



**M E M O R A N D U M**

**TO:** Chris Gerver, Chairperson and Planning Board  
**FROM:** Natalie D. Barber, PE  
**RE:** Central Valley Property Management, LLC – **Mixed-Use Development**  
**AMENDED** Site Plan, Special Permit & ARB – **Discussion**  
File No. 230-7-17.2<sup>1</sup>; Memo No. 243-21-016  
**DATE:** April 29, 2021

**CC:** Richard Golden, Esq., Kelly Naughton, Esq., Jonathan Lockman, AICP, Steve Esposito, RLA  
\*\*\*\*\*

The following are our comments on an amendment to a previously approved application for a mixed-use structure proposed for retail/office, restaurant, and residential apartment units to include personal service use in the HB Zone on a property with frontage on Route 32 and Estrada Road.

**Background** –

The original site plan, special permit, and ARB application was approved on July 18, 2018 for the mixed-use structure to contain uses including retail/office, restaurant, and residential apartment units and for an existing building (formerly TD Bank) to remain retail/office space. That application required a variance for lot area, which was granted by the ZBA on May 9, 2018 (68,346 sf versus 78,000 sf required). During that review, SEQRA was concluded on April 18, 2018 with a negative declaration.

In 2019, the applicant submitted an amended site plan, special permit, and ARB application to modify the designated use of the existing retail/office space to a personal service use with indoor playground and for modifications to the site plan and ARB. SEQRA was reaffirmed on November 6, 2019 and after considering impacts to parking, pedestrian access, and restrictions on operations including hours of operation, maximum occupancy, spacing of events an approval was granted on February 5, 2020.

Construction commenced in 2019 and the site was improved in substantial agreement with the plan approved by the Board.

This application is to allow personal service(s) in the mixed-use building.

**A) Materials Reviewed** –

- 1. Correspondence from Steven Esposito, RLA of Esposito & Associates, dated April 20, 2021.

**B) Review of Submitted Materials** –

- 1. Zoning –
  - a) Use – “Personal service stores” are permitted uses in the HB Zone.
  - b) Density – A “personal service” use has the same bulk requirements as the existing retail/office use. The previous application was granted ZBA relief for lot area on May 9, 2018 as follows:

Required Lot Area:	78,000 sf
Approved Lot Area:	68,346 sf

<sup>1</sup> New lot created as a result of merger of 230-7-17, 18, 19.

For the other application for personal service, Counsel confirmed the variance relief went with the land and no further relief was required.

- c) Parking – For the original plan approval, the Board granted a waiver for parking to permit sixty-six constructed spaces with five (5) banked parking spaces, where eighty (80) spaces were required. In consideration of the first amended approval in 2019, an increase to the Mezzanine area required an additional two spaces. At that time, the Board required the applicant construct the landbanked parking and granted a waiver for nine (9) parking spaces where eighty-two (82) spaces were required, resulting in seventy-three (73) constructed parking spaces.

The code has the same parking requirements for retail/office and personal service uses. That is one (1) space is required per 200 SF of floor area.

Your Code (§310-40.A.(4)) allows “For adjacent uses in the HB district or where more than one establishment exists on a lot in other districts, uses may be able to share parking spaces, where in the opinion of the Planning Board spaces may generally be utilized at different times.”

In consideration of your previous waiver for parking, the applicant provided a “Traffic & Parking” study prepared by Provident Design Engineering and a supplemental shared parking table for the 2019 application. While the number of spaces required are unchanged, it is not clear if the time for peak parking demand is impacted by the proposal. We recommend this be considered by your Traffic consultant and additional studies be submitted if deemed warranted.

2. Site Plan/Special Permit – Based on the applicant’s correspondence there are no changes to the site plan and the effect on the existing approval is primarily a function of the special permit operations.

- a) Narrative – The Code defines a “personal service” as “An establishment primarily engaged in providing services involving the specialized care of a person or a person’s apparel, including but not limited to beauty shop, nail salon, barber shop, tailor shop or exercise, martial arts or dance studio.” If details are known, specific information on the proposed tenant of the personal service use, the area of the building that may be occupied as personal service, hours of operation, etc should be provided to consider the parking and water/sewer requirements.

- b) Water/Sewer – In consideration of the operations for a personal service use, as opposed to a retail/office use, we note the demand for water and sewer may vary. The applicant should provide an updated water and sewer demand calculation for your consideration.

3. SEQRA/Public Hearing – We defer to Counsel on SEQRA and public hearing requirements.

**C) Referrals Required – Prior referrals listed; no further referrals based on use change.**

1. Woodbury Water & Sewer Department (referral depends on revised demand calculation)
2. Woodbury Fire Department
3. Orange County GML 239 Referral
4. New York State DOT