrees to ask the Highway Superintendent for his opinion. Engineer Barber will send a memo to the Highway Superintendent.

Planner Lockman began to go over some of his notes. In his zoning comments, he said it doesn't seem the code will allow proposing a cluster with more than the conventional subdivision plan could yield. For example, if the conventional plan says you can have 20 or 21, you cannot want an extra one in a cluster. He doesn't see how it can happen.

NPV Memo dated April 1, 2021:

Zoning Code Chapter 310

6. Zoning Code §310-31 sets out standards for Cluster developments. §310-31.C(2) states that "the maximum number of residences that may be approved in cluster developments shall be determined by submission of a standard subdivision plat demonstrating compliance with all requirements of this chapter and Chapter 272, Part 2, Subdivision Regulations, of the Village of Woodbury Code for the zone in which the property lies." We note that the conventional plan submitted on sheet C-3 yielded twenty-one (21) house lots, and the cluster plan on sheet C-5 proposes twenty-two (22) house lots. The applicant's narrative letter requests one additional lot beyond the number shown on the standard sketch plat. In our opinion, the proposed cluster plan would be required to propose no more house lots than the yield shown on the conventional plan, unless a variance was obtained from the ZBA. The Planning Board may wish to ask its Attorney to opine on this matter.

7. Furthermore, it appears that conventional subdivision is too generous with its yield of 21 lots, as several lots proposed appear unable to comply with standards for conventional subdivision lots, and/or appear to be practically unworkable: Examples include:

a. The houses on lots 5 and 6 of the conventional plan are set at elevations 880 and 890 respectively, approximately 25 to 35 feet below the elevation of the cul-de-sac. Driveways accessing these two houses would have grades of approximately 20%. See §310-14 regarding maximum slope of residential driveways. These proposed house sites are set in an area of 35%+ slope, according to the applicant's slope analysis on sheet C-2.

b. The proposed house site for conventional lot 13 is also in an identified area of 35%+ slope. See §310-14 regarding maximum slope of residential driveways.

c. The short side road, proposed with a cul-de-sac serving conventional lots 14,15, and 16 on the conventional subdivision plan, appears to have a grade of 14 to 16% as measured by a hand scale, which is unworkable and does not comply with road standards. See §269- 27.B(3).

d. The proposed house site for conventional lot 16 has been moved to avoid the 80-foot high ledge outcrop, but it still appears to be in an identified area of 25%+ slope adjacent to it, as identified on sheet C-2. e. Clearing, grading, and road construction on the top of this 920-foot summit, as required to access the proposed conventional subdivision lots 4 through 8, may also be presumed to be unworkable because of the requirements of the Ridge Preservation standards in §310-13.

We recommend that the Planning Board request a revised conventional subdivision plan that could be approved by the Planning Board and that it request a new cluster plan with some lots that concurs with that yield.

Planner Lockman said it may be best for a more sensitive conventional subdivision. He advises that if they examine the workable house sites the yield plan would come out lots less and then all the width calculations and slope calculations will fall into place.

He began to talk about code 272-23Q, which has to do with parks and playgrounds.

14. Regarding §272-23.Q, no areas for parks or playgrounds are shown. The section states that "in general, subdividers should set aside not less than 10% of the area for these purposes." This land should be shown on the conventional subdivision plan and carried through to the cluster subdivision. Where the Planning Board finds that parkland cannot be suitably located, it may require money in lieu of land at a rate of \$3,500 per lot.

He said any type of subdivision, whether conventional or cluster suppose to provide some type of land recreation. He continues to say it may be reasonable to design trails in some of the extremely steep areas, having it a parkland in the conventional subdivision is more reasonable than trying to get in the house on 35% slopes.

Planner Lockman said there is a small SEQR issue.

17. We will defer to the Planning Board's other consultants' reviews of traffic, SEQR, and GML matters, as per the Board's usual procedures. We note that the Ridge Protection Area is a Critical Environmental Area for SEQR purposes, per section §310-13.A(3). Therefore, question E.3.d on the FEAF part 1 should be answered "yes." This unlisted action will require GML review as it is a proposed subdivision that fronts on a County Road (Seven Springs Road/CR44

The Ridge Protection Area is defined by the Woodbury code as a critical environmental area, so the question should be answered yes. There is a critical environmental area on the site. He is asking for it to be corrected on the FEAF questions.

Following Planner Lockman's point, Attorney Golden said the code says it's a critical environmental area, when the Town put that in they never followed up with the DEC and it's not listed in the critical environmental areas with the DEC. Planner Lockman said he looked it up and didn't see it on the state list, he figured they made a mistake. For some time now the position of the Planning Board is that although it's not listed and having no direction from the Village Board of Trustees to follow up. Currently, it's not a critical environmental area.

Architect Niemotko began to list the things they are prepared to do; the road profiles for the two cul-de-sacs, retaining walls, the house location of 4 and 5 moved closer to the cul-de-sac and increasing the width of the lots along that cul-de-sac to meet the zoning code.

Attorney Golden spoke of the retaining wall. He said it would be appropriate if Architect Niemotko would have the sizes of the retaining wall to see if the Planning Board would allow the construction of the wall along the road. Architect Niemotko said the retaining wall will be 4 to 6 ft. tall. He said he researched section 310-32 and he confirmed that regarding the conventional plans the Planning Board could approve work along with the ridge preservation standards. He asks the Board if they would allow them to entertain it. Attorney Golden said before Architect Niemotko redesigns his plan, it would be helpful to have redefining issues from the Planning Board's viewpoint. Deciding what the Planning Board considers regarding the two codes that restrict the cul-de-sac. Attorney Golden brought up the issues Planner Lockman and Engineer Barber spoke of, for instance, the individual lots with very steep driveways.

Chairman Gerver reflected on some current subdivisions with houses that don't seem right with differences in elevation and heights, it doesn't look right to him. Chairman Gerver and T. Deluca agree that they would prefer a development a little more uniform. Attorney Golden said the Board has the discretion to let the applicant know what kind of subdivision they would like

and approve. Architect Niemotko asked if what the Chairman refers to was homes having the same elevation. Chairman Gerver said yes because once the trees are cleared and the grading gets done, everything becomes more visible, and nothing blends into the mountainside.

It was discussed that the original plan was approved back in 1996 for 16 lots. More codes have been added and or updated. The net lot area has changed, the water overlay quality protection was introduced, the ridge preservation has changed as well. It's surprising to the Board and consultants how 16 approved lots have gone up to possibly 22 proposed lots. It was suggested to the applicant to look up these codes and get a better understanding and take the consultant's comments and concerns into account. The Chairman listed the items that needed to be done.

Attorney Golden advised when the plan is amended, make sure to revisit the plan and that Architect Niemotko is complying with the water protection overlay district regulations. They may have an impact on the applicant's designs. Engineer Barber went over the items that needed some attention from the Highway Superintendent Weyant and the Building Inspector Thomasberger; the opinion on the 80 % reduction on the lot area, the length on the cul-de-sac, and the retaining wall along the road.

Planner Lockman's suggestion to the Board was to have the consultants meet with the applicant offline, due to the complexity of this application. Chairman Gerver said it was a good idea to help the applicant. The Board agreed. Chairman Gerver asked if Architect Niemotko was comfortable with where they're leaving off since he will have to make a resubmission. Architect Niemotko said he looks forward to getting those issues answered and bringing the owner up to speed. Architect Niemotko thanked the Board for the opportunity and is appreciated it.

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by R. Cataggio, to adjourn the meeting at 9:54 PM.

ADOPTED

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

Claudia Valoy-Romanisin, Planning Board Secretary