



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

**TO:** Chris Gerver, Chairperson and Planning Board  
**FROM:** Natalie D. Barber, PE  
**RE:** Woodbury Fresh Supermarket at Woodbury Centre  
Amended Site Plan, Special Permit, and ARB – **Initial Discussion**  
File No. 225-2-1.12<sup>1</sup>; Memo No. 243-21-024  
**DATE:** July 16, 2021  
**CC:** Richard Golden, Esq., Kelly Naughton, Esq., Jonathan Lockman, AICP,  
Mel Firer (applicant)

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The following are our comments on the amended Site Plan, Special Permit, and Architectural Review Board (ARB) application for the proposed Woodbury Fresh Supermarket in Woodbury Centre in the IB Zone.

**General** – This application for a supermarket in the existing Woodbury Centre is proposed to replace two vacant retail storefronts (formerly Forever 21 and Lenox). The applicant proposes a loading dock, two-mezzanine storage areas, and two compactors to replace one existing to facilitate the supermarket operation. They further propose to remove the two existing wall signs and replace one with a backlit sign where the Forever 21 sign was located and replace the pylon sign panels with the Woodbury Fresh logo. Other proposed exterior modifications include the addition of two canopy areas for cart storage and a new automated door system. The applicant has provided existing and proposed floor plans and elevations, renderings of the proposed storefront, sign plans, and a plot plan for you to consider.

**Background** – In 2019, you considered and approved an application for ALDI’s grocery store in Woodbury Centre. Since the two applications are similar, we believe consideration of prior discussions may aid in the review of this application. The following issues were considered for ALDI’s: parking, truck delivery movements, cart collections, water usage and sewer generation, ESO access, signage, and ARB. We note a principal difference among the applications is this application includes in-store food preparation, additionally, for reference, ALDI’s was 25,215 SF, this supermarket is proposed 30,445 SF.

**A) Materials Reviewed –**

- 1. Application<sup>1</sup> for Amended Site Plan Review and Approval and Application to Appear Before the Planning Board dated June 1, 2021.
- 2. ARB Application<sup>1</sup> dated June 1, 2021.
- 3. Projected Water and Sewer Demand Form, dated June 1, 2021, completed by Jason Anderson.
- 4. “Woodbury Fresh Project Narrative”, prepared by Anderson Design Group, undated and unauthored.
- 5. Plans for “Woodbury Supermarket” by Anderson Design Group, as follows:

DWG No.	Title	Dated
A-001	Title Sheet	May 13, 2021
AE-200	Existing Floor Plan	May 13, 2021
AE-300	Existing Exterior Elevations	May 8, 2021
AE-400	Existing Building Sections	May 13, 2021
A-201	Floor Plan	May 13, 2021
A-202	Mezzanine Plan	May 13, 2021
A-300	Exterior Elevations	May 13, 2021
A-301	Exterior Elevations	May 13, 2021
A-400	Building Sections	May 13, 2021
A-900	Side Pylon Sign	May 13, 2021
A-901	Main Pylon Sign	May 13, 2021
A-902	Exterior Rendering	May 13, 2021
C-100	Plot Plan	May 13, 2021

<sup>1</sup> All application materials should be revised with the correct tax lot designation.

**B) Review of Submitted Materials –**

1. Zoning –

- a) Use – The subject property is in the IB Zone and is a part of a commercial center. Former Building Inspector Thomasberger previously advised ALDI's grocery store was considered retail and permitted as part of the commercial center. Even with the addition of some food preparation, we believe this opinion is relevant to this application.
- b) Bulk Table – Although, the building is part of a previously approved commercial center, the applicant should provide a bulk table demonstrating the existing and proposed setback and coverage conditions and how these comply with the Code requirements for the IB zone.
  - i. Coverage – The applicant is proposing covered cart storage areas near the front entrance, which appear to eliminate portions of landscaped area which may affect the impervious coverage calculations.
  - ii. Setbacks – The applicant should confirm that the addition for loading and storage at the rear of the building conforms to the Code setback requirements.
- c) Parking – The proposed development for ALDI's eliminated 13 parking spaces. The Board reviewed a comprehensive parking analysis which resulted in a waiver of 31 spaces or 2.2% of the required parking. At that time, the applicant's study suggested available parking was 2x more than what was needed during a peak parking demand. Since this proposed action is a swap for retail to retail and no modifications to available parking are proposed, we do not believe additional analysis is required. However, you may wish to refer this to your traffic consultant for confirmation.

2. Site Plan – The Village Code (§310-45.I.) specifies standards for site plan submissions, which should be reviewed by the applicant. Modest additions to the plans are required for a complete plan submission i.e., identification of the Village of Woodbury and Orange County, property Section-Block-Lot (SBL), name of developer, graphic scales, etc.

In addition to the general plan considerations stated above, a site plan at an adequate scale should be provided showing details of the site including changes to landscaped area at the front of the building and proposed addition at the rear. Exterior modifications should be clearly indicated along with access drives, striping, as well as impacts to utilities etc.

- a) Layout and General Circulation – The applicant proposes an addition that extends into the access aisle at the rear of the building. Once a site plan at an appropriate scale is provided, the impacts to this area will be reviewed. Adequate access for emergency services, delivery trucks, and general traffic through this area will need to be confirmed.

We recommend a turning movement plan showing trucks accessing the loading areas and a Village fire truck maneuvering the rear of the building be provided. Furthermore, the applicant should confirm whether the loading space designated as No. 2 on the floor plan is for a tractor trailer or box truck. We note the narrative indicates 2 loading spaces for tractor trailers and 4 spaces for box trucks, however, loading space No. 2 appears to be larger.

If you choose to refer the plan to your traffic consultant, we recommend you ask them to consider whether a traffic and site circulation study need be conducted.

- b) Utilities –

- i. Water & Sewer – We note water service to Woodbury Centre is by the Village of Harriman and Sewer service is directly through Orange County Sewer District No. 1. Similar to your consideration of ALDI's, we recommend you require the applicant request will-serve letters from each of these utilities.

Additionally, the utility connections to the building and any proposed modifications to these utilities should be shown on the plan and estimated water and sewer demands provided on the applicant's projected water and sewer demand form.

- ii. Stormwater/Grading – Proposed modifications to grading will be confirmed when the site plan is submitted but based on the information received any impacts to drainage appear to be relatively minor. The applicant should confirm whether there are changes to the slope near the proposed supermarket exit as shown through a comparison of the existing and proposed front elevations.
3. ARB – The applicant is seeking ARB approval for the proposed supermarket (ARB Code requirements appended). Our comments and recommendations are as follows:
- a) Materials & Colors –
    - i. The colors and materials appear to match the existing building façade, applicant to confirm.
    - ii. The applicant should confirm there are no other changes to the existing façade except for the signage, cart corral to the East of the main entrance and the canopy to the West, and doors.
    - iii. We recommend you consider requiring the new doors remain non-reflective.
  - b) Signage –
    - i. The elevations provided by the applicant depict proposed wall signage. The applicant should review the Code requirements for signage and provide confirmation of compliance in details. We note the following requirements for the applicant to confirm:
      - a. (§310-30.B) Wall sign shall not project more than 12-inches from building façade.
      - b. (§310-30.D(3)) Applicant should confirm compliance with sign illumination and hours of operation.
      - c. The signage table for IB zones limits sign area to a maximum 10% of total wall area with one (1) sign per use and ARB approval, we note the following:
        - In this case, the Code (§310-30.D(2)(c)[3]) requires “Where a sign consists of individual letters, symbols or characters, its area shall be computed as the area of the smallest rectangle which encloses all of the letters, symbols and characters”. By scale, the sign area is approximately 220-SF.
        - In discussion with the Building Department, the wall area is defined as the area where the sign is proposed. The wall area above the entrance scales to approximately 704-SF.
        - Based on these calculations, the sign area is approximately 31% of the wall area and non-complying with the Code. If the applicant is unable to reduce the size of the sign, we believe a variance is required.
    - ii. The applicant has also provided renderings of the proposed panels for the pylon signs. The new panels will replace prior panels and no changes in size are proposed. We recommend you consider the size of the text and white space proposed in relation to the other panels on the existing freestanding sign and decide if this is appropriate. The Code (§310-30.D(1)(b)) provides you with discretion to decide if “sign panels and graphics ... accentuate architectural features and details”.
4. Floor Plans –
- a) Mezzanine Area at Entrance –
    - i. The mezzanine area at the front entrance includes two conference rooms, a kitchenette, two bathrooms, and office. We recommend the applicant confirm the conference rooms are for employee use only.

- ii. This space is shown with only one egress, we confirmed with the Building Department, that two are required for this space.
  - b) Although not impacting your site plan or ARB review, the plans show a bathroom almost central to the store, with a sink on the exterior of the men's restroom without a facility for handwashing within. The applicant should confirm this is the intention and that this meets public health codes.
5. Miscellaneous –
- a) Cart Corrals – For ALDI's you did not require cart corrals. We recommend you consider whether the site is functioning without these features and if the introduction of another supermarket warrants a reservation of these areas within the parking lot. If cart corrals are introduced, due to the proximity of ALDI's and the proposed supermarket, it is likely carts from the two stores would be mixed, we recommend you consider how this would be managed.
  - b) Rooftop Equipment – The applicant should advise if there are any modifications to proposed roof top equipment. The Code (310-45.D.(10)) requires screening for these features and the same should be confirmed by the applicant.
  - c) Refuse Collection – Understanding there are two compactor units proposed for the Supermarket, the applicant should confirm the location of dumpsters, that these are screened, and availability of refuse collection to serve the needs of the proposed use.
  - d) Exterior Ramp – This feature is shown on the floor plan near the existing electrical room in the northeast corner of the building. We recommend the applicant confirm the purpose of this feature. Furthermore, we note the space to the West of the proposed ramp is part of the existing Waterford store. It appears the ramp may impact the loading dock in this area. We recommend the applicant confirm adequate access to the adjacent stores loading dock is maintained.
  - e) Lighting – The applicant should advise whether there are any proposed modifications to lighting and provide details for the same.
  - f) Health Department Approval – We note for the applicant's information, based on the food preparation services proposed, the applicant may need to secure permitting approval from the Department of Health.

**C) Referrals Required**

1. Woodbury Fire Department
2. Orange County GML 239 Referral
3. Orange County Sewer District No. 1 - Sewer
4. Village of Harriman - Water

Village of Woodbury, NY  
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## Chapter A314. Architectural Review Board Rules

### § A314-7. Procedures.

#### A. Filing of applications.

- (1) All applicants shall file an application with the Building Department. Such application shall be made on the form provided for that purpose. The Building Department shall be responsible for providing any applicant with the proper forms and for instructing the parties concerned on the proper manner for completing and filing said forms. All information required thereon shall be complete before an application is considered filed.
- (2) There shall be furnished to the Building Department 12 copies of the application, plans and specifications containing the required information and data at least 10 days prior to the scheduled hearing. No hearing shall be scheduled unless the above papers are furnished to the Building Department, unless otherwise authorized by the Board. If a completed record is not so furnished within the time prescribed herein, then the Chairman may refuse to list the application on an agenda until the application is completed.
- (3) Upon receipt thereof, the Building Department shall distribute the application, plans and specifications to the Board members and consultants of the Board.

#### B. Site inspection. Subsequently and before a proposed hearing, the Board members shall, if necessary, arrange to visit the site in order to physically acclimate themselves with the situation.

#### C. Supporting papers. The application shall be supported by the following:

- (1) A plot plan for each lot, with the location of house and driveway shown.
- (2) The front, rear and both side elevations of the proposed building showing existing grade lines at the foundation walls and proposed finished grades. Exterior materials and colors must be indicated on the elevations. All grades shall be indicated by reference to the average street grade in front of the lot, unless elevations are shown on the subdivision map, in which case the grade shall be referenced to such elevations.
- (3) One copy of the preliminary or final subdivision map with five-foot contours, including the plot for which the application is made and the street giving access thereto. Each paper shall be drawn in ink or be a photocopy, shall show the name and address of the developer or owner, section and lot number, shall be dated and shall include space for indication of approval or disapproval by the Board.
- (4) An artist's rendering or photograph of the structure to be constructed on a given lot, required at the discretion of the Board.
- (5) A check made payable to the Village of Woodbury in an amount as set forth in Chapter **143**, Fees.
- (6) Any other information deemed necessary for the Board to make an appropriate determination on the application.

#### D. Waivers. The Board may waive or allow deferred submission of some of the information required in Subsection C above, as it deems appropriate.

#### E. Notice to applicant. The applicant shall be notified by the Chairperson, by letter, within five days of the hearing of his failure to complete his application properly.

Village of Woodbury, NY  
Friday, July 16, 2021

## Chapter 8. Architectural Review Board

[HISTORY: Adopted by the Board of Trustees of the Village of Woodbury 8-12-2008 by L.L. No. 6-2008. Amendments noted where applicable.]

### GENERAL REFERENCES

Planning Board — See Ch. **57**.

Building construction — See Ch. **96**.

Subdivision of land — See Ch. **272**.

Zoning — See Ch. **310**.

Architectural Review Board rules — See Ch. **A314**.

### § 8-1. Findings; purpose.

[Amended 1-14-2021 by L.L. No. 1-2021]

The Village Board hereby finds that excessive uniformity or dissimilarity of design, disproportionate size or height, excessive gross floor area (especially to the point of allowing such space to be used for other than the represented purpose), inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and neighboring areas for residential and business purposes or other use and, by so doing, impairs the benefits of the occupancy and development of existing and future properties in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most-appropriate development of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, comfort and general welfare of the inhabitants thereof, and destroys a proper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the purpose of this chapter to prevent these and other harmful effects of such exterior appearances of buildings erected and thus to promote and protect the health, safety, comfort and general welfare of the community, to promote the public convenience and prosperity, to conserve the value of buildings and to encourage the most appropriate use of land within the Village.

### § 8-2. Designation of Board.

The Planning Board of the Village of Woodbury is hereby designated as the Architectural Review Board and may adopt such rules not inconsistent with this chapter.<sup>[1]</sup>

[1] *Editor's Note: See Ch. A314, Architectural Review Board Rules.*

### § 8-3. Review and recommendations.

[Amended 1-14-2021 by L.L. No. 1-2021]

The Planning Board, in reviewing subdivisions, planned unit developments, multiple-family dwellings and site plans, shall require the developer or owner of the project to submit its plans for development of the land, including the type and detail of buildings to be constructed, the location of the buildings on the proposed site and the type and details of architecture. Acting in its role as Architectural Review Board, the Planning Board shall review the plans of the development, attend an on-site inspection, and analyze the design, architecture, and size of all buildings.

### § 8-4. Review by Planning Board.

[Amended 1-14-2021 by L.L. No. 1-2021]

The Planning Board, in its role as Architectural Review Board, shall review plans and specifications for the following buildings, and alterations to buildings not previously approved (e.g., options, alternates) that change its outside physical dimension in any respect, as defined in Chapter **310**, Zoning, of the Code of the Village of Woodbury:

A. Buildings and alterations in all applications.

B. Buildings and alterations which require a building permit, pursuant to Chapter **310**, Zoning, on any lot that:

- (1) Was part of a subdivision approved by the Planning Board on or after January 1, 1990; or
- (2) Is otherwise subject to the ridge preservation regulations of § **310-13**.

## § 8-5. Approval, conditional approval or disapproval.

[Amended 1-14-2021 by L.L. No. 1-2021]

The Planning Board, acting in the role of Architectural Review Board, may approve, conditionally approve subject to special modifications, or disapprove, any application, provided that such determination is based on the appropriateness or inappropriateness of the proposed building or alteration in the following respects:

- 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.
- B. An alteration to a building otherwise subject to architectural review by the Planning Board shall be exempt from such review if it is a repair or replacement in kind of a portion of the building, provided there is no change in the outside physical dimensions of the building.

## § 8-6. Approval of plans and specifications required.

In cases where the Planning Board's review and approval is required hereby, the Code Enforcement Officer shall not issue a building permit until the Planning Board has approved the plans and specifications for a building or alteration. The applicant for a building permit shall submit to the Code Enforcement Officer such plans and specifications as he may require for the purposes hereof.

## § 8-7. Certificate of occupancy.

The Code Enforcement Officer shall not issue a certificate of occupancy upon completion of the building or alteration unless he finds that such building or alteration is completed in conformance with the plans and specifications which he approved prior to issuing a building permit.

## § 8-8. Considerations in approving or disapproving plans and specifications.

[Amended 1-14-2021 by L.L. No. 1-2021]

In approving or disapproving plans and specifications for a building or alteration, the Planning Board, acting in its role as Architectural Review Board, shall consider the purposes above stated to promote architectural beauty and harmony of building design, to prevent the monotony of residential housing, and to prevent buildings from being improperly designed and located in relation to land contours, lot lines, street lines and use.

## § 8-9. Waiver of requirements.

[Amended 1-14-2021 by L.L. No. 1-2021]

The Planning Board, in its role as Architectural Review Board, may waive or vary any requirements of this chapter where the layout of the neighborhood, lot pattern, topography, observation of natural features used and the siting of individual structures is such to avoid monotony of appearance despite similarity of buildings.