

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

Minutes of the Planning Board Meeting held on July 7, 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  
Jonathan Lockman, 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. Approval and Acceptance of Previous Minutes:**

Motion was offered by Chairman Gerver seconded by R. Anzalone, to approve and accept the minutes of the meeting held May 19, 2021. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

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

**4. Regular Agenda:**

- A. Village of Woodbury/2-lot subdivision** – Schedule public hearing date for proposed 2-lot subdivision of property located at 15 Penie Lane in Highland Mills. Said property is known on the Village of Woodbury Tax Maps as Section 219-5-21.2.

Motion was offered by Chairman Gerver, seconded by S. Capriglione, to schedule the public hearing for July 21, 2021. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

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

Motion was offered by Chairman Gerver seconded by T. Deluca, to declare the Planning Board as lead agency for the Village of Woodbury 2-lot subdivision. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

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

- B. Woodbury Villas** – Review and discuss proposed site plan amendment for the relocation of the community building and parking lot within the Woodbury Villas. Said property is located at 4 Central Valley Line and is known on the Village of Woodbury Tax Maps as Section 254 Block 4 Lot 2.

**Background** – The applicant advises due to fill required, for Road B and part of lot HOA-F, as part of sanitary sewer improvements that were previously approved circa 2011, they propose to relocate the community building and associated parking. The developer has returned to the Planning Board on several occasions since the granting of final subdivision and site plan approval in 2006. The prior revisions were primarily regarding the phase plan and ARB approvals. The most recent approval was for a phase plan revision approved in 2020. That approval ties the construction of the community building to the number of building permits that can be authorized.

**General** – The plans generally show the same features of the original approval including community building, parking area, multi-purpose court, tennis court, pool, wading pool, tot-lot and play area. However, these features have been rearranged, essentially separating the clubhouse and pool area, requiring a new pool house, which is proposed.

Representing the applicant Attorney Steven Barshov from Sive, Paget & Riesel said the applicant looking at the design of the community room determined that it is too small and therefore came up with a reconfiguration; while keeping the basketball, tennis courts and other amenities the same. He continues to say, there are items they would like to address but as per the Board’s request they are to hold off addressing them for now due to the absence of an engineer. Attorney Barshov highlighted some of those points which were landscaping, a question of whether there be a two-way (ingress and egress), and data request on drainage. Comments that also came back were more technical and they are hoping to start hitting ground before the winter. Since they are aware the Board would like to get this going they are hoping to set a public hearing as soon as possible.

Engineer Natalie Barber addressed if part of this improvement was brought on by the placement of the fill for the sewer line improvements, which would result in piles being required for placement of the building. Attorney Barshov said he would look into it and get back to the consultants and the Board. Engineer Barber clarified that whether it’s approved as a change or relying on the original plans it would need to be certified by the engineer that the building is structurally sound based on the geotechnical issues encountered. She said all the features remain as part of the original approval except for rearranged. The new feature is the pool house and on the plans the pool has been separated from the main clubhouse building. She recommends there be a pedestrian’s pathway from the main clubhouse building to the pool house, also pedestrian walkways to the main clubhouse from the courts. It was noted that the building will be larger, she recommended that the dimension be noted on the plans to see how much larger it will actually be.

Engineer Barber noted the plan says 53 parking spaces, but 51 are shown (51 spaces are part of the original approval) and since the intent is to make the building larger the parking spaces may need to be adjusted and request the applicant to revisit that section. She said minor adjustments were recommended to the access drives, data on the water and sewer demand and would like to see that the revised design does not impact the anticipated water usage. She noted the water and sewer utility connections to the main should be shown on the plans as well as other comments for instance easements in her memo that should be addressed by the applicant. Attorney Barshov added saying the easement was designed for the original configuration. He agreed on the 51 parking spaces and said they will go back and make the correction.

H2M Memo dated July 1, 2021:

*Parking –*

- i. The previously approved site plan showed 51 parking spaces for community center guests. This plan provides 51 spaces, but incorrectly indicates 53 spaces are proposed. Applicant to clarify.*
- ii. We recommend 25-ft access aisles at the driveway entrances, per your Code (§310-42.E(3)) – plan currently shows 22-foot wide access roads.*
- iii. The four parking stalls shown East of the triangular shaped island may require adjustment. The stalls should be clearly defined with 18-ft stripes and the distance between these spaces and the handicap spaces shown on the opposite end of the driveway aisle (25-ft required) confirmed.*

*Utilities*

- i. Water/Sewer – The applicant should provide calculations for water and sewer demand and discuss if these are expected to change based on the revised proposal. However, utility connections to the water and sewer mains should be shown on the plan and the location of these utilities shown accurately and within designated easement areas as required by the intent of the original approval.*
- ii. Drainage – The plans show a substantially different design than that which was previously approved. The changes are detailed as follows:*
  - 1. In the parking lot, the approved plan shows a series of five catch basins connected to a storm drain to the east which eventually flows to Forebay 6A. The plan provided shows one catch*

*basin that discharges through a head wall to rip rap area, which may lead to Forebay 6A. Forebay 6A should be shown on the plan to confirm. The ability for one catch basin to properly collect and convey the drainage from the parking lot should be confirmed.*

- 2. The approved plan shows a series of drains and swales along the retaining walls that discharged to a headwall in the easement identified as UE-HOA-F4. These are not shown on the plan, and if no longer required, the easement may need to be extinguished.*
- 3. The approved plan shows a headwall and culvert connecting the wetland area south of Road A to this parcel. The system was intended for easement UE-HOA-F5. The applicant should advise if this was installed or if changes to this configuration are proposed.*
- 4. The existing conditions plan provided by the applicant indicates the approximate location of a 48-inch drainage pipe to headwall. This should be confirmed.*
- 5. Details of Forebay 6A on other plans may need to be amended.*
- 6. The applicant should confirm compliance with the previously approved SWPPP or provide an amendment for the impacted areas.*

*Grading – Large areas of rip-rap are proposed around the perimeter of the club house facilities in areas of steep grade. The applicant should provide a detail and confirm constructability of these features. We understand other areas of the development with steep slopes and proposed rip-rap failed due to erosion. The applicant should discuss mechanisms to prevent this or consider an alternate design.*

*Pedestrian Circulation – The proposed revisions bisect the pools and pool house from the clubhouse. We recommend you consider whether a sidewalk or some other mechanism for safe movement of pedestrians between these features is warranted. Furthermore, the applicant should show the walk/path/stairs that will lead to the courts from either the parking areas or clubhouse on the plans.*

*Easements – The existing conditions plan provided by the applicant indicates encroachments on sanitary and drainage facilities on the subject parcel. The applicant will be required to modify the easements so they match the utility installations where they differ or relocate the utilities. We recommend the easements or utility locations be amended as needed as part of this proposed action. Where other easements are proposed for abandonment (i.e. drainage easement in parking area), we recommend you consider with input from Counsel what procedures should occur for these to be eliminated.*

*Landscaping/Lighting – The applicant’s plan notes refer to the original design documents for landscaping and lighting. If this plan is approved, we believe the changes are so substantial that they will replace the existing plans. All referenced details should be provided with this plan submission.*

*Refuse – The applicant should show an area for refuse collection (dumpsters).*

*Accessibility – Sidewalks and facilities should be handicap accessible. Applicant to confirm compliance on the plan. If accessible features are required for the pools or courts, these should be noted on the plan.*

*Miscellaneous – Applicant to provide a legend confirming utility, easement, and property line types including existing and proposed grading) as well as graphic scale bar.*

S. Capriglione asked Engineer Barber if she knew the dimensions of the original building. At that moment he did not know, but will be able to provide it once she receives the new dimensions and then compare it with the old. Attorney Barshov said they will provide the dimensions to both the old and the new.

R. Cataggio had a question regarding the club house in the amended December 2<sup>nd</sup> rephrasing. Engineer Barber said the approval tied in the clubhouse, the gate house and the adult recreation center to the number of building permits that can be issued based on the progress of those improvements; she said the Board’s intention at that time was to make sure improvements were done. R. Cataggio asked if the Board said the amenities had to be “operational” before the issuing of building permits. Engineer Barber said there’s a certain number of building permits that can be issued once the Performance Bond was submitted, she listed a few of them hoping to answer R. Cataggio question.

S. Capriglione asked if the Performance Bond was posted. Engineer Barber said the bond was received although they are going back and forth on some of the language. An estimate was submitted and the applicant has complied with the estimate. Attorney Barshov concurred he said the bond has been issued and it's in effect, there's just the issue of adding a language.

Village Planner Jonathan Lockman began to go over his comments/notes and mentioned some things that were not noted. In reference to landscaping he advised that the applicant should make sure it matches what was approved for the area around the recreation center. He mentioned a sidewalk that went along the road across the recreation center, there should be a crosswalk. He noted some of the facilities are of different levels, having a difference of 10-ft so besides paths there may be a need of stairs or ramps.

Planner Lockman noted that on the new plans it shows the wetlands on the back of site and on the property versus the old drawing seems to have the wetland configuration beyond the property line. He's not too sure if it was flagged in the original plan. He said the project will require architectural review and ridge preservation and clarified that the Board is the ARB.

S. Capriglione asked Planner Lockman if he can locate the recreation building on the map since she wasn't able to locate it in either map. Planner Lockman said the outline of the building is next to the pool. He noted one of his comments regarding the location of the pool.

NPV Memo dated June 30, 2021:

*We question whether it might be more workable to place the pool next to the clubhouse building, and for pool house functions to be integrated into the large clubhouse, thereby minimizing building footprints and filling/grading.*

Village Planner continues to indicate where the recreation building was located on the map. S. Capriglione stated the dimensions seem small and Planner Lockman stated the recreation building is bigger and it's unclear how much bigger the new one is.

R. Anzalone noted Planner Lockman's concerns to the rip rap on steep slopes in page 3 in the NPV memo. He asked if Planner Lockman's concern was in terms of landscaping or erosion. Planner Lockman said he will leave it up to the engineers that the walls will function without erosion. He said without landscaping it wouldn't look right and adding trees will help softening the look. R. Anzalone noted Engineer Barber's concern on the same issue as well. She said once rip rap is used especially on those steep slopes its best to confirm that it's constructible and that it will stay that way.

NPV Memo dated June 30, 2021:

*In the new layout proposed, there is extensive use of rip rap to stabilize the steep slopes, and multiple retaining walls (with three to five terraces) are proposed along the west property line. No landscaping is shown to soften the look of these extensive areas that will be devoid of vegetation.*

Attorney Richard Golden said the project has gone through an extensive SEQR review and thinks that the changes that are proposed for the clubhouse is not something that's significant to require additional SEQR and if the Board is in agreement they can reaffirm prior SEQR that the modifications were within the general impacts studied in the prior SEQR review.

As per Attorney Barshov comment on easement, Attorney Golden was in agreement. If an easement is in one person's name is now on property that is in the same person's name, that easement necessarily and by operational of law is extinguished. You can't give an easement to yourself or have an easement to the same owner. He suggests that in the next meeting or when possible a decision is made on which easements can be considered or extinguished therefore removing from the plans. Although easements for utilities and things should be some recognition.

S. Capriglione asked who the owner of the property is since Orange County tax maps states its Woodbury Complex C and not Woodbury Villas. Attorney Barshov said to his understanding its Woodbury Villas. S. Capriglione said it should be corrected. Attorney Golden said if it had been a recent transfer from one entity it wouldn't necessarily be reflected in the county records. Attorney Barshov will have to look up recent transactions of ownership transfer to provide proof of ownership. He noted if it's not under Woodbury Villa's names then the applicant will need an owner's authorization from the corporate entity in order to proceed.

Chairman Gerver knows the applicant would like to set a public hearing but he doesn't think this application is at that point. With the next submission the Board will need to review, along with the ARB application.

S. Capriglione asked if anything has been done on the adult building. Attorney Barshov said their focus is on the new design.

Motion was offered by Chairman Gerver seconded by T. Deluca, to reaffirm SEQR. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

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

**C. Gluck/Summit Properties ARB** – Review and discuss documents submitted for ARB review of 5 single-family homes located on Summit Avenue in Central Valley. Said property is known on the Tax Maps as Section 228 Block 9 Lots 1.22, 1.22, 4.21, 4.241, 4.243

Architect Eric Osborn representing the applicant spoke of comments that have been addressed since their previous meeting with the Board. He had new plans he wanted to hand out to the Board, but was advised that new submissions are not accepted during the meeting, but to be given to the Building Department so it can then be distributed to the Board and counsel as procedure.

Engineer Barber stated that the applicant has tried to address some of her comments, regarding stakeout, tree survey, landscaping, and color. She said the applicant has revised the landscaping plans to identify which trees will be removed and which will be preserved. Architect Osborn's team is willing to work with the Board and has requested the Board for some direction so the applicant can come back with something the Board would consider. One of the requests was the color of the proposed decks on those homes; the rear is facing the view corridor (lot 1, 4 and 9). It was opined previously that lot 4 and 9 are the most visible from the view corridor. She continues talking about the colors and natural materials along with the homes blending in, noted in her memo.

H2M Memo dated July 1, 2021:

*Visibility – As reported in our prior memorandum, based on the results of a site visit held on December 28, 2020, we opined that during a leaf off condition, the homes proposed on Lots 4 and 9 are most likely to be visible.*

- i. Lot 4 – The home proposed on Lot 4 is located West of the home on Lot 3, we believe this lot could become visible if excessive clearing were performed as is the case on Lot 3. However, the applicant only proposes to disturb a portion of the southeasterly site for the septic system and as long as the disturbance limits are strictly adhered to, we believe the remaining heavily wooded area would provide adequate screening of the home. The southern portion of the site contains a conservation easement area preserving much of the landscaping on the site. We recommend you consider whether additional easement area is warranted around the disturbance limits on the northern part of the property to preserve the landscaping buffer where the home is to be located.*
- iii. Lot 9 - The proposed home on Lot 9 is located East of Lot 3 and is in a similarly cleared condition as the southerly portion of Lot 3. Of all the homes proposed, we believe this lot is most likely to be visible from the view corridor. We note the home (17 Oak Concourse) built directly adjacent to Lot 9 is not visible, but much of the tree cover surrounding this existing home remains. The existing conservation easement appears to encompass the mature vegetation on this site and in our opinion an extension of the easement does not appear to provide additional benefit. However, similar to Lot 4, we recommend strict adherence to the disturbance limits as part of your action.*

*Recommendations:*

- i. Building Design – The applicant previously submitted rear elevations that appeared to correspond to the Lots as follows: Aspen – Lot 4, Cedar – Lot 6, and Birch – Lot 9. Lot 1 is also rear facing towards the view corridor and a rendering for this home should be provided. The Aspen (Lot 4) & Birch (Lot 9) models have a larger exposure at the rear building elevation due to a sloping grade (approximately 7 to 9 feet lower than the approaching grade at the front). You should consider the appearance of the structure and whether any mitigation are necessary considering the size of the structure and its setting compared to other structures per the Ridge Preservation and ARB regulations.*

- ii. *Earth Tone Colors/Natural Materials* – At your last meeting you considered the colors of the homes and requested the applicant show a different color for the Aspen Model Home. You also requested the applicant consider using natural materials in lieu of and/or to supplement the vinyl siding proposed. Finally, you requested information on the decks, and proposed colors. This information remains to be provided.
- iv. *Blending of Structures with Topography Below Tree Line* – The Code specifies that unnecessary clearing is to be avoided. The applicant has submitted plot plans for Lots 1, 4, 6, 7, and 9, which show the Limit of Disturbance. We previously noted that the disturbance limits vary from the prior subdivision approval, which appears to be due to the design of the proposed homes. We requested the applicant review the limits and the disturbance limits where feasible and adjusted the locations of certain features for the preservation of mature trees, which is appropriate. Based on your prior comments the applicant has conducted a tree survey which identifies the location of trees greater than 6-inch DBH. We recommend you review the trees that are within the disturbance areas and request the applicant clearly identify on the plan which of these will be removed. iv. *Use of Deciduous & Evergreen Trees to Supplement Natural Vegetation* – We defer to your Planner on the landscaping proposed.

*ARB Specific Comments* – Per your ARB regulations (appended) the following should be considered for appropriateness with respect to excessive dissimilarity or inappropriateness in relation to itself or to any other structure in the same permit application, facing on the same street or within the same or surrounding neighborhood, including neighboring developments:

- a) *Elevations* – For each home, the applicant has provided architectural views for your consideration (front, left, right and rear). You also have one photo rendering of the front elevation showing the materials and color. As noted above you have requested revisions to the elevations which remain to be provided.
- b) *Dwelling Size* – Based on our prior review, the proposed homes average approximately 3,740 SF of Living Area (they are even larger when considering unfinished spaces). Compared to the existing homes they are approximately 20% larger than the next largest home and 49% larger than the smallest home (not including barn); these statistics are based on living area. The Code allows you to consider the mass, size, and proportion of homes for similarity/dissimilarity among other homes.

She made the Board aware of the choosing of colors and materials once the sites begin to clear even further. She noted that towards the view corridor each of these homes will have up to three levels. In the initial review of the subdivision it was considered with the conservation easement area and one of the resolution conditions is that the home shouldn't be shifted in 5-ft in any direction, due to the visibility concerns. Another criterion in ridge preservation was recommended for the Board to consider as per her memo.

*i. Lot 4* – The home proposed on Lot 4 is located West of the home on Lot 3, we believe this lot could become visible if excessive clearing were performed as is the case on Lot 3. However, the applicant only proposes to disturb a portion of the southeasterly site for the septic system and as long as the disturbance limits are strictly adhered to, we believe the remaining heavily wooded area would provide adequate screening of the home.

The southern portion of the site contains a conservation easement area preserving much of the landscaping on the site. We recommend you consider whether additional easement area is warranted around the disturbance limits on the northern part of the property to preserve the landscaping buffer where the home is to be located.

*ii. Lot 9* - The proposed home on Lot 9 is located East of Lot 3 and is in a similarly cleared condition as the southerly portion of Lot 3. Of all the homes proposed, we believe this lot is most likely to be visible from the view corridor. We note the home (17 Oak Concourse) built directly adjacent to Lot 9 is not visible, but much of the tree cover surrounding this existing home remains.

The existing conservation easement appears to encompass the mature vegetation on this site and in our opinion an extension of the easement does not appear to provide additional benefit. However, similar to Lot 4, we recommend strict adherence to the disturbance limits as part of your action.

She said rear elevation was recommended for the homes except for lot 1. Planner Lockman has a table showing the size of the homes in comparison to each other as well as the existing homes in the area and the proposed homes are 20%-49% larger. She continues to list comments for the Board awareness, which are requested confirmation on the retaining wall, the location of the storm water management system on lot 9, and disturbance limits around the septic system on lot 4.

Engineer Barber had also looked at the prior resolution and apologized for not listing them in the memorandum, but she spoke of the related conditions briefly. She looked into and reviewed the engineering related concerns associated with the drainage, #11 involving improvement along Summit Avenue and #12 involving the along Oak Concourse. Condition #16 requiring a speedy permit required by the DEC. She said she like to see if the permit was applied for and issued, so the applicant should provide proof. She wasn't able to confirm condition #18 regarding the status on the maintenance bond and #20 regarding parkland fees. She also noted at that time of the approved resolution the engineer's memo was on the plan itself; that built plans of the stormwater maintenance facilities for each lot be provided to then be submitted to the Building Department, so that information can be available for any future homeowner.

S. Caprignone said she'd visited the site several times and is having difficulties with the location of lot 1 based on the plan. Architect Osborn stepped forward and was able to answer her question and indicating the location on the plan. He also indicated the plan she has is a landscaper's plan which makes it difficult to make out the location. The new submission will help clear things up.

Planner Lockman appreciated having a landscaping plan since his comments addressed the applicant showing limits of disturbance with lots of trees and it wasn't clear which ones were going to be cut and the ones that will be preserved. The July 2<sup>nd</sup> plans that Architect Osborn tried to submit this evening appear to address those issues. He noticed as well temporary fencing for the trees to protect them from construction. He's also appreciated that the species picked out are not on any invasive species list. Once the plans are distributed by the Building Department he will give a thorough review and address any issues.

Planner Lockman said if the Board is satisfied with the sizes and placement of the homes, he suggested they settle it tonight so that the applicant can refine the drawings and take care of other details that Engineer Barber mentioned in her comments.

Planner Lockman noted the basements between the adjacent homes and the proposed homes were not included. He said the applicant did not provide figures for the basement areas to compare.

NPV Memo Dated June 30, 2021:

*6. As was included in the previous memorandum, the chart below reviews the plot plans and floor plans submitted and shows a summary of the sizes of the subject lots, the maximum amount of lot coverage available and proposed at each lot, and the total gross building square footages proposed, and the sizes of nearby/adjacent homes. This is largely based on the November 3, 2020 letter from Eric Osborn, Architect. We prepared this to assist the Board in its review regarding §8-5. Note that we have used gross square footages for the applicant's proposed buildings (without deductions for unfinished areas or garages) so that overall size could be judged and compared. The last lower right set of cells indicates the size of surrounding homes as provided by the applicant in this submission. As was noted in comment 6, the applicant's figures do not appear to include basement areas. It appears that the sizes of the homes proposed are compatible with the existing homes with respect to their scale, but the Planning Board should review the response letter (revised November 3, 2020) to make its own determination.*

<i>Lot Sizes and Available Coverage of Impervious Surfaces</i>						
<i>Lot Number</i>	<i>Section</i>	<i>Block</i>	<i>Lot Number</i>	<i>Acres</i>	<i>Available 20% Lot Coverage (Square Feet)</i>	<i>Provided Lot Coverage</i>
1	228	9	4.21	1.27	11,034	9%/4,979 sf
4	228	9	4.243	0.74)= 2.42	21,043	5%/5,271 sf
6	228	9	1.23	1.11	9,670	10%/4,835 sf
7	228	9	1.22	2.05	17,860	6%/5,358 sf
9	228	9	4.241	1.48	12,894	8%/5,158 sf

<i>Building Square Footages</i>						
<i>Lot Number</i>	<i>Model Name</i>	<i>2<sup>nd</sup> Flr. Gross Floor Area</i>	<i>Main Gross Floor Area</i>	<i>Basement Gross Floor Area</i>	<i>TOTAL (gsf)</i>	<i>Nearby/Adjacent Homes (gsf)</i>
1	Spruce	0	2,183	2,105	4,288	5,478; 3,477
4	Newbury	1,823	2,089	2,106	6,018	2,500; 3,315
6	Cedar	0	2,183	2,105	4,288	3,000; 2,500
7	Hemlock	0	2,194	2,106	4,300	3,447; 5,478
9	Birch	1,546	2,089	1,724	5,359	2,600; vacant

R. Anzalone noted the Newbury home in lot 4 has the most discrepancies with the adjacent home. Planner Lockman agreed. Chairman Gerver asked Architect Osborn if he knew if the basements were included. He said it did not include the basements. There were some comparisons to some homes, thought the Chairman stated the applicant needs some direction in order to go forward.

Architect Osborn started to show color boards for all lots. Since lot 4 and 9 are more visible the Board suggested the color to be darker. It was then confirmed by the Architect Osborn that the siding will be vinyl. Since its ridge preservation Attorney Golden clarified that it needs to be wood, stone or brick. Architect Osborn decided on wood and clarified that although he is showing vinyl the color will be a stain and has asked for the Board to help choose the stain. After a much discussing, house placement and the color for lot 4 and 9 were decided. Attorney Golden asks that the applicant submit ARB material listing sheets for lot 4 and 9. It was confirmed that if the applicant decided to choose one color for both homes it would not be considered an excessive similarity since the homes are not adjacent to one another.

As per the tree survey Chairman asked that the trees that are being removed, to have them marked with a ribbon. As for colors for lot 6,7 and 9 the Board is okay. Attorney Golden said regardless of previous submissions, he asked that the applicant submit new ones for each of the homes to the Building Department. S. Capriglione asks that the home in lots 6 have a different trim color. Chairman Gerver listed the items to help the applicant know what needs to be done in order for them to move forward.

Engineer Barber asked if the Board would want to consider easement area on lot 4 at the northern part of the parcel. Chairman Gerver asked Architect Osborn if he know how his client would feel about moving the conservation easement. Architect Osborn said the applicant would not have a problem moving it. Chairman Gerver asked Architect Osborn how long it will take to update and hand in the necessary documents in order to have a public hearing. It was then decided to set it for the 18<sup>th</sup>.

Motion was offered by Chairman Gerver, seconded by R. Anzalone, to schedule the public hearing for August 18, 2021. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

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

**D. Feldman/Southfield Falls ARB – Public Hearing** for ARB review of proposed addition to an existing single-family dwelling. Said property is located 77 Southfield Falls and is known on the Village of Woodbury Tax Maps as Section 255 Block 4 Lot 2.

Designer Gedalya Feldman went over the items that were addressed in the previous meeting. He added some screens and widens the driveway to the new garage.

Planner Lockman went over his comments in his memo dated June 30, 2021. He said on sheet A-5 there’s a note that states “windows to be selected by other” and the Board needs something more specific.

*Submission Comments*

*1. Sheet A-5 still contains a note stating, "windows to be selected by other." See comment 4d regarding Ridge Preservation standards, below.*

*2. Sheet S-1 shows the proposed addition on a site plan. A hatched area shows the proposed extension of the driveway pavement to line up with the new garage entrance. The applicant should consider converting a portion of the pre-existing driveway to grass or landscaped material for aesthetic purposes and to minimize development coverage, now that the garage will be relocated.*

Planner Lockman said there's an extra driveway area that's leading up to the new garage door. He asked if the applicant will remove some of the old paving and add some landscaping or repave the old pavement or just add to the old pavement. Planner Lockman suggested when the new driveway was added to remove some paving in front of the old garage door and add some landscaping. Designer Feldman said he prefer to keep it all paved. Planner Lockman said that is allowed as long as he doesn't go over the coverage limit. The lot coverage requirement is 35 and the applicant is at 17.8 which need to be updated since the number is higher now due to the new paving.

In reference to building height, it says less than 35 ft., Planner Lockman advised the applicant to show the exact height of the building and add it to the chart. Designer Feldman said....

Planner Lockman said the Board should discuss if the natural material issue and the natural cream color. Since it's an addition matching the color to the main house is to be discussed since it was not settled in the last meeting. Planner Lockman believes the applicant has enough information to determine excessive dissimilarity or similarity on sizes to comparable homes in the neighborhood.

Just to be clear S. Capriglione asked if they will keep the existing driveway and expanding it to the front of the new garage. Designer Feldman said yes.

Based on another similar application, S. Capriglione asked if there was an investigation on the vinyl siding. Planner Lockman team drove through the area and noticed a lot of homes with vinyl siding, and Engineer Barber in her investigation found that several homes are done with vinyl siding. Planner Lockman said it seems the Board has not been enforcing the made of natural materials. Attorney Golden disagreed. He said there are applications that were previously approved and look at the conditions to see whether or not they would be similar to the ones that the Board said it needs to be natural materials. As per the Board, because it's an existing building the new vinyl siding could match but be no brighter than the existing vinyl siding. Also, the color of the roof shingles should match the existing roof. Attorney Golden said if that hasn't changed, it can be included as a condition in the resolution of approval.

R. Anzalone asked if that would show precedent that application from now going forward any homes with new addition to existing homes to match the outside. Attorney Golden said with respect to additions, it would show a precedent to additions to the extent there isn't any evidence of a violation. For example, an outstanding violation from the Building Department that the applicant was approved for a siding, and they instead placed another. It doesn't give the applicant the right to continue, so with each application brought forth a decision will be made at that time as to whether or not it's subject to the rules that are set forth to prior applications. R. Anzalone asked if it would be universal as far as any development. Attorney Golden said no, it's with respect to similar circumstances that are presented from one to the next. There are all sorts of factors that come into play for example addition vs new or one subdivision vs another and so he advised the Board to look at each one and decide if they like to go ahead and act similarly under similar circumstances. Chairman Gerver said Attorney Golden has explained this before to the Board so they will focus and look at this one application and make a decision. He said there are some conditions that need to be met, so as they normally would do which is not sign off on the final plans until the applicant is in accordance with counsel's memorandum (in this case that would be NPV). Once it's signed off with counsel then the Board will sign the plans so that the applicant can proceed forward instead of returning to the Board. Since its minor issues the applicant needs to comply with.

Attorney Golden said the applicant failed to add the exact height on the previous plans as per code and he doesn't know if the applicant made that adjustment. Planner Lockman said it's on the plan, but not in the bulk table which needs to be updated as a final submission to the Building Department; as well as the information on the windows with a confirmation that the proposed glass will not be reflective, so if its e-low windows proposed anti-reflection window film should be specified. Chairman Gerver confirmed that it would be a note on the plans. Attorney Golden asked Designer Feldman if he understood what he needs to done to the plans prior to submitting revised plans to prevent appearing before the Board. Designer Feldman understood.

Chairman Gerver asked how the Board felt overall with the house, and they were all fine with it.

Motion was offered by Chairman Gerver, seconded by T. Deluca, to authorize counsel to draft the Resolution of Approval with the condition(s) to comply with respect to NPV memorandum of June 30, 2021. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

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

NOES 0

Designer Feldman asked when the Resolution of Approval will be approved. Attorney Golden along with Chairman Gerver said he will have to come back for one more meeting, which will be in two weeks.

**Adjournment:**

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by S. Capriglione, to adjourn the meeting at 9:09 PM.

**ADOPTED**

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

NOES 0

Claudia Valoy-Romanisin, Planning Board Secretary