

**Village of Woodbury
Planning Board Meeting
March 16, 2022**

Minutes of the Virtual Planning Board Meeting held on March 16, 2022 at 7:30PM

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

Representing the Village of Woodbury Planning Board:

Richard Golden, Attorney
Natalie D. Barber, Engineer
Philip Grealy, Traffic Consultant

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 February 16, 2022. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 5 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan
NOES 0

4. **Regular Agenda:**

- A. **ML & YD Inc./ARB** – Review documents submitted 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.

Representing the applicant Architect David Niemotko.

After Chairman Gerver confirmed the Board’s visit to the property, they began to discuss the colors and materials that were submitted as options. The colors for siding were Herringbone, Bone, Sand and Linen, and the Board agreed on Sand. The colors for the combination of wood trim and stucco were Brown/Cotton Balls, English Chestnut/Natural Cream, Alaskan Skies/Tiger Wood, and the Board’s choice was English Chestnut/Natural Cream.

Attorney Richard Golden asked that Architect Niemotko fill out a new ARB form with the colors that were approved by the Board, so that it can be added to the Resolution of Approval. He proceeded by saying the public hearing was held and closed on January 5, 2022 and the GML 239 was a local determination. Attorney Golden proceeded to read the Specific Conditions from the Resolution of Approval.

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. **Except as specifically***

noted otherwise in this resolution of approval.

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 Chairman Gerver, seconded by T. DeLuca, to accept the Resolution of Approval for ML & YD Inc. with the addressed amendments read by Attorney Richard Golden. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES	5	Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan
NOES	0	

- B. Fischer** – Review and discuss documents submitted for proposed 2 lot subdivision on Schunnemunk Road. Said property is located at 7 Schunnemunk Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 204 Block 1 Lot 36.2.

Representing the applicant Architect David Niemotko.

Architect Niemotko proceeded by giving a summary of the application and status. They previously appeared before the Planning Board for some pre-existing non-conforming conditions and to help satisfy that they are removing a portion of a structure on Lot 1, complying with the zoning code. On Lot 2 they are proposing a house with a new driveway.

Engineer Natalie D. Barber referred to her H2M memo dated March 14, 2022 consisting of comments and questions for the applicant. She said the two lots had sort of an irregular shape and were referred to the ZBA by the Planning Board to help create more of a traditional type of lot. She continues to say the applicant received the requirements for lot area for lot one and an encroachment of the portion of the existing masonry building that was proposed to remain in the yard of lot 2. Due to the action of the ZBA most of the Bulk Criteria comments in her memo have been resolved. She also had comments regarding the lots conformity and the demolition of the shed and although in the applicant’s plans they added their response she suggests it be added as conditions. The question remains on whether the existing home and masonry building are served by a private well or municipal water. There are other questions that remain to be answered and she pointed them out in her memo.

H2M Memo:

2. Subdivision Plan –

a) Utilities – We recommend a condition of your potential action require the applicant to secure permits for water and sewer connections as required by the Water and Sewer Department. Additionally, a water and sewer demand form should be provided by the applicant to facilitate a discussion with the Water and Sewer Administrator.

i. Water – The subdivision is located within the Village’s Consolidated Water Area. The applicant proposes to connect the home on Lot 1 to this municipal service and has provided additional details on the connection and demand as previously requested. We recommend you confirm with Counsel whether this application is subject to moratorium and if this impacts setting the public hearing and requirements for decision on subdivision plats.

• If not already completed, the applicant should confirm the source of water service to the existing home and masonry building. Previously, we noted a well shown on Lot 2. If the well is no longer in service, it should be decommissioned in accordance with DEC regulations to avoid possible interconnection of the existing well and the public water supply system.

The following comments are minor details that require verification for a final plan submission:

- *We agree with the applicants estimated demand calculations (440 GPD for 4- bedroom home). The applicant should provide a copy of the reference discussed in Note 4 of Detail 3 on Sheet C-4 or remove the note.*

- *Applicant should confirm size of water service lateral. Detail on Sheet C-6 “Typical Water Service Detail” indicates 1-inch service, Detail 2 on Sheet C-4, references ¾-inch connection (Note 3).*

- *According to “Typical Water Service Detail” on Sheet C-6, the water service shall be a minimum 4.5-ft to the top of pipe below grade. The profile in Detail 2 on Sheet C-4 should be revised to match this typical requirement.*

ii. Wastewater Disposal – The subdivision is located within the Village Consolidated Sewer Area. The applicant proposes a 4-inch SDR35 connection from the home on Lot 1 to this municipal service. The following should be provided:

- *The manhole upstream of the point of connection should be shown and invert information provided. (Applicant’s correspondence indicates this will be verified by survey).*

- *Confirm no changes to sewer service is proposed on Lot 2.*

iii. Trench Restoration Details – Pavement restoration within the Village right-of-way should match the requirements of §269-27.B.(4). Applicant to revise.

iv. Stormwater Management / Erosion and Sediment Control – Single-family residential development of this type and extent is exempt from the stormwater MS4 regulations. The increase in impervious area as part of development on proposed Lot 1 is largely offset by the demolition of shed and portion of masonry building on Lot 2. The applicants plan includes details and locations for erosion and sediment control during construction, which are acceptable. We have no further comments on this issue.

b) Grading – We take no exception to proposed grading.

c) Survey/Legal – The plan provided by the applicant was created based on a survey completed by Darren J. Stridiron, PLS. The applicant’s correspondence indicates the following is in the process of being provided:

i. The plat should include the names and addresses of the record owner and subdivider as required by the Code (§272-26).

ii. The plat shows easements are present on the existing lot. Copies of these should be provided for review by Counsel.

iii. A metes and bounds description of the proposed lots to be developed will be required (§272-26.L) and bearings and distances shown on the plan.

iv. In addition, to items i. through iii. above, the surveyor should confirm the geodetic reference used to identify topographic lines. Google Earth shows this area above elevation 800-ft and the survey indicates elevations around 500-ft and greater.

d) Access –

1. We note the applicant will be required to secure a highway permit for driveway construction as required by your Code.

2. The applicant has provided details on driveway construction. The “Pavement Design” detail on Sheet C-6 should include a note that this detail shall not be used for pavement within the Village right-of-way.

3. Ridge Preservation – This action is subject to Ridge Preservation review. The requirements of your Code are appended. The nearest view corridor is Ridge Road/Schunnemunk Road, which Lot 2 fronts on to the South. Although some of the requirements may not be applicable, the construction standards (materials and colors, non-reflective windows) and preservation of tree stands or requirements for additional plantings may be appropriate.

The applicant has provided an elevation for you to consider the proposed materials and building design. The ARB form indicates stucco for exterior wall finishes, but the rendering appears to show a type of

siding that should be listed on the form or removed from the rendering. Stucco is an acceptable material per your Ridge Preservation requirements and the rendering provided demonstrates use of earth tone colors. The applicant should confirm the use of non-reflective windows and we recommend this be a condition of your action as well as a note on the plan.

Your Code (§272-26.U.) requires the location of all trees on the site over one-foot in diameter, four feet above ground level, be shown on the subdivision plat, unless waived by the Board. We recommend you consider whether this information would be helpful for you to consider Ridge Preservation and if not, waive this requirement of the plat submission.

4. ARB – The single-family home proposed on Lot 1 is subject to ARB review. The Code requirements are appended. An ARB form was provided along with the rendering and samples of finishes. We recommend the applicant provide photographs of neighboring homes for you to consider the similarity and dissimilarity criteria of the Code.

5. Dirt Road / Gravel Drive Connection – The applicant advises the dirt road / gravel driveway connection to Schunnemunk Road that extends from proposed lot 2 into the existing roadway is to be removed and this is noted on the plan. Like other recommendations above, we recommend you consider a condition of your action such as “Prior to building permit on Lot 1, dirt road / gravel driveway connection to be removed as shown on plan and finished with topsoil and seed.”

Chairman Gerver referred to a question asked at the ZBA public hearing regarding a well on-site and Architect Niemotko said they have not checked it out but will have it done by the next submission. The same goes for the neighboring pictures surrounding the home and survey work. Architect Niemotko had questions regarding comments on the subdivision plat. He referred to the Highway Permit, wanting to know if it can be qualified as a condition or not and if they needed the permit before the Planning Board's approval. Engineer Barber confirmed that it would be subsequently to the Board's approval.

Chairman Gerver authorized the SEAF form to be prepared. Attorney Golden pointed out that this application is not exempt from the moratorium.

Engineer Barber shared on-screen the renderings and material board that was provided by the applicant so that Architect Niemotko can go into details on the style of house, materials, and colors. As the Board gave their opinion, they agreed with T. DeLuca on wanting to see photos of the surrounding homes. Architect Niemotko admitted that the home is different but not dramatically inconsistent with the neighborhood. Chairman Gerver asked if there are plans for a fence and Architect Niemotko said they have not discussed placing a fence.

R. Cataggio asked to clarify the date and pages on the most recent plans and Architect Niemotko said the plan consists of six sheets and it's dated February 16, 2022. R. Cataggio asks that the applicant provide the square footage before demolition and after for the masonry building. Architect Niemotko said it can be done. E. Yan asked if the current plans show spot elevations and Engineer Barber said not spot elevation, but they do have proposed contour lines to show the grading.

Architect Niemotko thanked the Board for their assistance.

- C. **God's Grace Ministry** – Review and discuss documents submitted of proposed site plan and special permit for change of use to include place of worship within the shopping plaza known as Oak Clove Mall. Said property is located at 228 Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 229 block 1 Lot 28.

Representing the applicant Mr. Elijah Ogunyemi.

Mr. Ogunyemi began saying their goal is to have a house of worship where they can have services every Sunday and bible studies on Thursdays. Denominational services may come up once a month. On other days it will be an office space during the day. In terms of improving the place, the only renovation he sees is enhancing would be the sound barrier so it will not be overbearing for the stores next door. He said that any recommendations or requirements from the Board will be communicated to the landlord to meet those provisions so that they can have a place of worship.

Chairman Gerver asked about the time frame for the use of the place. Mr. Ogunyemi confirmed Sunday services are from 11:00 am to 12:30 pm and Bible studies will be Thursdays from 7:00 pm to 8:00 pm. Chairman Gerver asked if there were any plans to have services like Baptisms or Christenings. Mr. Ogunyemi said that usually takes place during services. On days when there

are no services, he said it would function as an office. There will be times it will become a meet and greet area, planning meetings or events in the future. It is to Mr. Ogunyemi understanding he is before the Planning Board because he is planning to have music and gatherings therefore changes may have to occur due to the design of the place.

Engineer Barber noted that the approval for the site is for a shopping center, retail, and office spaces, so to use the space as a house of worship is different from what is already approved. She is investigating to see if an amendment for a place of worship can be for one space or if in the future the place of worship can house another space or the entire building. Mr. Ogunyemi clarified that it is just for one space only. Engineer Barber referred to her memo where she deferred that issue to council. Regarding parking, Engineer Barber asked that Mr. Ogunyemi clarify what could be the maximum occupancy. She also added that the Board needs to consider as a whole whether the site has enough available parking spaces to meet the needs of all the uses.

The property had a survey prepared in 2012, to meet the Village code requirements, it needs to be signed and sealed by a professional. She advised that Mr. Ogunyemi consult with the landlord and see if any conditions to the site have changed that would require an updated survey. Changes to the water and sewer connections need to be confirmed. Any proposed signage must be submitted to the Planning Board. Engineer Barber asked if there are plans for changes to the outside of the building and Mr. Ogunyemi said no, the current sign is what they will be using.

T. DeLuca asked Attorney Golden if the place of worship was limited to one space or can it eventually be the entire building. Attorney Golden said it depended on the approval from the Board, whether or not it would be an amendment to the prior approval, but he will look into it. Attorney Golden also noted that this application is not exempt from the moratorium, therefore it cannot be fully approved or permits issued. He also advised Mr. Ogunyemi that a new owner authorization form needs to be filled out by the owner of the property is 228 Route 32 LLC to permit the applicant to go forward. Also, an Environmental Assessment Form Part 1 needs to be filled out to start the SEQRA process.

Regarding the moratorium, M. Pastel advised Mr. Ogunyemi that he can apply to the Village Board of Trustees for a waiver and proceeded to explain the procedure on how it will be processed. Mr. Ogunyemi said he will stop by the Building Department to get the necessary forms Attorney Golden spoke of. Chairman Gerver explained to Mr. Ogunyemi the process leading up to an approval considering that everything is done in a timely fashion.

Traffic Consultant Philip Grealy asks that Mr. Ogunyemi to provide a more thorough description of the square footage regarding the laundromat space, the office space vs congregate space, the number of students attending the bible study on Thursday evening, the procedures for drop-offs and pick-ups, the number of parking spaces that will be in use during the time of service, and last but not least the church use of vans or buses. The more descriptive information the applicant can provide the better it will be for the Board and consultants. Mr. Ogunyemi said he will be more descriptive in his narrative.

Chairman Gerver advised Mr. Ogunyemi that the signage needs to be permanent.

- D. Dice Bowl** – Review and discuss documents submitted for proposed special permit amendment for the expansion of restaurant use within the shopping plaza known as the Old Glory Mall. Said property is located at 95 Maher Lane and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lot 41.

The applicant, Mr. Johnny Chu began describing what is Dice Bowl. Dice Bowl is a board game café that is also a take-out restaurant. They are looking to expand into the next store unit to use as a dine-in restaurant. The space will also be used to host events, parties, and family gatherings. He said the renovation will only entail an entryway between the two units.

Chairman Gerver asked if there will be any live entertainment, for instance, music bands or karaoke. Mr. Chu said no.

Engineer Barber asked if there will be any exterior modifications and Mr. Chu said no, just placing a passageway between the spaces. Engineer Barber noted that from prior approvals the Old Glory Mall has a restriction on occupancy and space for restaurant use. The restriction was based on the availability of sewer demand and allocations to the Orange County Sewer District. Need to know if Dice Bowl and El Castillo exceed that prior restriction or if that restriction is no longer warranted, so Engineer Barber recommends the Board has this application referred to the Orange County Sewer District for comments. She asked what the use of the additional space will be, and Mr. Chu said it will be a takeout restaurant and the occupancy for that space is about 15 people. He continues to say that the bathroom is not accessible to the public, especially since one has to

walk through the kitchen to reach the bathroom. As per the narrative, Engineer Barber asked what type of unique events or communal events he anticipated, and Mr. Chu said birthday parties that would consist of 20- to 30 people. Just like the prior applicant Engineer Barber advised that Mr. Chu provide the necessary information for instance parking, an area dedicated for service, a kitchen, etc. Regarding parking, Mr. Chu said the parking lot fills on Sundays between the hours of 9:00 am to 11:00 am due to the Church. His business opens at noon and by that time the lot has cleared out and parking along the side and back of the building no longer exists. Mr. Chu stated that the site is served by a private well, therefore he was asked to provide the additional and necessary information. Engineer Barber recommended that this application be referred to the ESO for comments.

M. Pastel referred to the 1991 approval regarding sewer, stating that the approval was limited to 100 people and Mr. Chu is under that number. Mr. Chu said currently his number is 15 but is hoping to increase it to 80 if possible. Engineer Barber said she will look into the estimated occupancy for those spaces and also calculate the estimated water and sewer demand based on DEC's recommendations and then go from there.

Chairman Gerver explained that Engineer Barber and the applicant will communicate and determine the use, once determined, Engineer Barber will speak to Orange County Sewer District.

Attorney Golden advised Mr. Chu the disclosure form and the authorization form need to be revised. The record owner is Yenni LLC they are to authorize this application for it to go forward. He added that this application is not exempt from the moratorium, so it cannot be fully approved or permits issued. If Mr. Chu would like to be exempt from it, there is a process with the Board of Trustees to try and get an exemption from the moratorium. Just like the previous application was advised of the procedure before the Board of Trustees.

A motion was offered by Chairman Gerver, seconded by E. Yan, to type this as a Type II Action under SEQRA, therefore the environmental review is completed. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES	5	Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan
NOES	0	

- E. **KJ Well 33** - Review site plan submitted for a new KJ municipal water supply well located at 147 Seven Springs Rd in Highland Mills. Said property is known on the Village of Woodbury Tax Maps as Section 213 block 1 Lot 49.

Representing the applicant Attorney Marissa Logan and Engineer Michael Shortell from WSG.

Attorney Logan gave a brief review of items that were addressed. The treatment facility and well 33 are treated as two separate site plan applications. It was agreed that the two are not connected other than being on the same site. As previously discussed, SEQRA has been completed on both well 33 and the treatment facility. She also noted that this project is exempt from the moratorium and therefore can proceed with the application. Attorney Golden agreed on both the SEQRA and the exemption of the moratorium. Attorney Logan said that it is the Village's position that a site plan review is not a requirement for this application, but they are before the Board to obtain feedback on the site plan elements of well 33. Attorney Golden added that well 33 is subject to a site plan and special permit due to it being a public utility under code.

Engineer Shortell gave an overview of well 33. He said the plan is to incorporate an 8 in. diameter bedrock water supply well, subjected to a 72-hour yield test with a New York State part 5 water quality analysis. They demonstrated a yield of 125-gallons a minute and that report was submitted to Orange County and New York State. The well was also part of the New York State Department Environmental Conservation water withdrawal application and they have received a water withdrawal permit. The next step is to incorporate the well into the system. Engineer Shortell proceeds to tell the Board how they propose to do so.

Chairman Gerver asked if water or other fluids were used in the directional drilling. Engineer Shortell's response was they use a bentonite mixture of clay non-toxic substance that is not hazardous completely benign.

Engineer Barber touched upon some comments from her past memo(s) carried over to her most recent memo, associated with the engineers' report submitted to the DEC. She referred to comments on elevated iron and manganese and asked if there would be some sort of treatment. Engineer Shortell said they did additional well development with a newly drilled bedrock and

continue to say that it is not uncommon to find turbidity iron and manganese. He said the drilling of bedrock takes a long time to fully develop. He said it could take days to months. They pumped the well, collect samples to then have water quality results that meet all of the MCL including iron and manganese.

Engineer Barber noted that the revised plans still do not show the access to the well and whatever disturbance is required to construct the access (including surfacing) should be identified on the plan. Engineer Shortell said there is an existing access road, located on the adjacent property, and that property is owned by the Village of Kiryas Joel. He said it is the same path used to drill the well and they are not proposing any improvements. Engineer Shortell continues to speak on the use of the road which is to get an excavator to dig the exit pit and install the main as well as a pitless unit. The pitless unit is used to help the transition from a vertical pipe to a horizontal pipe that would go toward the treatment facility. Attorney Logan said they will add that existing access from the Village-owned property onto the site plan.

Engineer Barber stated that there are comments in her recent memo that need to be addressed and explained in detail.

H2M Memo dated March 14, 2022:

a. Well Development – The applicant proposes a directional drill to accomplish most of the connection between the new Well and the existing distribution system, however, trenching is required at either end of the directional drill for the physical tap to the distribution system and the Well. The connection consists of the construction of a meter vault along the Seven Springs right of-way, drainage for the meter vault, electric distribution, a VFD enclosure at the Well, access to the Well, and the Well itself.

The applicant's application materials to the DEC are unchanged from prior submissions. The comments on those materials are repeated. However, the applicant has submitted revised plans on the utility connection for which we have some minor questions requiring clarification.

Our comments on the materials submitted follow:

1. (Repeated) Engineer's Report dated October 2021:

a. This report indicates the presence of elevated iron and manganese above regulatory limits. The report further indicates additional testing is being performed to determine if the elevated limits could be related to turbidity in the water. If additional treatment facilities are required that would result in modifications to the site plan an amended approval from the Village of Woodbury Planning Board could be required (e.g., facilities do not fit within existing/proposed building footprint). If the quality issues are not resolved prior to Planning Board approval, we recommend this be a condition of your action.

b. During the 72-hour pump test, drawdown was observed in three neighboring wells and the report recommends a 2-year monitoring plan. This was reviewed by the DEC and they have required a monitoring program and Complaint Response and Mitigation Plan. The applicant should provide this for the records of the Planning Board.

2. Appendix II: Inadvertent Returns (IAR) Contingency Plan for Horizontal Directional Drilling (HDD)

a. (Repeated) We recommend the applicant confirm this plan has been submitted to the DEC and DOH for review.

b. (Repeated) We recommend the Village of Woodbury: Building Department, Police and Fire Department be included as parties to be notified on the Emergency Contact List.

c. This document (Section 2) indicates a SWPPP is not required for this action based on limited disturbance. The applicant should quantify disturbance areas related to utility construction including meter vault, trenching for electric and well connections, staging of directional drill pits, and drainage from meter vault, as well as any disturbance to create an access road.

d. (Repeated) Section 6.1 – this section indicates “sensitive cultural and biological resources will be flagged for avoidance or construction limits clearly marked.” Additionally, this section indicates exit and entry pits will be clearly marked and surrounded by construction fencing, silt fencing, and straw barriers. This work should be described and identified on the site plan.

e. (Repeated) Section 6.2 should be clearer regarding reports and notifications (for what type or level of occurrence and when) to the DEC and DOH on IAR occurrence.

f. (Repeated) Section 6.2.1, Bullet 2 – requires consultation with “all parties” is required, “all parties” requires clarification.

g. (Repeated) Section 6.2.2, Bullet 2 – refers to an “Environmental Inspector” not referenced elsewhere in this plan. Applicant to advise.

h. (Repeated) Section 6.4 – The Emergency Contact List indicates the DOH should be contacted for any size spill within 2 hours of occurrence. This section states “small releases not requiring external notification...”, this appears to be a conflict, furthermore, the threshold for quantifying a “small” spill should be indicated.

i. (Repeated) Section 7.0 – This requires notification to agencies within 24 hours which is at variance with the Emergency Contact List indicating the DOH should be notified within 2-hours. Applicant to advise.

3. Plans:

a. The plans show the electrical conduit within the bore hole for the directional drill and details for trenching on either end of the directional drill are now provided. We note the plans show a VFD controller at the Well location and within the existing treatment building, applicant may wish to clarify redundancy, but this does not impact your site plan review.

b. (Repeated) CDM Smith’s response to consultant comments dated December 14, 2021, indicates an existing road will be used to access the well. The plans and Google Earth imagery do not show or identify this road. Applicant to confirm. The road should be suitable for trucks to access the site for constructing and maintaining the well. If any clearing or site improvements (surfacing/grading) are required, they should be reviewed by the Planning Board.

c. (Repeated) The applicant should confirm the size of the entry and exit pits are suitable for the application.

b. Stormwater & Erosion & Sediment Control – As discussed above the limits of disturbance for the proposed well work should be quantified to determine the level of review required for this action. At a minimum, an erosion and sediment control plan should be submitted, see below under SEQRA. The applicant should discuss the drainage location from the meter vault passing through the future retaining wall. This should be considered to avoid future conflicts.

c. ARB – Architectural review is required in connection with any application for site plan and special permit. However, for this application the only physical features visible above grade are concrete top slab for meter vault along Seven Springs right-of-way and VFD controller and Well head at the Well location. Accordingly, we believe you may waive your review of this application under ARB.

d. Ridge Preservation – This application is subject to the requirements of the Code for Ridge Preservation. You may wish to consider any tree clearing (if required for access) under this section, otherwise, we believe you may waive any requirements of this section that you deem appropriate.

e. SEQRA – We recommend the applicant confirm the following from the applicant’s Negative Declaration of Impacts submitted with this application:

i. Impact on Ground Water – This section indicates the Village has proposed to pump Well 33 at 50% reduced rate for a period of 6-months to assess aquifer impacts. Upon lapse of 6-months the applicant will review data with the DEC to determine whether an increase to the full amount would be permitted. The applicant should confirm whether this initial restriction is still proposed.

ii. Impact to Plants and Animals – We note this document limits tree clearing between October 1 st and April 1st .

iii. *Impact on Historic and Archaeological Resources* – This section indicates “Supplemental archaeological investigation of the areas to be disturbed by Well 33 will be completed”. It also indicates “a Site Protection Plan” would be implemented for Well 33. The applicant should advise the status of these studies and plans.

iv. *Impact on Traffic* – This section indicates access to the Well will be from Seven Springs Road, this remains to be confirmed on a plan.

v. *Stormwater* – This section indicates erosion and sediment control procedures will be employed during construction; we recommend this be demonstrated on a plan.

Regarding the negative declaration, Engineer Baber said the applicant at that time proposed to reduce the pumping rate of the well for six months. She asked if that was still being considered and Mr. Shortell said it is no longer relevant, the DEC did not consider offsite impact significant to reduce the pumping rate. Engineer Barber asks that Engineer Shortell's responses be submitted to the next submission. Adding that will help cross out and identify comments given in her memo. Attorney Logan and Engineer Shortell said they will comply.

Attorney Golden said with the new submissions as discussed, the application is ready for a public hearing.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to schedule a public hearing on April 6, 2022 for KJ Well 33. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES	5	Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan
NOES	0	

F. Falkirk Estate and Country Club – Review Site Plan, Special Permit, ARB, Ridge Preservation with Water Quality Protection Overlay for proposed addition to west side of existing structure. Said property is located at 206 Smith Clove Rd in Central Valley and is known on the Village of Woodbury Tax Maps as Section 218 block 2 Lot 72.2

As per the applicant's request, this application was removed from tonight's agenda. The applicant needs more time to properly respond to the consultant's comments .

5. Board Members Comments:

Prior to the start of this meeting, the topic of the continuation of virtual meetings was initiated by Board member T. Deluca. Chairman Gerver said he did not know if the Governor is willing to continue to allow or have an extension on virtual meetings. He then asked the Board if they had a preference to stay virtual or go back to in-person. All members of the Board and the consultants agreed on virtual meetings.

Attorney Golden shared that he had been offered the position of Attorney of Orange County and has agreed to do it. He announced that he be leaving the firm at the end of April. He expressed his fondness for the Village of Woodbury, especially its Board members.

Congratulations Rick! Wishing you the best and plenty of success in your new job. You are so appreciated and will be missed.

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by T. DeLuca, to adjourn the meeting at 9:15 PM.

ADOPTED

AYES	5	Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan
NOES	0	

Claudia Valoy-Romanisin, Planning Board Secretary