

**Village of Woodbury
Planning Board Meeting
April 21, 2021**

Minutes of the Planning Board Meeting held on April 21, 2021 at 7:30PM
(Meeting held via Zoom)

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

Representing for the Village of Woodbury Planning Board:

Richard Golden, Attorney
Natalie D. Barber, Engineer
Max Stah, Planner

Board Member(s) Absent: None

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. **Administrative Business:**

- A. **Gai Yi** – Consideration of an Issuance of a Denial of the pending application for failure to replenish timely the escrow account for Planning Board Consulting Services per Village code Section 143-3(c)(7) Property is located at 35 Buena Vista Terrace, CV SBL 227-6-4.1 and 4.2.

The Building Department has reached out numerous times to the applicant to replenish their escrow account and has not done so. Due to the applicant lack of communication, failure to replenish and give new information to move forward as per a section in the Village law the Planning Board will deny this application for failure to replenish escrow.

Motion was offered by Chairman Gerver, seconded by S. Capriglione to deny Gai Yi application for failure to replenish escrow.

ADOPTED

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

S. Capriglione asked Attorney Richard Golden if there was a time schedule an applicant should follow regarding replenishing their escrow. Attorney Golden said as per the code the applicant is supposed to keep track and replenish their account as soon as it reaches below a certain percentage. In this application the account balance is in the negative and the applicant was contacted several times. S. Capriglione asked if there were ways to have applicants to be on top of their escrow accounts and set suggested examples as to applying fees, so to avoid those fees the applicant would be on top of things therefore moving the application forward. Attorney Golden said that would be against the provisions of laws that are set in place for escrow accounts. He believes the way its set is suffice and works.

R. Cataggio asked if this would be standard procedure for applications who fail to replenish their escrow accounts to come before the Planning Board or can the Building Department deny the application. Attorney Golden said it falls within the responsibility of the Planning Board. If the applicant chooses to take action after it was denied the applicant would have to fill out a new application, pay the new application fee as well as the delinquent amount from their older escrow.

4. Regular Agenda:

- A. **Shops of Woodbury** – Review draft decision for proposed Site Plan, Special Permit and ARB and Ridge Preservation for a mixed-use development. 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.

Based on the applicant's most recent plan submission Engineer Natalie Barber began to go over her comments. It was discussed in the last meeting the retaining wall needed to be moved away from the property line. To do so the applicant made some adjustments, as a result two of the parking stalls are less than the required length. Which reduces the waiver by 2 spaces or for the applicant to recover the space in another section of the site. Her other comment was in relation to the monument sign. The visual of the lower 3 panels on the sign will be hard to see for traffic coming from the north side and so the applicant may want to relocate the sign or come up with a better solution. If so, the plan would need to be revised.

Chairman Gerver asked Engineer Steve Esposito if the 2 parking spaces can be relocated somewhere on the site, either way it will affect the waiver. Engineer Esposito said they can and reminded the Board they also have 20 banked spaces. Based on Traffic Consultant John Canning analysis on parking they are comfortable in reducing or increasing the waiver or eliminating those 2 parking spaces. Attorney Golden clarified the number of parking spaces to be 466 and 20 banked spaces, bringing it to 19% parking waiver.

Motion was offered by Chairman Gerver, seconded by R. Anzalone to reduce the required parking to 466 spaces with 20 parking spaces.

ADOPTED

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

S. Capriglione asked about the outcome of those 2 parking spaces and Engineer Esposito said they would just eliminate them and do some landscaping. Resulting to changes to the plan prior to signing.

Prior to Chairman Gerver listing the Specific Conditions, Attorney Golden made note that on the Draft Resolution of Approval page 7 last paragraph is to be amended by changing the number 468 to 466 constructed parking spaces.

“On April 7, 2021, the Planning Board granted the Applicant’s request for a waiver from the Code required 578 parking spaces necessary for the proposed use of the property, and reduced the requirement to 468 constructed parking spaces and 20 banked parking spaces to be developed...”

Chairman Gerver began to read the Specific Conditions from the draft Resolution of Approval.

SPECIFIC CONDITIONS

1. *The Commercial Center and Hotel shall be maintained under single ownership.*
2. *At such time that a hotel operator is confirmed, a site plan application shall be submitted to the Planning Board. The submission shall include details regarding rooftop equipment, confirmation of the Code requirements for building height, appropriate screening and setbacks from roof edges, as well as any other information required by the Planning Board.*
3. *No accessory uses are permitted for the hotel except for a small lounge, business office, and dining area to serve breakfast to guests.*
4. *The build-out of land banked parking (20 stalls) shall be at the discretion of the Building Inspector.*
5. *This approval is subject to the Decision of the Village of Woodbury Zoning Board of Appeals dated February 12, 2020, and the satisfaction of all conditions that are contained therein.*
6. *This approval is subject to the Developer’s Agreement between the Applicant and the Village of Woodbury dated March 31, 2021.*

7. *For compliance with parking requirements, each food service building is limited to 65% of the customer service area, and the number of seats for each restaurant use shall be limited as follows. Should the site plan be revised, such revisions shall be reflected in the numbers below and confirmed with individual tenant site plan approvals.*
 - a. *Building 1 – 216*
 - b. *Building 3 – 108*
 - c. *Building 5 – 267*
 - d. *Building 6 – 315*
 - e. *Building 7 – 108*
8. *Upon review of tenant specific site plans, if parking requirements vary from that proposed in this plan, a revised shared parking analysis may be required.*
9. *Upon consideration of the Site Plan for Building No. 2, the arrangement of handicap parking in a one-way circuitous route around Building No. 6 and 7 should be reviewed for appropriateness.*
10. *When tenants are decided, proposed signage shall be submitted for review by the Architectural Review Board. At the time of the first individual building ARB review, the Planning Board shall have discretion to require a “Master Tenant Sign Plan”.*
11. *Full compliance with the General Permit for Stormwater Discharges from Construction Activities is required. Contractor and subcontractors shall sign the required certification statement prior to start of construction.*
12. *Upon a determination that existing stormwater facilities are inadequate, the Building Inspector may require additional erosion and sediment control practices be installed by the developer including, but not limited to, erosion and sediment control blankets and sediment traps, or other reasonable mechanism as determined by the Building Inspector.*
13. *Proper maintenance of stormwater management and erosion sediment control facilities during construction shall be required until site is fully stabilized. At any time, if the Building Inspector determines these practices are not being properly maintained, upon notice, the developer shall immediately correct the deficiency. If the deficiencies are not corrected to the satisfaction of the Building Inspector within a reasonable time, as set for in and in accordance with the Stormwater Maintenance Agreement, the Village shall have the right, but not the obligation, to make such repairs as are deemed necessary. The cost of such repairs shall be charged against the maintenance bond held by the Village, and can be included as a lien against the property unless the bond has been replenished.*
14. *The onsite sanitary collection system is a private system to be maintained by the site owner.*
15. *Bus traffic is not permitted except for access to and from the park-n-ride facility as shown on Sheet C9.2 – Vehicle Maneuvering Plan (Bus).*

R. Anzalone asked for clarification to #15. Is it for charter buses only or does it mean school buses are not allowed to go on site, or county buses that drop off shoppers. He felt it need to be clarified. Engineer Barber explained the intent of the condition was based on the applicant’s plan on how its shows the maneuvering to the park and ride adjacent to the site. The bus they used for such maneuver was a NY City bus. She asked the Board if they wish to amend the condition to be more specific. Attorney Golden said it would be difficult to make such change without the consent of the Traffic Consultant. Attorney Dominic Cordisco agrees with Attorney Golden, its best its left as is. He said as the site is built out, issues arise and when they do the applicant will have a better understanding and will then return to the Planning Board. R. Anzalone and S. Capriglione asked if there will be signage to direct the buses and how will it be enforced. Engineer Barber said there will be signage directing the buses to the park and ride, but if the buses go on to the site creating a problem, then

the Building Inspector Gary Thomasberger can issue a zoning violation(s). Attorney Cordisco added the local Police will be able to issue tickets if that situation should arise.

16. *Upon review of tenant specific site plans, refuse collection details and maneuvering plans shall be provided. Confirmation of areas reserved for refuse and recycling shall be required, and dumpster locations and arrangements shall be reviewed with the Applicant's proposed carter to confirm materials can be properly handled within the space provided prior to each individual site plan approval.*
17. *All waste shall be placed inside the dumpsters as shown on the plans, and the area surrounding the dumpsters shall be kept in a neat condition.*
18. *If at any time, it is determined by the Building Inspector, that a single dumpster is insufficient for the hotel use, he may require an additional dumpster to be installed and maintained by the parcel owner.*
19. *All plantings shall be maintained in a healthy and vibrant condition in perpetuity, and all plantings, which die or become diseased, will be removed and replanted with the same plantings by the Applicant, subject to availability, with alternatives to be approved by the Village Engineer in consultation with the Building Department, unless otherwise approved by the Planning Board.*
20. *A trench and safety plan prepared and certified by a Professional Engineer is required for submission to the Building Department as part of the Building Permit application.*
21. *All water main utility installation shall be subject to inspection by the Village of Harriman Engineer per the executed agreement with the Village of Harriman.*
22. *Tenant-specific site plans shall be submitted identifying the location of sprinkler rooms for review by the Planning Board and Emergency Service Organizations. These areas shall be equipped with adequate access. Proper street shutoff capability with signage shall be provided at all standpipe locations in accordance with Building Department requirements.*
23. *An elevator accommodating lay-flat sized stretchers shall be constructed in the hotel in accordance with the requirements of the Woodbury Emergency Service Organizations, the transient residency use of the hotel, and as agreed to by the Applicant.*
24. *The rear and front access of each building shall be clearly labeled with the associated building number for easy identification by Emergency Service Organizations during an emergency.*
25. *Prior to the issuance of a building permit for Phase 1:*
 - a. *Design submittals for all retaining walls in excess of 4 feet high shall be signed and sealed by a Professional Engineer for review by the Building Department and Village Engineer.*
 - b. *The Applicant shall return to the Architectural Review Board for approval of the retaining walls and security fencing proposed, with the exception of the wall needed for Building 5. The wall for Building 5 will be integrated with the building, and will be reviewed under the individual ARB review for that building.*
 - c. *The Applicant shall CCTV inspect the existing private onsite sanitary sewers and visually inspect the existing private downstream manholes prior to the Village's sewer system. The Applicant shall perform the necessary replacements and/or repairs as deemed necessary by the Village Water & Sewer Department. The inspection and, if necessary, subsequent repairs shall be witnessed by the Village Water & Sewer Department.*
 - d. *The Applicant shall submit proof of the NYSDOT approval of the proposed modifications to access to NYS Route 17. If, as determined by the Building Inspector or Village Traffic Consultant, substantial changes to the plan are required by the NYSDOT, the Applicant may be required to return to the Planning Board for amended approval.*
 - e. *The Applicant shall establish Town of Woodbury Police Department jurisdiction for the site with the Town Board. Proof of such establishment shall be provided to the Building Department.*

26. *Snow storage shall be maintained in a safe and orderly condition, in an area(s) that does not cause nuisance or pavement icing on- or off-site. If snow melt and/or icing becomes a problem, as determined by the Village Building Inspector, the Applicant shall be required to provide for services to remove the snow from the site as necessary to the Village Building Inspector's satisfaction. If transport of snow is required within the Village boundaries, the Owner shall file a "snow disposition plan" as required by the Code provisions for the Water Quality Protection Overlay District.*
27. *Prior to the signing of the plan by the Chairman:*
 - a. *The Applicant shall remove all references to "Personal Service" use on the plan.*
 - b. *The Applicant shall adjust the location of the setback leader and hotel to conform to the ZBA approved side yard setback requirement.*
 - c. *A revised landscaping plan shall be submitted to reflect the final site layout. The plan shall be to the satisfaction of the Village Planner.*
 - d. *A revised lighting plan shall be submitted confirming constructability of light fixtures in relation to the retaining walls near Building No. 3 and No. 4, and along the access to the site to the satisfaction of the Village Engineer. The location of the two light fixtures in the land-banked parking area shall be confirmed. The applicant shall provide a leader on the plan indicating these shall be constructed if and when land banked parking spaces are required. Adequate light level distribution shall be confirmed on the plan without these fixtures.*
 - e. *The Applicant shall confirm to the satisfaction of the Village Engineer that all light fixtures shall meet IDA, LEED or Green Globes criteria for Nighttime Friendly or Dark Sky lighting. Any wall pack fixtures shall include non-glare shields.*
 - f. *The plan shall be referred to the Emergency Service Organizations and any reasonable comments received shall be incorporated therein.*
 - g. *All existing easements shown on the survey plan shall be provided to the Planning Board Attorney for review and confirmation of acceptability.*
 - h. *The Applicant shall submit an agreement for the maintenance of Locey Lane from NYS Route 32 through the Applicant's site.*
 - i. *The applicant shall comply with the Code requirements § 267-10 for maintenance and repair of stormwater facilities, including, but not limited to, the execution and filing of a maintenance easement and agreement with the Orange County Clerk's Office.*
 - j. *The Applicant shall comply with the memorandum of the Village Engineer dated April 2, 2021 and April 15, 2021, to the satisfaction of the Village Engineer.*
 - k. *The Applicant shall comply with the memorandum of the Village Planner dated November 25, 2020.*
 - l. *The Applicant shall comply with the memorandum of the Village Traffic Consultant dated November 24, 2020.*
 - m. *The Applicant shall revise the SWPPP to the Village Engineer's satisfaction and coordinate the execution of the MS4 SWPPP Acceptance Form with the Village MS4 Official.*
28. *The Planning Board does not approve or authorize any work outside of the property lines. Any work shown outside the property lines is to be coordinated with adjacent property owners as needed.*
29. *Prior to the issuance of a building permit for Phase 2, the Applicant shall provide proof that the Lot Consolidation through the Orange County Department of Real Property and Town Assessor is complete.*
30. *Planning Board approval shall be required for each building site plan and ARB prior to Building Permit.*
31. ***[POTENTIAL CONDITION]: Within 120 days of the signing of the plans the applicant shall submit an ARB application for the pylon sign OR Prior to the signing of the plans, all depictions and references to***

the monument sign shall be removed from the plan AND a monument sign is not approved as part of this proposal.

Regarding the first part of condition #31 “[**POTENTIAL CONDITION**]: **Within 120 days of the signing of the plans the applicant shall submit an ARB application for the pylon sign...**” Chairman Gerver asked the applicant Aaron Goldklang if he was in total agreement and he said yes. Regarding the pylon sign Engineer Barber reminded the applicant and the Board that the pylon has to be moved in order for the below 3 panels to be visible, as a result the site plan has to be amended. She explained the second part of condition #31 “...**OR Prior to the signing of the plans, all depictions and references to the monument sign shall be removed from the plan AND a monument sign is not approved as part of this proposal.**” means the sign can be removed for the application now and then do an ARB and site plan on another submission.

Engineer Barber referenced condition #25c. Just to clarify the language, she proposes to adjust the language accordingly and the Board members agreed.

25. Prior to the issuance of a building permit for Phase 1:

c. The Applicant shall CCTV inspect the existing private onsite sanitary sewers and visually inspect the existing private downstream manholes prior to the Village’s sewer system. The Applicant shall perform the necessary replacements and/or repairs as deemed necessary by the Village Water & Sewer Department and to the satisfaction of the Village Engineer or the Village Water and Sewer Department at the expense of the applicant. The inspection and, if necessary, subsequent repairs shall be witnessed by the Village Water & Sewer Department.

Motion was offered by Chairman Gerver, seconded by T. Deluca to approve the Resolution of Approval as submitted and updated by counsel.

ADOPTED

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

- B. Gold** – Review and discuss documents submitted for ARB approval of renovations to a single-family dwelling to include the installation of a Succah Roof adding windows and interior renovations. Said property is located at 4 Princeton Drive in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 245 Block 1 Lot 8.

The applicant Joel Gold introduced his General Contractor Yankev Indig who gave a brief description of the project. General Contractor Indig said the inside of the house will be renovated and the layout will be a little different. They will be adding a new kitchen, changing the windows, and add a sky light. He references the renderings provided to the Board and consultants saying there won’t be changes to the outside of the house.

Planner Max Stah went over his memo.

NPV Memo dated April 18, 2021:

- 1. The site is in the Ridge Preservation area at approximately 770 feet in elevation, subject to the standards of the Zoning Code §310-13. The applicant should be aware that the newest adopted text for §310-13 is found in Local Law 2 of 2021 which is not yet codified, but may be found at <https://ecode360.com/WO2925/laws/LF1299113.pdf>
The applicant has not submitted any materials regarding how the Ridge Preservation standards will be met. It appears that all work will be done within the existing structure’s footprint, and no site work, site clearing, or grading is proposed (but this should be confirmed). All proposed changes are to windows, exterior surfaces, and roof lines. We offer the following comments with respect to the following subsections of §310-13.B:*

a. Section 1: The applicant should determine if the project will be visible from designated ridge preservation view corridors and provide a simulation of the view of the new roofing and windows from such view corridor,

if applicable, so that the Board may determine if the structure blends into the hillside to the maximum practical extent.

b. Section 2: On sheets A-17 to 22, the applicant has proposed a white color for the siding, as well natural stone facing for portions of the facade. This section requires that "In order to satisfactorily blend the structure into the natural environment and mitigate visual impacts, a structure shall be constructed of natural materials (wood, brick or stone) and shall be of a natural color." The Planning Board should discuss with the applicant which colors other than white may be acceptable, as white is not a "natural color" in this location.

c. Section 3: This section requires that roof slopes also be of natural color. It appears that the Castlewood Gray shingles specified on sheet A-22 meet this standard.

d. Section 4: The applicant should confirm that proposed glass will not be reflective. Modern energy efficiency windows are highly reflective. If low-E windows are proposed, anti-reflections window film should be specified. This will not reduce the effectiveness of the low-e windows.

e. Section 5: The applicant should confirm that no vegetation clearing or removal of 8"+ caliper trees is proposed or provide details regarding compliance with this section if such clearing or removal is proposed

Planner Stach reference section in his memo, and what he was looking for was whether the exterior improvement will be visible from the regulated view corridors. The applicant color for the sidings is white, he asks the Board to clarify if white would be considered a natural color. S. Capriglione said the house currently is painted white. She doesn't think it appropriate to have the applicant change the color. Planner Stach mentioned the color chosen for the roof slopes seem standard. As per the windows, in the plans it's not clear what the applicant is proposing. He said energy efficient windows are great but are highly reflective without a coating. If the applicant chooses to use those types of windows, he suggests the Planning Board to require anti reflective films. It would not affect the look of the windows. He said the applicant needs to indicate if vegetation removal is proposed. His additional comments have to do with planning concerns. As part of the ARB review, he said the Planning Board needs to confirm the excessive similarity or dissimilarity to other structures in the area. Although the applicant stated there are no changes to the exterior of the home, the applicant may need to submit a documentation of the surrounding homes so it can be determined by the Board. As per SEQRA, he believes it should be a type II action for a renovation on a single-family home. Also, he is not aware of any resources located within 500 feet of the site that would trigger a requirement for GML 239-m review by the Orange County Department of Planning.

R. Cataggio referred to the low-E windows. He visited the area and noticed the new windows on a home across the site. He noticed the light coming from inside the home, lights up the outside significantly. He asked Planner Stah if that was what he meant section 1.d of his memo. Planner Stah said no, it has to do with sunlight. The windows have a coating that reflects the UV rays from entering the home. Chairman Gerver and Planner Stah elaborated some more on the windows. Attorney Golden agreed that if the applicant wishes to submit the document regarding information on the surrounding homes in the area, they have every right to do so. Attorney Golden said this application will have a public hearing and it would be good to have such information available for the public. Representing the applicant Architect Hersh Leib Fisher was asked by the Chairman Gerver if the windows have the anti-glare coating and if not, would they be able to apply it. Architect Fisher said it won't be a problem to apply the coating. T. Deluca asked if the applicant plans to change the size of the windows. Architect Fisher said there will be more windows added to the home. On the side of the house there will be a big window that's fixed. S. Capriglione asked if the deck will be enlarged. Architect Fisher said yes it will be enlarged. S. Capriglione asked if he can clarify the dimensions of the deck because she can only see it being 4 ft. going in one direction. Architect Fisher said he will provide the information. S. Capriglione asked if there will be vegetation. Architect Fisher said no, there won't be any vegetation.

Chairman Gerver asked the Board if they need to see pictures of the surrounding areas since they are all familiar with the area. He then asked Attorney Golden if the Board can waive the documentation on excessive similarity and dissimilarity. Attorney Golden said he only suggested for it to be done since the public hearing will be scheduled and it would be good to have that information for the public. S. Capriglione said since the windows will be placed on the side of house that's facing

the neighbor. She would like the applicant to take pictures from the side of the house where the new windows will be, to see how much vegetation and thickness of the trees there is between the two lots. Also, to see if the lighting from inside of the home will reflect on to the neighbor's property causing a disturbance.

Motion was offered by Chairman Gerver, seconded by R. Cataggio to schedule a public hearing for May 19, 2021.

ADOPTED

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

Chairman Gerver advised the applicant that the anti-glare coating on the windows will be added as a condition to the Resolution of Approval. Therefore, the ARB the applicant submitted will have to be revised and noted on the plans. S. Capriglione referred to section 1.a in NPV's memo. She asked if it had to be written that the Board is waiving it and Attorney Golden said he would add it to the Resolution of Approval.

Motion was offered by Chairman Gerver, seconded by R. Anzalone to draft the Resolution of Approval with the conditions that were discussed in this meeting.

ADOPTED

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

To clarify with the Board, Attorney Golden listed the conditions that will be added to the Resolution of Approval. They are the photo simulation and the anti-glare coating on the windows.

Planner Stah asked the Board if they would agree to make reference to the color white as it not being a natural color going forward. He asked that for new construction the color white is not to be considered as a natural color. On new construction the Board requested that a resolution be drawn stating the decision of the Board. The color white will not be considered a natural color. All Board Members were in favor.

- C. **UPS Store/Woodbury Pharmacy** – Review and discuss documents submitted for proposed interior alterations to the Woodbury Pharmacy to allow for the use of 400 square feet of existing floor area to be utilized as a UPS Store. Said property is located at 535 Route 32 in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 219-4-4.2

General Background – As per the Village Engineer's records, the Woodbury Pharmacy received amended site plan and special permit approval in 2006 for a building addition and an amended approval in 2009 to include a prescription drop-off. The applicant's correspondence indicates there are no exterior changes proposed to the building, save for signage. The proposed UPS Store will be located within the existing building footprint and the two retail uses will be separated by modular wall partitions.

The applicant Maher Ishak said he was approached by the UPS Company and was asked if he would be interested to add a UPS store in his existing pharmacy. He thought it would be a great idea since he felt he had the space for it. He said they started the process in 2019 and he made the necessary arrangements. He was surprised to find out from the Building Department that the property is licensed for a single business, which brought him before the Board.

Engineer Barber began to go over her memo. The pharmacy was previously before the Board back in 2006 for a building addition and then back in 2009 adding the prescription drop-off box. The UPS store will be located within the building creating two uses and will be separated by wall partitions. She mentioned that the applicant should update their site plan to reflect the current conditions like parking, building footprint and any other changes.

H2M Memo dated April 12, 2021:

1. Zoning –

a) Use – Both the existing and proposed uses are considered retail and permitted special permit uses in the HB Zone with site plan approval.

b) Bulk Regulations – Since both uses are retail and no exterior modifications are proposed there are no impacts on your bulk criteria.

c) Parking – Since the parking requirements for retail are based on gross floor area (1 space / 200 SF), the addition of another retail use does not affect the parking required for the site. From Google Earth imagery, it appears 17 spaces (1 handicap) are constructed. The parking requirements for 3,400 SF of retail is 17 spaces. Plan is complying.

2. Site Plan – While no changes are proposed to the existing site, we note the site plan submitted is the same as the plan considered for the 2006 amended approval. In our opinion the plan should be updated to reflect the current site conditions related to parking, existing building footprint, and any other changes to the site (including the pharmacy drop-off window and changes in the 2009 approval). Regarding existing utilities, we note a modest increase in water and wastewater usage could be expected as a result of the additional UPS employee.

Engineer Barber spoke of the proposed signage. According to the applicant's renderings the measurements seem to be 17.6 square feet, about the same size as the existing sign. Making the overall area proximately 35 sq. ft. and as per code it only allows 20 sq. ft. If the applicant chooses to proceed, he will have to appear in front of the ZBA for a variance. As per the code on color it states 3 uniform colors are permitted. Each panel has 3 colors, but the overall sign will have 5, which creates another issue to bring forth the ZBA. She mentioned parking, she believes it may cause some traffic since the access is by truck.

Planner Stah said the site plan is out dated and began to go over his submission comments. The applicant has 8 parking spaces in the rear of the store based on the site plan. Although UPS and the Pharmacy have the same parking requirements the parking calculation should be added to the plan. Since it's another uses within an existing space he sees it as SEQRA type II action.

R. Cataggio referred to the access off Rt. 32 by the pharmacy. He feels it would be challenging for a UPS truck turning in and around then out onto Rt. 32. He asked if there should be drop off/pick up designated area while other vehicles are entering and exiting the premises. Planner Stah said the parking lot is not a big area and asked the applicant to share his thoughts on how the UPS trucks make their way for drop off/pickup. Mr. Ishak said behind the Pharmacy there is a back door where packages are delivered and picked up. The UPS will be using the same back door. The front door is never used for delivery or pick up. Chairman Gerver suggested adding a condition to the Resolution of Approval; that the UPS trucks are to only make pickups and drop off at the rear of the building. Attorney Golden asked if there should be a designated spot (an outline parking spot). Mr. Ishak assured the Board and Attorney Golden that the designated area already exists and there are signs as well. Attorney Golden stated it's a type II SEQRA. Attorney Golden said the Entity Disclosure Form that was submitted is no longer valid. It was previously filled out by Brontoli Construction and the form is missing a lot of information. Mr. Ishak should also state that he is the only owner; therefore it should be noted and handed in before this application is approved.

Chairman Gerver asked Mr. Ishak his thoughts on signage. Chairman Gerver explained that by choosing the size and colors in the plan he would need to go before the ZBA. Mr. Ishak said if that would delay the approval, he preferred to make the sign smaller as per the code. Chairman Gerver said the applicant would have to resubmit the new size of the sign and the 3 colors. The colors and the size of the sign was discussed a little more. The outcome; UPS and the Pharmacy have their own brand colors so the applicant will have to appear before the ZBA. R. Anzalone asked if there will be other signs applied to the building or anywhere else. Mr. Ishak said just the existing Pharmacy sign, happens to be near the road.

Chairman Gerver went over the list of things the applicant would have to go by to move forward and his request to Engineer Barber to send a referral to the ZBA for Mr. Ishak. Engineer Barber reminded the applicant to resubmit a new plan

reflecting the lot as is. Chairman confirmed this application will require a public hearing, and it will take place after the applicant's meeting with the ZBA.

R. Anzalone asked will the UPS trucks enter through Rt. 32 or Townsend Avenue. Mr. Ishak said the trucks will enter through Rt. 32 and exit through Townsend Avenue. T. Deluca clarified if a truck enters through Townsend Avenue; they will have to exit through Rt. 32 due to the turning maneuvers.

Chairman Gerver then explained the next steps to have the application approved. Mr. Ishak understood.

- D. KJ Water Treatment Facility** – Review and discuss revised 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. In prior correspondence they advised they are in the fourth phase of this project to construct a Water Treatment Plant for treating aqueduct water that is a surface water requiring filtration. 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. The inspector advised the work was completed in substantial conformance with the approved site plan.

Attorney Marissa Weiss from Jacobowitz and Gubits and Engineer Tom Schoettlet represent the applicant Village of Kiryas Joel. Engineer Schoettlet began screen share a submission of the updated Village of Kiryas Joel Catskill Aqueduct Connection Project – Phase 2. He said their focus was to respond to comments that were previously given to the applicant back in March 2020. He proceeded to read his report, referencing Project Overview on Phase 1 and Phase 2. Pictures of the “Project Location” was shown along with “Existing Seven Spring Road Site”, the Modified Site Plan, Site Cross Sections, Treatment Building – North Elevation, Treatment Building – South Elevation, Treatment Building – West Elevation, Treatment Building – East Elevation, Treatment Building – Interior Floor Plan, Treatment Building, Site lighting, Summary of On-Site Treatment Chemiclas, Retaining Wall Detail and the Project Schedule. Engineer Schoettlet in detail explained the progress, function, and purpose for each topic. In hopes he has addressed the comments previously given to him.

Attorney Weiss addressed the SEQRA issue. She ask to defer any action on SEQRA to a later time. She commented that there are more extensive documents regarding SEQRA that need to be reviewed. Attorney Golden is in agreement.

S. Capriglione had a question regarding the Treatment Building picture. It was a model of what the building may potentially look, and she wanted to know if the side of the building entry way would go parallel with Seven Springs Rd. Engineer Schoettlet said yes. Chairman Gerver presuming it's a premanufactured building he asked if there was a color palette that the manufacturer can provide. Engineer Schoettlet said he was sure there is a palette and can be provided. They will be collecting palettes from one or two manufactures that are qualified. Last meeting, Engineer Barbers suggested to look at other areas with water treatment facilities and to take notice of how it blend with the surroundings. S. Capriglione asked Engineer Schoettlet if he was able to look at them. Engineer Schoettlet said it mainly comes down to the availability of funds. He said the more elaborate the more expensive the building will be. They've tried setting plans to minimize the view of the building from the street.

Planner Stah began to go over his comments.

NPV Memo dated April 15, 2021:

Comments on Submittals

1. *Bulk and Area Standards – In response to comment 1 of our previous memorandum, the applicant states that, “a table of zoning setback requirements has been added to Sheet C-5. However, we cannot confirm this as a revised sheet C-5 has not been submitted to the Village.*
2. *The applicant has not responded to comment 2 of our previous memorandum regarding detail on the existing well labeled “33” as shown on existing conditions sheet C-4, southwest of the proposed water treatment plan. No access path or driveway is shown leading to this well structure. It is unclear how it relates to the new proposed Water Treatment Plant, and this should be clarified.*
3. *We will defer to the Village Engineer regarding the provision of additional stormwater management details and a SWPPP, as it appears more than one acre will be disturbed. The proposed area of disturbance should be calculated. The applicant has responded that “drainage and erosion and sediment control information has been added to Sheet C-2a and C-4,” and that “a SWPPP will be submitted.” We cannot confirm revisions to Sheets C-2a and C-4, as these revised sheets have not been submitted to the Village.*
4. *A landscape plan sheet C-9a has been submitted in response to comment 4 of our previous memorandum. Significant tree and shrub plantings are now shown in front of the Tank and Water Treatment Plant Building. The new proposed 500,000-gallon raw water storage tank, sited behind the existing chlorination building, will be visible from Seven Springs Road, but as the grade slopes downward from Seven Springs Road and the base of the tank is 15 feet below the centerline of the road, landscaping the front of the proposed tank and treatment building will make a meaningful difference in the appearance of the facility in this rural area of the Village. The top of the 500,000 gallon tank is at elevation 878, a few feet above eye level of drivers on Seven Springs Road, at about 875 feet.k*
5. *ARB review is required per comment 5 of our previous memorandum. The applicant should submit all items required by Chapter 8 of the Village Code (Architectural Review Board.) The elevations provided in the updated PowerPoint presentation on slides 9 and 11-14, and the rendering on slide 15, are of the main water treatment building only. The proposed white metal siding shed building is the same design as provided in January of 2021. No attempt has been made to adjust the design to fit in to the wooded, rural feeling of the western part of the Village in response to previous comments, by adding some stone, wood, or brick facing, or a shingled roof.*
6. *Per comment 6 of our previous memorandum, Ridge Preservation standards should be addressed. The highest part of the site is approximately 865 feet in elevation. As the site contains areas at 600 feet elevation or higher, the provisions of §310-13 apply. The applicant should be aware that the newest adopted text for §310-13 is found in Local Law 2 of 2021 which is not yet codified, but may be found at <https://ecode360.com/WO2925/laws/LF1299113.pdf>. An illustration should be submitted according to §310-13(6) simulating a view of the proposed structure from the nearby designated view corridors. Exterior wall colors, window glass, and roof line should meet the standards of subparts (1) through (4) of this section. Details of trees to be removed should be submitted per subpart (5). These standards require natural materials and evidence that the facility will blend into the hillside, which is not achieved by the proposed white metal siding in the rendering of the main building provided. We note that a site cross section has been provided on slide 9 of the PowerPoint presentation which is helpful.*
7. *The applicant has not responded to our previous comment 7 regarding the proposed septic drain field, shown west of the treatment building beyond the fence line. This septic drain field location is shown as a rectangular location only, on previously submitted sheet C-5. Wastewater disposal details for the occupants of the Water Treatment Building should be submitted.*
8. *Per comment 8 of our previous memorandum, we recommend that the applicant be required to submit their application to the State Historic Preservation Office for review, for potential impact on archaeological resources related to the historic farmstead site indicated, west of the proposed treatment plant.*
9. *Regarding comment 9 of our previous memorandum, the applicant’s submittal table states that a copy of an FEAF Part I has been provided; however, it appears that no EAF form has been submitted to the Village. We need to know whether there are any DEC or Federal wetlands located on the site; the classification of the stream indicated on the west side of the site on sheets C-4 and C-5; whether the area is sensitive for archeological resources; whether any endangered species may be present; and other relevant environmental*

information required by the FEAF. We will defer commenting on SEQRA until we are provided with an FEAF Part 1 form to review.

Engineer Schoettlet said there was a late submission to the Building Department that will cover most of these comments. He said once the facility is construction, and the connection is made to the Catskill Aqueduct all the wells in Kiryas Joel and wells that serve from outside of Kiryas Joel will become back up supply wells. Pointing out to a site plan on the screen, he said the well will not be connected to the Treatment Plant because it doesn't need any treatment. He will provide a written response to Planner Stah's comments. In reference to the septic system Engineer Schoettlet gave an explanation. They have not conducted a test on the site. He said the project has been reviewed by SHPO. Attorney Weiss confirmed, she said it was sent today for review.

Chairman Gerver asked if there are plans to have heavy machinery at the plant. Engineer Schoettlet said he has not had that discussion but doubt it would be permanent location for any storage. Attorney Golden said if that was the case, then it would be set as a condition. He advised Engineer Schoettlet to look into it much further.

Engineer Barber began to briefly discuss a couple of items from her memo. Based on the applicant's comment disposition letter regarding well 33. She said that will require a site plan approval aside from it being a separate project from the applicant's submission. She said the elevation on the plans was helpful, it demonstrates the visibility from the street. She listed certain things that will be visible for instance roof, some siding and a chain-link fence. Engineer Schoettlet the chain-link fence will serve as a screening and its included in the specifications. Engineer Barber asked for it to be shown on a rendering. The applicant believes that the proposed access is the best based on site lines and she recommends the applicant to reach out to the Traffic Consultant. Engineer Barber continues to say that there were comments based on environmental issues and as per Attorney Weiss's comment on SEQRA she will continue to discuss it in the next meeting. She continues to mention some topics where they may be reflected on the recent submission by the applicant. Since the applicant made a late submission and Attorney Golden just received some documentation on SEQRA, Engineer Barber advised that any other submissions for it to be done at an adequate time considering the scheduling of the meetings.

Chairman Gerver asked if the water tower would be the tallest point and Engineer Schoettlet said no the building is. He shared his screen to have a visual. The picture of the Site Cross Sections shows from both sides the elevation of the building and the water tower. Chairman Gerber asked for a balloon testing, taking pictures so he can have an idea of how much of the facility will be visible. Engineer Schoettlet said at the moment he does not recommend any balloon testing since the area is heavily wooded. He suggested using Google Earth in order to help the Board have a better look.

Engineer Barber said the roof looks like it will be exposed. She asked if it would be better to recommend a better material rather than having metal, so that it can blend in more. Attorney Golden said as per the ARB and ridge preservation the metal will make it hard to blend in with the surrounding area. Chairman Gerver said that area is one of the least built out area of Woodbury.

S. Capriglione asked Engineer Schoettlet if it had gone to bid yet. Engineer Schoettlet said no. She said she's in agreement with Chairman Gerver. She wouldn't want to put an industrial building in an untouched area in Woodbury that would most likely stand out due to the materials. She said the Board is aware that it can be costly, but hopes the applicant will work with the Board and vice versa. Attorney Weiss said they will do some research and explore some options.

Attorney Golden spoke of well 33. He said it was talked about the impact of the well, the grading amongst other things. He asked Attorney Weiss if the well was part of another project. Attorney Weiss said it was a part of a different project. There is documentation and Attorney Weiss offered to forward the information to Attorney Golden for review.

- E. **Introductory Local Law #5 of 2021**- Review referral by the Village Board of Trustees of Introductory Local Law #5 of 2021 entitled "A Local Law Amending Chapter 310 ("Zoning") of the Code of the Village of Woodbury to Create a Bed-and-Breakfast Overlay Zoning District.

General – The proposed revision to the Code is intended to create an overlay district to allow bed-and-breakfasts (B&B's) within the district limits. It is concisely written, primarily repealing the language in the Code that permits bed-and-breakfasts in various zones within the Village and amending the zoning map to establish an overlay district boundary

Attorney Golden said there was a prior local law that would eliminate Bed-and-Breakfast all together. The Village Board of Trustees thought instead of eliminating them, they can be restricted to certain areas. The Village Board of Trustees did not map out any specific areas and changes to the regulations were not indicated.

Engineer Barber spoke of the mapping on proposed area(s). As per her comments in her memo the proposed overlay districts are mostly properties in the Hamlet Business (HB), Limited Commercial (LC), and Corridor Residential (CR) zones that front along Route 32 and some along Smith Clove Road. She said there are certain areas that were not outlined, but had uses for instance Roselawn Road, Neimond Properties. She recommends the Board to have them included. Although at the time they are not B&B, they can potential become one. She is also asking the Board to included area with large amount of property, a farm for example. She continues to briefly go over her comments.

H2M Memo dated April 15, 2021:

4. We note upon repeal of B&B uses in the bulk tables, the only Code criteria regulating this type of use is the definition which states:

A private owner-occupied dwelling in which at least one and not more than five rooms are offered for transient, overnight lodging and breakfast is offered to such occupants. No public restaurant shall be maintained.

It is our understanding that enforcement of owner-occupancy has been a difficulty for the Building Inspector. We recommend you consider with Counsel how this could be addressed and if there are any bulk criteria that should regulate development of this use.

5. We recommend you consider if there are any other restrictions or regulations that you may want to include for this type of use:

a. Security Lighting – perhaps low-level night-time lighting is appropriate.

b. Outdoor Amenities – are they permitted and for use by guests, to include pools, tennis courts, etc.? c. Restrictions on Bussing – will bus traffic to and from these properties be permitted?

d. Signage – these would be regulated according to the district in which they are located but are not permitted in residential zones (R-0.25a, -1a, -2a, -3a). If any properties in those zones are included in the overlay, you might consider whether a sign might be appropriate for this use.

6. Within the last few years, two B&B's were before you, but these applications were never approved. The Law does not appear to provide an exception for applications having proceeded to a certain extent before the Planning Board (i.e., completion of SEQRA) nor does it provide a grandfather exception for existing B&B's, such as the Rushmore Estate B&B, which is outside of the overlay district boundaries. You may wish to consider this in your recommendation to the Village Board.

7. It is not clear if the overlay is intended to capture rentals like Airbnb or VRBO. These websites act as an "online marketplace" of bedroom, apartment, or home rentals that allow owners to lease their dwellings at their convenience. In our opinion, these are similar but not exactly the same as a whole property designated as a BNB which offers amenities and breakfast served. If these are to be restricted by the overlay district, you might consider whether the definition for B&B's should be revised to include them.

8. We recommend you refer this local law to the Building Department for their comments and considerations regarding enforcement.

As for regulating Chairman Gerver said he would like the same provision that were written for the Gai Yi application. The applicant has to provide proof of ownership, be a registered voter in Woodbury, a driver's license containing Woodbury address, a letter (if you lived outside of Woodbury) stating you are no longer or not a registered voter. He said it should be clarified in the law, so that applicants can know what is expected. He said as criteria he recommends lots to have direct access to Rt. 32. The topic of short term rental came up and Chairman Gerver clarified that the Building Inspector Thomasberger reference the definition of the code and it does not allow short term rental, making it a mute discussion. R. Anzalone requested that B&B have at least 2 acres. He expressed his opinion by saying he is not in favor of B&Bs, there will

be 5 hotels in total. One exist, one is a motel and 3 that are coming. Chairman Gerver is in agreement. After further discussion the Board agreed to have a B&B it needs frontal access to Rt. 32 and 2 acres of land and no outside amenities. For existing B&Bs they are allowed to go forward under the old zoning, but if they fail to use it as a B&B (for example receiving guests) for a year it may be considered as an abandoned use. S. Capriglione asked about existing application(s). Attorney Golden said the law applies to anyone who has applied to the state, unless you have an approval and are modifying the property prior to the law coming into effect.

R. Cattagio asked if the term “five rooms” in the definition of B&Bs can be clarified. Attorney Golden said it means the owner can have a maximum of 5 bedrooms. Correction was noted.

“A private owner-occupied dwelling in which at least one and not more than five rooms are offered for transient, overnight lodging and breakfast is offered to such occupants. No public restaurant shall be maintained.”

R. Azalone referred to a comment from the county on B&Bs revenue, and he just wanted to say that there will be an even bigger revenue from the hotels, so it a mute argument.

5. Board Members Comment(s):

The Planning Board would like to recommend for the Village Board of Trustees to go over the signage law. A suggestion was made, and all agreed for the Planning Board to be able to issue a waiver when it comes to signage. Attorney Golden suggested adding a standard and while the Board contemplates, Attorney Golden will reach out to the Village Board of Trustees.

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by S. Capriglione to adjourn the meeting at 10:20 PM.

ADOPTED

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

Claudia Valoy-Romanisin, Planning Board Secretary