

**Village of Woodbury
Planning Board Meeting
January 5, 2022**

Minutes of the Planning Board Meeting held on January 5, 2022, at 7:30PM (Meeting held via Zoom)

Board Members Present: Christopher Gerver, Chairman
Richard Cataggio
Thomas DeLuca
Evan Yan

Representing the Village of Woodbury Planning Board:

Richard Golden, Attorney
Natalie D. Barber, Engineer
Jonathan Lockman, Planner

Chairman Gerver opened the meeting with Pledge of Allegiance.

1. **Executive Session:** No Executive Session was necessary.
2. **Public Comment:** No member of the public had comments.

3. **Approval and Acceptance of Previous Minutes:**

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to approve and accept the minutes of the meeting held December 15, 2021. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairman Gerver, R. Cataggio, S. Capriglione, T. DeLuca, E. Yan
NOES 0

4. **New Business: N/A**

5. **Regular Agenda:**

- A. **ML & YD Inc./ARB – Public hearing** for ARB and Ridge Preservation of proposed single-family dwelling located on Lot # 8 within the Timber Trail subdivision. Said property is located at 2 Hallock Court and is known on the Village of Woodbury Tax Maps as Section 237 Block 2 Lot 12.

Present Architect David Niemotko representing the applicant.

Chairman Gerver opens the floor to the public for comments regarding ML & YD Inc./ARB. There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by E. Yan to close the public hearing for ML & YD Inc./ARB. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, E. Yan
NOES 0

After the Board's visit to Timber Trail subdivision T. DeLuca and R. Cataggio felt the proposed color(s) and materials from the applicant were fine, though Chairman Gerver and E. Yan opposed. Chairman Gerver and E. Yan concluded it's a dissimilarity to the area. The surrounding house and commercial establishments colors are dark wood tones while the proposed building will look very modern and bright.

After confirming the Board's review on several pages of facts and findings Chairman Gerver began to read the Specific Conditions of the draft Resolution of Approval ARB for ML & YD Inc./ARB.

SPECIFIC CONDITIONS

- 1. All applicable conditions attached to the Preliminary and Final Subdivision and Architectural Review Board approval from August 17, 2016 for Timber Trail, LLC, and any subsequent amendments thereto, are hereby incorporated into this Resolution and are to remain in full force and effect, and this approval is subject to, and conditioned upon, satisfaction of those conditions as if they were set forth at length herein.*
- 2. No building permit shall issue authorizing construction of structures inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board as part of this approval, nor shall any Certificate of Occupancy issue for any structures constructed except in conformance with such renderings. Any deviation from such renderings will require further Planning Board review.*
- 3. All new windows shall be constructed of or coated with non-reflective material or anti-reflection window film will be applied to any new low-e windows installed.*
- 4. Prior to the signing of the plans, the Applicant shall comply with the memorandum of the Village Planner dated December 9, 2021 to the satisfaction of the Village Planner.*

A motion was offered by T. DeLuca, seconded by R. Cataggio, to accept the Resolution of Approval. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

AYES	2	R. Cataggio, T. DeLuca,
NOES	2	Chairman Gerver, E. Yan
MOTION FAILED		

The Resolution of Approval was not passed. To change this outcome those who opposed are to suggest changes as per Attorney Richard Golden's advise.

Architect Niemotko made his argument by showing photos taken of buildings along Route 32 and homes with the finish in white. Chairman Gerver noted that the buildings Architect Niemotko pointed out was a Methodist Church and homes located on the other side of Route 32 which would not be considered in the same neighborhood and the vicinity of the proposed lot. E. Yan agreed, he said the homes on Timber Trail seem to have a uniform look and that will make the proposed build stand out.

Chairman Gerver said he has no issues with the design of the house, it's the color and the stucco. Engineer Natalie D. Barber presented some photos on screen from the original application. There were a few model homes showing darker color tones like green, gray, blue and brownish/tan. Chairman Gerver said he would prefer the colors to be more earthy tones as per code.

Architect Niemotko presented a palette of colors and pointed out the section listing different shades of white. Planner Jonathan Lockman suggested that the applicant move away from the white entirely. Chairman Gerver suggestion is for the color to be somewhere in between what the applicant is proposing and what the neighborhood already has. For him, that would be a good compromise.

E. Yan asked Architect Niemotko why the applicant decided to change the design of the home. Architect Niemotko said the applicant is having trouble selling the approved designs and those interested want to make changes. T. DeLuca pointed out that Architect Niemotko said the changes will be only for this one build, but it seems there will be changes to other already approved designs in the future. Architect Niemotko noted there will be changes to the other designs and are aware they will have to come before the Board for approval. As per Engineer Barber's question, Architect Niemotko clarified there are other approved designs for buyers to pick from other than the one presented.

Attorney Golden suggestion to the applicant is to produce 3-4 colors and material options and submit those for review. Architect Niemotko said he'll discuss with the applicant on producing some options for the Board's review as well as designs.

The Board expressed their concerns that although designs, color and materials were previous approved for the subdivision, the proposed changes on this one build will set precedent for the other seven lots that are yet to be build.

- B. Pine Ridge Estates** - Extension request of preliminary approval for 6 lot subdivision located off Schunnemunk Road in Highland Mills and known on the Tax Maps as Section 213 Block 1 Lots 4 & 5.

Attorney Golden gave a brief history on this application.

Chairman Gerver said the applicant emailed the Building Department saying they will be out of the country for this meeting. The extension on this approval expires January 5, 2022, at midnight.

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to extend the approval for Pine Ridge Estates to July 6, 2022. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES	4	Chairman Gerver, R. Cataggio, T. DeLuca, E. Yan
NOES	0	

- C. Spitzer/Millwork Showroom** – Review and discuss documents submitted for proposed Special Permit and amended Site Plan to permit a change in use to a Millwork Showroom. Said property is located at 279 Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 230 Block 4 Lot 4.2.

Mr. Shea representing the applicant began giving an overview of the application. After briefly going over the consultants comments he noted that they will hire an engineer in order to help addressing any questions or information on the application. The front portion of the building was a showroom for cars, while the back portion was an auto repair shop. He said the front portion of the building will become a Millwork Showroom. The idea is for customers to come in look at the designs and styles their interested in and then leave. The auto shop in the rear will remain an auto shop.

Engineer Barber referred to her H2M memo dated December 29, 2021 and mentioned some of her comments and noted other issues that the applicant will need to address in future submissions.

1. Zoning –

a) Use – In the HB zone a retail establishment is a permitted Special Permit Use with Site Plan approval. The application lists change in use to Millwork Showroom, but the applicant’s signage renderings indicate two spaces available for tenants. The applicant should advise whether multiple uses/tenants are proposed for the existing space, including whether the building will function as retail only, or production and retail as part of the Millwork business.

b) Bulk/Area Regulations – The applicant should provide a plan that identifies the existing conditions of the site as it is today. If any changes are proposed to the site, the applicant should demonstrate this on a site plan. The plan(s) provided should demonstrate compliance with the bulk criteria for a retail establishment in the HB Zone including coverage for this lot which appears to be mostly impervious. If any non-conformities exist, or are proposed, these should be identified by the applicant. The applicant should also confirm compliance with the Code (§310-12) for yards fronting on state highways that are required to be unoccupied and open to the sky not less than 50-ft in depth.

Upon review of the existing impervious coverage and required parking for the proposed use, the Planning Board may wish to discuss with the applicant whether there is an opportunity to decrease the amount of impervious surface area especially if the site is non-complying with coverage (75% maximum permitted).

c) Parking – On the plan(s) to be provided the applicant should show the existing available parking and demonstrate compliance with parking required by the Code. Parking for retail is listed as 1 space for 200SF of gross floor area, if other uses are proposed, the parking requirements may vary. Applicant to advise.

As mentioned previously, when this site was considered for change to a multi-use building there was a determination that parking in the front yard may no longer be permitted based on the Code (§310-40.E), which requires no parking in the front yard of any district. We recommend this issue be reviewed by Counsel. The

applicant's plan(s) should show the proposed parking and what is existing to remain, as well as setbacks to determine compliance.

Parking stalls and striping should be clearly delineated on the plan(s) for the Planning Board to consider and, if approved, the striping should be constructed as shown.

d) Loading Berths – The Code (§310-41.B.(3)) requires a loading berth for retail sales. The applicant should indicate compliance on the plan(s) and arrange the loading areas to accommodate all uses on the site if multiple are proposed.

2. Site Plan – The Planning Board is authorized under §310-45; Article VIII of the Village Zoning Code to review and act on site plans and special permits. The Code requires [§310-45.C.(1)(d)] a site plan be submitted for any application for a special permit. The Code further defines the objectives and design requirements of a site plan with specific site plan requirements under §310-45.I. The applicant should review these requirements and identify those areas where they are requesting relief. If no relief is requested, the site plan is expected to comply with the requirements of the code.

A site plan remains to be submitted and the following should be shown where relevant to the proposed action:

a) Utilities –

a. Water/Sewer – The projected water and sewer demand form indicates the building footprint is 10,230-SF. The applicant should provide the basis for their projected demand and provide calculations for our review. We recommend the applicant demonstrate the difference in proposed water/sewer usage from what is existing. It appears the existing service connections will be reused, applicant to confirm and show on the plan as needed. The applicant should discuss the means for fire protection proposed for the space.

b. Stormwater Management – The applicant should confirm whether any site disturbance is proposed, the limits of the same, and overall area and show this on the plan. If they exist, stormwater management practices on the site should be shown on the plan(s).

c. Erosion and Sediment Control Plan – The applicant should confirm whether any site disturbance is proposed.

b) Traffic Circulation and Access – As noted above, parking and striping should be clearly shown on the plan. The applicant should discuss deliveries and the plan should demonstrate a loading area and adequate access for delivery trucks. The dimensions of the access aisles should be shown on the plan. If any traffic signage is proposed the same should be noted on the plan. If there are any proposed changes to the access along Route 32, the NYS Department of Transportation may be an involved agency, applicant to confirm.

c) Accessible Access – Along the front of the parcel on Route 32 a sidewalk with curb ramps exists. The applicant should discuss accessible access to the building itself and note whether any handicap parking spaces are to be provided.

d) Landscaping/Lighting – The applicant should discuss whether there are any proposed changes to landscaping and lighting. We note there are requirements for landscaped areas in the HB zone, within parking lots, and screening for parking lots bordering residential districts. We recommend the applicant confirm compliance on the plan and defer to your Planner on adequacy of the same.

e) Signs – The applicant's renderings depict a freestanding sign, illuminated wall sign and series of vinyl graphics. It is not clear if the vinyl graphics are proposed on the wall or windows and should be clarified by the applicant.

E. Yan asked for clarification on the parking lot. Previously the parking area was considered storage for cars. He asked if the applicant would need to go to the ZBA if they wish to use the parking area. Attorney Golden explained, the variance specified the parking as Static Parking meaning its solely used for displaying used cars. Therefore, this applicant can't have any parking in the front, though the rest of the lot can be used for parking,. Engineer Barber proceeded to give information on what is recommended for parking on a retail lot.

R. Cataggio question the Auto Store parking capabilities. How will that tenant be able to store cars? Engineer Barber said those are details the applicant will have to address in their next submission.

Planner Lockman referred to his NPV memo dated December 28, 2021. He said Engineer Barber comments are same as his with the exception of a couple of items. A short EAF Part 1 form, a narrative describing the different uses on the site, any new land disturbance or building changes, floor plans, renderings, signage, and particular changes to the side of the building. He mentioned the underground oil tank. He like to know if it will be removed or kept in place. Chairman Gerver said he checked with the Building Department and the permit for the oil tank was closed. An environmental company removed the tank.

Chairman Gerver explained to Mr. Shea the next steps going forward and asked that all the paperwork be submitted in a timely manner. Mr. Shea thanked the Board and said he'll have all the information submitted.

- D. Superb Developers/ARB** – Review and discuss ARB of proposed changes to the exterior façade of a previously approved Office Building. Said property is located at 14 Corporate Drive and is known on the Village of Woodbury Tax Maps as Section 226 Block 1 lot 88.

Attorney Thomas Landrigan representing the applicant. Pictures on screen displayed two building designs. One was the approved design, while the other showed an updated version. Attorney Landrigan said the interior plans will remain the same. He said the location of the build is not visible from the highway and continue to mention in detail changes to the exterior from the approved design. The roof was changed to blue; the exterior is white with touches of grey. He said its not an intense white it much subdued.

Planner Lockman referred to his NPV memo dated December 27, 2021. He asks that the applicant submit details and photographs of buildings in the surrounding area. He said this application is similar to the application that was discussed earlier in this meeting.

Chairman Gerver agreed with Planner Lockman on how similar the applications are, so he asked the applicant to submit a color/material board. He also asks that the ARB application be updated to reflect the exact name for color and product. The ARB application and the materials information need to coincide.

Attorney Landrigan disagreed on the compatibility with the previous application. He said they are talking about three buildings in a commercial area; therefore, he doesn't think it would be a dramatic change in the area. He continued to say they will be happy to comply submitting a color/material board for the Board and ask if the application can be approved.

Chairman Gerver explained as to why this application cannot be approved tonight. T. DeLuca believes there should be similarity to the buildings in the surrounding area. The rest of the Board members agreed.

Attorney Golden advised the Board to address SEQRA and to determine whether to waive the public hearing or not. The Board agreed to have a public hearing.

A motion was offered by Chairman Gerver, seconded by E. Yan to schedule a public hearing on February 2, 2022, for Superb Developers/ARB. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, E. Yan
NOES 0

A motion was offered by Chairman Gerver, seconded by T. DeLuca to reaffirm SEQRA. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, E. Yan
NOES 0

- E. **Hartman Design/Vista Pearl LLC ARB** – Review and discuss ARB and Ridge Preservation for a proposed single-family dwelling. Said property is located at 19 Seven Springs Rd in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 215 Block 1 Lot 5.

Designer Larry Hartman representing the applicant gave an overview on the application. Since his last appearance with the Board, he made changes accordingly to the Board and consultant’s comments. A new color scheme was submitted with darker color tones and materials for the Board to review.

Planner Lockman referred to his NPV memo dated December 27, 2021. He said issues that were raised previously have been resolved. The application is subject to Ridge Preservation, and it has 885 ft in elevation. He advised the Board to review the renderings to determine if the structure blends into the surroundings. It’s been added to the plans that non-reflective film will be applied to the windows. The plan shows existing trees and those that are to be removed. Photos of the neighboring homes were provided, and he also noted county approval will be required since Seven Springs Road is county maintained.

Chairman Gerver complimented Mr. Hartman on the final design. The color scheme and design fits into the area better than the previous designs. The Board all agreed.

Attorney Golden reminded the Board this application is not exempt from the moratorium.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to have counsel draft the Resolution of Approval for Hartman Design/Vista Pearl LLC ARB. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED
AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, E. Yan
NOES 0

Adjournment:

With no further business to discuss, a motion was offered by T. DeLuca, seconded by Chairman Gerver, to adjourn the meeting at 8:48 PM.

ADOPTED
AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, E. Yan
NOES 0

Claudia Valoy-Romanisin, Planning Board Secretary