



## Memorandum

**To:** Chris Gerver, Chairman  
Woodbury Planning Board Members

**cc:** Maria Rubio, Building Department  
Rick Golden, Esq., Planning Board Attorney  
Natalie Barber, P.E., Planning Board Engineer  
Michael Sandor, PE, (for the applicant)

**From:** Jonathan T. Lockman, AICP

**Date:** July 28, 2021

**Re:** Cody Boys School, Building #4 addition re-approval  
SBL 25-1-44.1 and 25-1-45.2

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The following are our comments on this application for this Site Plan/ARB/Ridge Preservation Overlay Review.

### Materials Reviewed for this Memo:

- Letter from Michael Sandor, P.E., MJS Engineering, to Christopher Gerver, re: Cody Boys School, Building #4 Addition, Re-Approval, dated 23 June 2021.
- Letter from Edwin L. Sims, P.E., Orange County Department of Health, to Yitzchok Tyrnauer, re: Approval of Plans, dated January 9, 2013.
- Approval of Plans for Public Water Supply Improvement, NYS Department of Health, for Cody Boys School, dated January 9, 2013.
- Additional Conditions to Approval, Orange County Department of Health, signed by Edwin L. Sims, P.E., dated January 9, 2013.
- Untitled water system diagram, stamped by Michael Sandor, P.E., MJS Engineering, 2 sheets, dated 12/5/2012, Approved by Orange County Department of Health, January 9, 2013.
- Plan Sheet, C-1, Entitled "Building #4 Addition Site Plan," stamped by Michael Sandor, P.E., MJS Engineering, with latest revision date of 6/22/2021.

### Materials Reviewed for our Previous Memorandum, dated January 15, 2021:

- Letter from Gary Thomasberger to Yitzchok Tyrnauer, regarding expiration of Site Plan approval, dated September 9, 2020.
- Transmittal Letter from Michael Sandor, PE to Christopher Gerver, RE: Cody Boys School Building #4 Addition Re-Approval, dated 14 December 2020.

- Approved Plan Set, entitled “Cody Inc. Boys School,” Building #4 Addition, stamped by Michael J. Sandor, MJS Engineering, with latest revision dates of 11/07/08, with the following sheets:
  - C-1, Site Plan
  - C-2, Lighting Plan
  - C-3, Landscaping Plan
  - C-4, Septic Fields
  - C-5, Addition Details
  - C-6, Addition Signing Plan
- Resolution of Approval, dated 12/18/2008.
- Application Forms Set with Disclosure Forms and Authorization to Inspect, dated 12/2/20, signed by Yitzchok Tyrnauer.

### Summary

The applicant, Codys Boys School, proposes to construct an addition to Building #4. Approval was received in 2008 and 2010. On September 9, 2020, the Village Building Inspector denied a construction permit for a three-story addition to Building #4, as the site plan approval had expired. The transmittal letter dated 12/14/2020 for the current re-application indicates the proposed addition to Building #4 is 2,000 square feet. The 2008 approved (but expired) site plan indicates two additions were approved totaling 11,800 square feet. The expired resolution of approval from 2008 indicates an approved proposed addition of 12,000 square feet. The currently submitted site plan revised 6/22/2021 proposed expansions of 11,800 square feet at Building #4 in the parking analysis chart, but label on the site plan indicates a proposed 4,000 square foot expansion of Building #4 (See submission comment below regarding discrepancies.)

The school site of 21.93 acres is located in both the Town of Monroe and the Village of Woodbury, accessed by Bnai Yoel Drive, on the east side of Route 105, about 2500 feet north of the Bakertown Road intersection. The portion of the site within Village of Woodbury is in the R-2A zoning district. The 2008 resolution of approval included a finding that the school was a religious use (not permitted as of right) and that the applicant had obtained a variance from the Zoning Board of Appeals to expand the then nonconforming use. Site Plan Review, Special Permit, ARB and Ridge Preservation approvals were granted. It appears that the basic zoning situation in 2008 is the same, twelve years later.

## Comments on Submittals

1. When an approval expires and the applicant wishes it to be reactivated, the entire package needs to be updated prior to resubmission as a new application. In this case, the first step should be to clearly show what aspects of the 2008 approval for Cody School have already been constructed and which have not. The newly submitted June 22, 2021 site plan does not show a coherent depiction of these basic facts as requested in Comment 1 of our previous memorandum.

The transmittal letter for this re-application dated 12/14/2020 indicates the proposed addition to Building #4 is 2,000 square feet. The submitted 2008 approved (but expired) site plan indicates two additions totaling 11,800 square feet are proposed (4,000 sf on the west side and 7,800 sf on the east side). The resolution of the expired approval from 2008 indicates an approved proposed addition of 12,000 square feet. The discrepancies in these numbers should be clarified. The partially constructed additions (as compared to what is indicated on the submitted 2008 plan) should be specified on a revised site plan. It appears that the eastern part of the addition from the 2008 approval is in existence, according to the image available on Google Maps (see right).



The parking analysis table on the newest site plan states that the existing Building #4 and the Mikvah at Building 4 each contain 3,900 square feet for a total of 7,800 square feet, and the proposed addition to Building 4 will contain an additional 11,800 square feet of floor area. The size of the completed Building #4 is shown in the parking table as 19,600 square feet. The labels on the site plan indicate that the existing building and mikvah contain 7,800 square feet, but the addition proposed is only 4,000 square feet (rather than 11,800 square feet). This would suggest that the completed Building #4 would be only 11,800 square feet when completed, rather than the 19,600 square feet shown in the parking analysis table.

The applicant should reconcile these numbers and correct the drawings and application materials according, following comment 1 from our previous memorandum as well as this review comment.

2. The approved plan set from 2008 shows a “future parking area if required.” In response to comment 2 of our previous memorandum, this parking lot is already constructed and now is shown on the June 2021 proposed site plan, with an existing northwest and northeast driveway connection. It appears that the applicant intends to let this parking lot remain as built and is seeking after the fact approval, rather than resizing and reshaping it and removing the northerly driveway connections, to match the configuration to the 2008 site plan. The applicant’s intention to install landscaping and lighting as shown on sheets C-2 and C-3 of the previous approval in 2008 should be confirmed. A new plan set with all six sheets should be submitted, updated with as-built conditions and with proposed new construction clearly indicated, so it is clear what new construction is proposed at this time, and so that all existing construction that is proposed for “after-the-fact” approval is also identified.
3. Per comment 3 of our previous memorandum, the status of the septic fields on the site plan are now shown as existing. Documents from the County Department of Health have been submitted from January 2013 that set conditions of approval including a daily water flow limit of 4,500 gallons per day (GPD). We are concerned that the June 2021 site plan submitted indicates proposed “load” of 5,352 GPD for Buildings #2 and #4. This matter should be reviewed by the Planning Board Engineer.
4. Per comment 4 of our previous memorandum, the applicant has indicated that the trailers shown on the 2008 site plan have been removed.
5. Per comment 5 of our previous memorandum, copies of the approved variance should be submitted, for reference. Applicant has indicated that they are still searching for this record.
6. Per comment 6 of our previous memorandum, elevations, and architectural details for the proposed addition (perhaps 11,800 square feet?) must be submitted for the Planning Board’s review, with proposed changes from the 2008 approval, if any. These submittals must match the site plan proposed.
7. Per comment 7 of our previous memorandum, correspondence, forms, details, and approvals for water from 2013 have been submitted. We will defer to the Planning Board Engineer’s review of these materials.
8. Per comment 8 of our previous memorandum, the applicant indicates that an executed Escrow Account signature card has been submitted to the Building Department.
9. Per comment 9, we note that the 2008 site plan shows only pre-construction existing topography. Proposed finished grades should be indicated.

10. We defer to the Planning Board Attorney's opinion as to whether the SEQRA Negative Declaration of October 15, 2008 can be reaffirmed, or whether any new SEQRA procedures or submittals will be required.

Please let us know if you have any additional questions on this review. We anticipate that we may have further comments as missing application and plan items are received.