

**Village of Woodbury
Planning Board Meeting
September 7, 2022**

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

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

Representing for the Village of Woodbury Planning Board:

Kelly Naughton, Attorney
Natalie D. Barber, Engineer

Board Member(s) Absent: Evan Yan

Chairman Gerver opened the meeting with the Pledge of Allegiance.

1. **Executive Session:** No Executive Session was necessary.
2. **Public Comment:** No member of the public had comments.
3. **Approval and Acceptance of Previous Minutes:**

A motion was offered by T. DeLuca, seconded by R. Cataggio, to approve and accept the meeting minutes held on August 3, 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, M. Pastel
NOES 0

4. Regular Agenda:

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

Present Applicant Irene Ishak, UPS Store Corporate Office Representatives Ronald Morency, and Mark Ferrante.

Mr. Morency said the Applicant had submitted all the necessary items that the Board had requested per their last meeting and is now waiting for the Board's response. It was noted that the entity disclosure form was the only document needing an update. The updated entity disclosure form was dated August 17, 2022, and was signed by Mrs. Irene Ishak. She was unaware that the document was to be signed by the property owner, her husband. She agreed to have the document signed by her husband and submitted as soon as possible.

Engineer Natalie Barber noted that the updated renderings were revised, and it seems the Applicant is proposing to split the existing design making it half Woodbury Pharmacy and the other half UPS. She found it to be permissible since the measurements fall within the code. There was an issue with the number of colors, and explained that five colors are proposed, but the code only allows three as the maximum amount. However, the Board can modify the number to five as long as they don't find it distracting to drivers. There was also an issue with the Water and Sewer Demand form. She explained why it's important for the Applicant to have this filled out. It was unclear what number of employees the Applicant will have, which helps calculate usage. The submitted survey needs to be signed and sealed by the preparer. In regard to lighting, Engineer Barber clarified that currently, the Applicant has the existing sign illuminated due to the floodlights shining on it.

There's no issue if the Applicant wishes to use a backlit sign just as long as the lighting is turned off at or before midnight unless business hours exceed midnight, per the code.

Mrs. Ishak and Mr. Ferrante confirmed they wouldn't be adding new employees. They've had a decrease in employees, going from eight to three. Engineer Barber advised that it should be stipulated in the Water and Sewer Demand Form for the Engineer's purposes as well as the Board. As per lighting, A timer was suggested to be used, and the Applicant agreed to consider it since it would be an inexpensive solution and meet the code requirement.

The Board had no additional comments; therefore, Chairman Gerver opened the floor to the public for comments regarding the UPS Store/Woodbury Pharmacy.

There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to close the public hearing for UPS Store/Woodbury Pharmacy. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED
AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel
NOES 0

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to accept the sign rendition as presented. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED
AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel
NOES 0

A motion was offered by Chairman Gerver, seconded by M. Pastel, to type this as a Type II Action under 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, M. Pastel
NOES 0

A motion was offered by Chairman Gerver, seconded by T. Deluca, for counsel to draft the Resolution of Approval for UPS Store/Woodbury Pharmacy with the conditions regarding the Engineer Barber's memo dated August 30, 2022, the updated Entity Disclosure Form, as well as the Water and Sewer Demand Form discussed in tonight's meeting. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED
AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel
NOES 0

The draft Resolution of Approval will be read at the next Planning Board meeting on September 21, 2022.

- B. **Mera/ARB 6 College** – Review and discuss documents submitted on the ARB and Ridge Preservation application for proposed changes to existing single-family dwelling to include stucco on the front façade, entrance portico, and driveway carport. Said property is located at 6 College Drive in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 245 Block 2 Lot 8.

Present the Applicant Marius Mera.

Mr. Mera gave a summary of what his Application entails. He'd like to replace the existing façade in the front of the house with stucco. Install an entrance canopy, as well as a carport in his driveway.

Engineer Barber had some comments and referred to her memo.

H2M Memo dated July 29, 2022:

1. Zoning –

a) Use – Single-family homes are permitted in the R-2A zone.

b) Bulk – A plot plan (per §A314-7.C.(1)) should be provided showing the bulk requirements of the zone and demonstrating compliance with the same. In general, we would expect there are no changes to coverage due to canopy and carport proposed over existing impervious surfaces (concrete and asphalt). However, the extension of the structures into front and side yards requires confirmation of compliance with setbacks as required by your Code.

2. ARB – In your role as ARB, the Code (§8-4) specifies your review and consideration of structures or alterations to structures and the following:

A. Excessive similarity, dissimilarity or inappropriateness in relation to itself or to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application, facing upon the same street or within the same or surrounding neighborhood, including neighboring developments, in respect to one or more of the following features:

(1) Exterior façade of all building sides, including, but not limited to, building materials, mass, roof line, architectural style and authenticity, colors, size, proportion, roof design and height.

(2) Size and arrangement of doors, windows, porticoes or other openings or breaks in the façade, including reverse arrangement.

(3) Footprint and gross floor area, including all or portions of the structure.

We have the following comments on ARB:

a) The applicant provided construction sketches of the proposed work. They also provided photos of the existing home and example photos of the features they would like to construct. We recommend you consider whether the information provided is sufficient for your review or if you would require an artist rendering (§A314-7.C.(4)) of the proposed changes to the existing home.

b) We recommend the ARB form be revised to list each feature and its proposed colors as well as manufacturers proposed for materials. For example, the columns and posts need additional details listed. The photos of example entryway and carport show varying designs, which are helpful for demonstrating the overall intent but these are not specific to the application. For example, the carport photos show two distinct types of columns (brick base versus solid white post), but the drawings indicate the proposal is for steel tubes. The example photos show two different canopy types (flat roof vs. peaked roof), but the proposal is for a slanted roof. Additionally, the photos of the example entryway show gothic style columns and steel handrails. The drawings provided by the applicant show wood posts and do not specify the type of rail (applicant to confirm). The Planning Board should consider this as you review the application.

c) Typically, when you complete your ARB review, the renderings and ARB form are attached to the resolution for the Building Department to follow as their permitting process proceeds. At a minimum, the hand-drawn plans provided should specify proposed colors consistent with the ARB form.

d) The applicant is proposing stucco for the front façade in lieu of vinyl siding that is existing. The applicant should confirm the intention to match the color of the existing vinyl or if it is to vary show a side by side of the two colors. Additionally, we recommend the applicant confirm whether the white architectural details shown around the windows, doors, and at corners of the example photo are proposed.

e) The applicant's carport (aka driveway canopy) drawing indicates "proposed shed location" but no additional information is provided. If this is part of the applicant's proposal, the details of the same should be confirmed with you. If not, the applicant should remove this from the drawing.

f) We recommend you consider whether photos of neighboring structures and homes would be helpful for you to consider your similarity/dissimilarity criteria of the Code.

3. Ridge Preservation – This property ranges greater than 800-ft above mean sea level (AMSL) triggering your review under the Code (§310-13) requirements for Ridge Preservation (threshold 600-ft AMSL). The home is located almost centrally between County Route 44 and County Route 105. Our comments on Ridge Preservation follow:

a) We note during your review of the solar panel application for this site, you made a finding that the structure is not visible from a designated view corridor. We recommend you consider whether any conditions of the site or surrounding area has changed to determine if that finding is still appropriate.

b) The applicant proposes a "Beige" color for the stucco siding. As discussed above, we recommend you confirm if this color matches the color of the existing siding. If not, you should consider whether the color meets the Code (§310-13.B.(2)) criteria for earth tone, neutral colors.

Mr. Mera said he was not aware of how detailed he should have been in his submittals and will try to get as much information as needed to the Board. He confirmed that the color of the stucco would be beige, matching the existing siding. The stucco will be on the columns supporting the structure. He added that the wood beams would be supporting the post. He was told renderings are sometimes required in order for the Board to have a clear picture of the structure with the colors and materials that will be used. Engineer Barber noted that in one of the pictures submitted there was a similar home with white accent features at the corners and around the windows and doors. She asked if that is what the Applicant is planning to do and if so, the Applicant should add it to the plans.

Engineer Barber noted in the drawings that there is a shed. Mr. Mera said the shed in the plans was an error. Due to those plans, he was guided by the Building Department to appear before the Zoning Board of Appeals. The ZBA approved the shed's location along with the sizing and color matching the existing home, obtaining a building permit.

R. Cataggio suggested that Mr. Mera add the dimensions to the plans and asked if he would be using the garage. Mr. Mera said he would be more detailed in his next submission and yes, they will be using the garage. The carport will be built so that it won't prevent a car from turning into the garage.

The Board agreed that the Applicant provides renderings along with his new submissions. They advised that as soon as he can get those submissions in, he will be notified when his next appearance before the Board will be.

- C. **Farkas/28 First Ave** - Review and discuss documents submitted for ARB and Ridge Preservation for a proposed addition to a Single-family dwelling. Said property is located at 28 First Avenue in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 214 Block 1 Lot 9.

Present Mr. Yoel Ekstein

Mr. Ekstein gave a summary of this application. He began by saying revised plans were submitted to the Building Department. They are proposing some additions to the house and are rearranging the inside. They are not adding any rooms, instead, they are enlarging the rooms. One addition will be located on the left side of the house, including the upstairs and the basement as well as a small addition to the front entrance of the house. In this resubmission, he included an updated survey, a setback line to cover the deck, elevations to show the height of the building, and an updated list of materials.

Engineer Barber said Mr. Ekstein already addressed some of her comments so she will only discuss some things the Board may want to consider. She said the building footprint increased the gross floor area of the home by 50% and the Applicant provided information for two other homes for the Board to consider dissimilarity and similarities. One of the homes is across

the street from the property, while the other is further away. In order to consider dissimilarity and similarity, per code these homes are to be within 300 feet away or within the same development. With respect to Ridge Preservation, it was recommended that the Applicant confirm the visibility from the view corridor, which is Seven Springs Road. She continued noting that the revised plans already reflect the intent of using non-reflective windows and no tree removal as part of the construction of the addition.

The Board doesn't think pictures from the view corridor are necessary, so there's no need for photos. The Board also agreed to ride around the area to see other homes near the property. R. Cataggio asked if it's sewer or septic due to the number of bathrooms on the plan. The Chairman confirmed that the usage of water is based on the number of bedroom count, not bathrooms. Engineer Barber also commented that she doesn't believe the area is served by municipal sewer, therefore it must be septic. She noted that when the survey is concluded it should show the location of the septic system. M. Pastel asked about the water, and Mr. Ekstein was not able to provide an answer, but said the answer would be in the survey.

The Board was ok with the colors in this application, and the Chairman reminded the Board to do the drive-through.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to waive the public hearing for Farkas/28 First Ave. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED
AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel
NOES 0

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to type this as a Type II Action under 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, M. Pastel
NOES 0

To answer the Chairman's question regarding the Applicant providing a Water and Sewer Demand form. Engineer Barber said the Applicant submitted the form and there's no change in the bedroom count (total is 3 Bedrooms), and it's signed and executed. Nothing more is needed.

A motion was offered by T. DeLuca, seconded by M. Pastel, for counsel to draft the Resolution of Approval for Farkas/28 First Ave with the guarantee of receiving the three requested items from the Applicant and the Engineer's approval. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED
AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel
NOES 0

- D. **Eastgate Management 152 Seven Springs ARB** – Review documents submitted for ARB and Ridge preservation of proposed single-family dwelling and removal of existing dwelling. Said property is located at 152 Seven Springs Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 213 Block 1 Lot 13.12.

Present Engineer Patrick Hutton and Attorney Jay Myrow.

Engineer Hutton mentioned that most of the Engineer questions were answered. He clarified why the Water and Sewer Demand form had the home design for seven bedrooms, and the septic design for eight. Due to the size of the house, he would like to keep the eight-bedroom design which will entail 180 gallons of water per day. Regarding the walls, he said it would surround the house, having a natural color. There will also be a green chain-link fence above the wall for safety, and it will be a green plastic fence to blend with the grass.

Engineer Barber mentioned that the last appearance of the Applicant was back in June 2022, and the public hearing was previously waived, though the determination on SEQRA is outstanding. She proceeded to go over her comments from her memo. Regarding Ridge Preservation the property is visible from the view corridor. As per Engineer Hutton's request to keep it as an eight-bedroom, Engineer Barber said she as well as the Board is looking at this application from an ARB and Ridge Preservation perspective. The number of bedrooms initially proposed is seven, and that should be stated on the form. She asked that the Applicant provide a visual of the materials and colors that are being proposed. Engineer Barber spoke of the proposed removal of trees by the Applicant. Engineer Hutton acknowledged that the trees being removed are dead trees. He went on to describe the type of trees that are being removed. The Chairman along with the Board agreed that there should be shade trees planted to create a screen.

H2M memo dated August 30, 2022:

2. Site Plan – According to your Code (§310-45.C.(1)(a)) site plan approval for single-family residences in the R-2A zone is not required. We note the applicant has submitted detailed information on proposed septic and stormwater management facilities that are not within your purview for review. Review of this information will be by the Building Department. The following comments on the site are limited to impacts on your ARB/Ridge Preservation review.

a) Water – A moratorium for water supply is in effect potentially impacting this application. The applicant's property is served by an existing private well. Based on the floor plans, the proposed home is 7-bedrooms. As noted at the last meeting, the applicant's projected water and sewer demand form lists 8-bedrooms and requires revision. Estimates for water demand for residential properties are based on number of bedrooms (110 GPD/bedroom), Accordingly, estimated water usage and sewer generation for the existing 3-bedroom home would be 330 GPD, and for a 7- bedroom home it is 770 GPD.

b) Grading/Retaining Wall – The applicants plan shows retaining walls along the Southern and Eastern lot lines. The applicant's recent correspondence indicates the walls are 6-ft tall. The proposed walls appear to meet the requirements for setback from the property lines. We have the following comments:

i.(Recommended Condition) The height of the walls require design by a Professional Engineer, a requirement for design drawings to be submitted to the building department should be a condition of your action.

ii. To the extent that it impacts your ARB review, the applicant should provide details for the proposed construction of the walls – materials, colors, etc. We note the walls face the applicant's property.

iii. The applicant provided a fence that follows the property line around where the retaining walls are proposed. We note the Code (§146-6) requires fencing be setback at least 6-inches from the property line and the applicant will need to comply. We recommend the material and color of the fence be noted for the Board to consider.

3. ARB – In your role as ARB, the Code (§8-4) specifies your review and consideration of structures or alterations to structures and the following:

A. Excessive similarity, dissimilarity or inappropriateness in relation to itself or to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application, facing upon the same street or within the same or surrounding neighborhood, including neighboring developments, in respect to one or more of the following features:

(1) Exterior façade of all building sides, including, but not limited to, building materials, mass, roof line, architectural style and authenticity, colors, size, proportion, roof design and height.

(2) Size and arrangement of doors, windows, porticoes or other openings or breaks in the façade, including reverse arrangement.

(3) Footprint and gross floor area, including all or portions of the structure.

The applicant previously provided floor plans, renderings, plot plan, and elevations for you to consider the architecture of the home. Additionally, they provided a report on comparable properties identifying other homes in the vicinity of the proposed project with living areas that range between 1,982-SF and 7,739-SF. We note the existing home to be razed is 1,896-SF. We have the following comments on ARB:

- a) A table of total floor areas and building footprint should be provided for you to compare the mass of the structure to other homes. Our estimate of the size of the home indicates the first floor is greater than 7,306-SF.
- b) The applicant provided renderings and your ARB form for you to consider the color, materials, architectural style, and roof design in comparison to other homes indicated in the comparable sites report. At your last meeting you requested a material board to consider samples of the materials proposed – this remains to be provided.

4. Ridge Preservation –

This property ranges greater than 800-ft above mean sea level (AMSL) triggering your review under the Code (§310-13) requirements for Ridge Preservation (threshold 600-ft AMSL). Seven Springs Road is a Ridge Preservation view corridor. According to aerial imagery available on Orange County GIS, the applicant’s property is mostly cleared except for significant specimen trees along the property boundaries. The existing trees along the property frontage serve to screen the existing home from the view corridor except where the driveway is located. Additionally, there are several stone walls located on the property. We have the following comments on Ridge Preservation:

- a) The applicant has revised their plan to indicate which trees are to be removed “TBR”. From the plan it appears eighteen (18) trees ranging in size from 6- to 36-inches diameter are proposed for removal. To offset the tree removal, the applicant proposes three (3) white oak trees along seven springs and five (5) green giant trees on the plan. You may wish to request the applicant consider any opportunity to preserve the existing trees and/or require additional plantings that would provide better screening along the view corridor to supplement the loss of these mature trees.
- b) Your Code (§310-27.B.(5)) requirements for site plans recommends preservation of these features to the maximum extent possible. The applicants plan demonstrates the intent to preserve done walls on the north and west property lines. The wall(s) central to the property will be removed. The applicant should confirm the intent to preserve or remove the stonewalls along the property frontage.
- c) Non-reflective windows are a requirement of your Code (§310-13.B.4), the applicant should note this requirement on the plan. We recommend you include this as a condition of your action per your usual practice.
- d) According to your Code (§310-13.(7)(a)), if structures are not visible from a designated view corridor based on existing or new landscaping, the Planning Board may require an easement of record be filed with the County Clerk to preserve such landscaping or buffers. This may not be appropriate if most trees along Seven Springs Road are proposed for removal.

Engineer Hutton mentioned having a building permit prior to the moratorium, and Attorney Naughton did not agree with that claim. Chairman Gerver advised that if the Applicant wishes to have the moratorium waived, they are to file a waiver application to then appear before the Village Board of Trustees for that waiver to be approved. Once approved, this application can then move forward with the Planning Board.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to type this as a Type II Action under 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, M. Pastel
 NOES 0

- E. **Gardens at Harriman Station** - Discuss the status of the application for proposed transit-oriented development. Said property is located on State Route 17 in the Village of Woodbury and is known on the Village of Woodbury tax maps as Section 243 Block 1 Lots 1 through 25.

Present Attorney Anthony Morando and Engineer Steve Esposito.

Attorney Morando gave a brief update, and Engineer Esposito continued explaining the steps they have taken and the people they have met to help move things along. The Chairman asked when will the Board receive a submittal from the Applicant and Engineer Esposito said maybe about 60 days out. Attorney Morando added that they would keep the Board updated throughout that time.

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by T. DeLuca, to adjourn the meeting at 9:02 PM.

ADOPTED

AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel
NOES 0

Claudia Valoy-Romanisin, Planning Board Secretary