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VILLAGE OF WOODBURY

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**VILLAGE OF WOODBURY  
PLANNING BOARD MEETING**

**JULY 18, 2012**

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**VILLAGE OF WOODBURY  
PLANNING BOARD MEETING**

**JULY 12, 2012**

PRESENT: M. Hunter, Chairperson  
M. Christman  
C. Correia  
R. Anzalone  
R. Cataggio

D. Lindsay  
S. Turner  
J. Echevarria

The Board went into an attorney/client session prior to the opening of the meeting.

Chairperson Hunter opened the meeting with the Pledge of Allegiance and a moment of silence for our Armed Forces and all others in harm's way throughout the world.

**MINUTES**

R. Anzalone made a motion to accept the minutes from the meeting of June 6<sup>th</sup>. R. Cataggio seconded the motion. The vote was as follows:

M. Hunter – In Favor  
M. Christman – In Favor  
C. Correia – In Favor  
R. Anzalone – In Favor  
R. Cataggio – In Favor

M. Christman made a motion to accept the minutes from the meeting of June 20<sup>th</sup>. C. Correia seconded the motion. The vote was as follows:

M. Hunter – In Favor  
M. Christman – In Favor  
C. Correia – In Favor  
R. Anzalone – In Favor  
R. Cataggio – In Favor

**WP3 LLC**

Chairperson Hunter asked for a motion to schedule a public hearing for the above mentioned applicant, as well as the preparation of a draft resolution for repaving and sewer and drain modifications. C. Correia made a motion to schedule the public hearing for August 1, 2012.

R. Anzalone seconded the motion. The vote was as follows:

**WP3 LLC (cont.)**

- M. Hunter – In Favor
- M. Christman – In Favor
- C. Correia – In Favor
- R. Anzalone – In Favor
- R. Cataggio – In Favor

D. Lindsay pointed out that there are other regulatory agencies that may have some say in the above mentioned application. He said the Board may have to make any action they take contingent upon the receipt of feedback from these agencies.

**APPLE HILL ESTATES**

Chairperson Hunter explained that an ARB proposal has been submitted for 8 model homes for a change of colors. She asked for a motion for a public hearing for ARB review, and the preparation of a draft resolution of approval to be held on August 1<sup>st</sup>. Chairperson Hunter made the motion. M. Christman seconded the motion. The vote was as follows:

- M. Hunter – In Favor
- M. Christman – In Favor
- C. Correia – In Favor
- R. Anzalone – In Favor
- R. Cataggio – In Favor

**REGULAR AGENDA**

**SALDANA/1051 CORP/UNIQUE DEVELOPMENT – TAX MAP 207-1-10.2**

Chairperson Hunter explained that this was to be a review and discussion of a proposed 4 lot subdivision located on Route 32 and Hazzard Lane in Highland Mills. She then asked the applicant to give an overview of the proposed project.

Jerry Fine, an engineer, appeared on behalf of the applicant and explained that this is a residential project in the R2A zoning district. He said that soil tests and surveys have been done in the past. He then pointed out the wetlands that exist on the site, and said that even though there are a lot of wetlands there is still a lot of property.

Mr. Fine said that one of the lots will have access on Hazzard Lane, but the other three will gain their access from Route 32. He said they have met with the DOT about the site on several occasions. Lots two and three will have a joint ingress and egress. Lot four will have a single. Mr. Fine said the DOT has reviewed this and seems comfortable with the proposal.

Mr. Fine also noted the steep slopes on the property and said that they had a schedule worked out for determining the net lot area. He said the gross area of the property is approximately 11

**SALDANA/1051 CORP/UNIQUE DEVELOPMENT - TAX MAP 207-1-10.2 (cont.)**

acres. He said they subtracted the wetlands and steep slopes from the entire site to arrive at the four lots. He added that there is another method by which you subtract these things from each lot. He felt that his method was appropriate. He then asked if there were any questions.

Chairperson Hunter wanted some clarification on the names involved with this application. She noted that Samuel Cooper is the owner, and Alexander Saldana is the applicant. Mr. Fine said that there had been some changes in the application. Mr. Cooper and Mr. Saldana were in attendance. He said the name "Unique Development" should be changed to "Cooper Subdivision".

Chairperson Hunter then asked D. Lindsay for his comments. He said that he had filed a memo with the Board, and that the threshold issue is the zoning and net lot area analysis. D. Lindsay said that in Woodbury, net lot areas are calculated per lot so the macro analysis for the reduction of wetlands and steep slopes really doesn't apply. It would need to be done on a per lot basis. He added that the applicant may be able to move lot lines, but the lots may not be able to be configured in the manner in which they are shown.

With regard to the layouts for the houses on these lots, D. Lindsay said that the applicant has shown boxes. He noted that in the past the Board has given applicants an allowance to move the house locations ten feet in any direction from what they have shown. However, the Board always wants to know where the houses are being located so they understand how the subdivision will be developed. He said the Board would need to see some actual distances for the locations of the homes.

D. Lindsay said the Board would need more information on how the sight lines were established, and what criteria were used.

D. Lindsay said the septic systems will need to be witness tested if they haven't been witnessed by the Building Department yet. He also noted that two percolation tests were not completed in accordance with Department of Health requirements. This can be done when the witness tests are performed.

D. Lindsay noted that there are some grading issues with the driveways. The Board will need to see where the areas of disturbance are, and how the applicant will adjust for these grades.

D. Lindsay also noted that the survey does not agree with the description from the County property filing. He said the applicant's surveyor should be involved in this. He also noted that there was no surveyor stamp on the plan. He said the surveyor should stamp the drawings and advise what the differences are.

**SALDANA/1051 CORP/UNIQUE DEVELOPMENT – TAX MAP 207-1-10.2 (cont.)**

D. Lindsay then asked if the Board had any questions. Chairperson Hunter noted that there is usually a location map on the upper right hand corner of any plans that the Board receives. This is something that the Board will need on future submissions.

Chairperson Hunter then asked S. Turner for his comments. S. Turner said that, although sight distances had been provided for Route 32, there should also be sight distances for Hazzard Lane. S. Turner also noted that the applicant has submitted a separate location map. He agreed with the Chair that this should be on the subdivision map as well. He also said that a long Environmental Assessment Form should be submitted. Also, he agreed that the individual net lot calculations should be done.

Mr. Fine said that, with regard to the net lot area, he could not locate in the code anything to say that this should be done on a per lot basis.

With regard to the sight distances on Route 32, Mr. Fine said that this had been discussed with the DOT. He felt that this would be their responsibility.

With regard to the survey, Mr. Fine said that the survey was done fifty years ago and things have changed since then. He said a new survey was prepared that meets everything as it exists today and that is what the Board should look at. With regard to the surveyor's stamp, he said that the drawings will change many times before the final and he felt that it was wrong to ask for the surveyor to stamp drawings at this very early date. The location map will be added as the Chairwoman had suggested.

Chairperson Hunter then asked J. Echevarria for her comments. She noted that since this is a minor subdivision the Board can grant preliminary and final approval at the same time. She said that when the Board receives a preliminary/final subdivision that they deem to be complete they must schedule a public hearing. Also, GML referrals will need to be made to the Department of Planning with the preliminary and final plan.

Chairperson Hunter asked the Board if they had any questions. R. Cataggio said that when the Board reviews drawings he thought that they had to be stamped, no matter whether it was the first, second or third submittal. He asked D. Lindsay for an opinion on this. D. Lindsay said that plans submitted for public review are supposed to be stamped. He said that the Board receives a lot of plans that are not stamped, however, in this case there is an issue regarding differences in the survey. He felt that it was important to have a stamped set of plans to be sure that the survey was reviewed and compared. He added that all the plans that are reviewed by the Board are supposed to be stamped.

Chairperson Hunter reviewed with the applicant all the additions that the Board had requested. The applicant will make changes and resubmit.

**CPG PARTNERS/WOODBURY COMMON RENOVATIONS - TAX MAP 225-1-70.2**

A court stenographer was in attendance for this portion of the meeting.

Chairperson Hunter explained that this was to be a review of a Draft Supplemental Environmental Impact Statement for completeness, prepared pursuant to SEQRA regulations for amendment to the site plan and Special Permit for proposed renovations. The property is located on Route 32 in Central Valley. She then noted that reports had been received from D. Lindsay, S. Turner and P. Greeley from John Collins Engineering. Also, reports had been received from the applicant. However, the Board will not be addressing those reports as they were just received today. She also noted that R. Golden had spoken to Lou D'Arminio, and there was an understanding that the document would not be deemed complete this evening. At this point Mr. D'Arminio said that he wanted to say how much they appreciated the time that the professionals put into going through such a large amount of information in a very short time. He said they received the consultant's comments on Friday and thought they might shorten the review this evening by indicating the items they would be responsive to and provide for the next go around to amend and red line the document. He added that he did speak to R. Golden and understands that tonight is the night for the consultant's reviews. He said they would be guided accordingly.

Chairperson Hunter noted, for the Board's information, that the applicant has submitted a variance application to the ZBA for an interpretation for the height of the parking deck/garage. Mr. D'Arminio said that if the ZBA interpretation is not favorable, they will apply for a variance. He also said they would appreciate a referral from the Planning Board to appear before the ZBA. This began a discussion regarding whether or not the Board wanted D. Lindsay to send a letter of referral which included comments from the Planning Board. When the discussion was over, it was decided that D. Lindsay will send his usual letter of referral with no further comments other than that it is a height variance. He will include copies of his report and S. Turner's report as well.

Chairperson Hunter then asked D. Lindsay for his comments. D. Lindsay explained the primary purpose at this stage is to determine whether or not to accept the DSEIS as adequate with respect to public review. He said the Board will have an FEIS to question any substantive items, but right now they are to determine whether it is complete in terms of responding to the items in the scope so that it can go out for public review. He added that the Board is required to accept the document within 45 days of receipt, or provide the applicant with written comments as to why it is incomplete. The reports from the consultants will be the required written comments.

D. Lindsay then referred to page 2 of his memo regarding Community Facilities and Public Safety. He said there had been some meetings with the ESO's and they have said that they

**CPG PARTNERS/WOODBURY COMMON RENOVATIONS – TAX MAP 225-1-70.2 (cont)**

want a sub-station at the Commons. This was requested by the Police Department. A first-aid area and ambulance may be appropriate as well. He noted that the applicant had said they would provide an appropriate public safety facility within the new Tower building. He said it would be appropriate for the applicant to include language in the document with information as to the basic size and location of what is going to be provided.

D. Lindsay noted that another item from his memo had to do with construction sequencing. The renovations being proposed will be constructed within a completely operating facility. He said that this is a very significant and serious environmental and public safety impact, as this is a very successful center. He said the applicant included a small section on how they would handle construction sequencing, but he did not think it was sufficient for the Board to make findings, which is the ultimate result of the DSEIS. His memo mentioned the items that would need to be improved. He said that the applicant has a plan, but it is a plan that may change. He recommended to the Board that the applicant should give them information on construction sequencing which allows certain things to be placed in the findings statement such as: all pedestrians in the area of construction shall be channeled on an appropriate walkway, protected, prevented from walking in construction zones. Also, that appropriate signage will be provided. If there is overhead work it should be performed at night so the public is protected. He added that the final plan to be presented would have the input of the Building Department, the Fire Marshal, the Village Engineer, the applicant's representatives and their contractor.

The discussion continued. C. Correia cited section 8.0 – Use and Conservation of Energy – and asked if the Commons would be partaking in any of the rebates available from the state for energy efficient lighting. B. Pendergast answered by saying that New York State has run out of money for most energy rebates. Also, getting rebates for parking lot lighting is difficult. He felt the rebates for Woodbury Common would be fairly limited.

R. Anzalone was concerned about noise, particularly at the elementary school which is across the street from Woodbury Common. D. Lindsay said that the applicant could give the Board advice as to where this item is in the document so they can see if it is adequately addressed. L. D'Arminio said that most of the work will be done at night, so this will address the noise issue. He added that the Board would be given a red-lined version of the document including all the revisions to the DSEIS, as well as some additional exhibits, including a color coded sequencing exhibit that is being developed.

Chairperson Hunter asked if the night work would take place between ten p.m. and six a.m. L. D'Arminio said that it would. D. DeVita said that they will comply with the code and that the only night work would be within the courtyards inside the center. This began a discussion

**CPG PARTNERS/WOODBURY COMMON RENOVATIONS - TAX MAP 225-1-70.2 (cont.)**

regarding whether or not the courtyards could be considered interior. D. Lindsay suggested that the walls of the buildings may block the sound from the nearest residences. He said that more information will need to be provided on this. L. D'Arminio said that the work would need to be done at night as a safety issue because there are no people there at that time.

Chairperson Hunter pointed out that Woodbury is currently under water restrictions with no outside watering allowed. She noted that the renovations will include additional bathrooms as well as enhanced landscaping, and that the Commons is in the water district. She wanted the applicant to keep this in mind.

At this point David McInerny, a planner with PS & S referred to D. Lindsay's memo regarding the air quality and the request for quantifying the statement that adverse air quality impacts would not result. He said the applicant would like to present a qualitative argument. He then explained why. With regard to exhaust from diesel engines he said that the qualitative argument is that improving the circulation of traffic for all the vehicles in the center and the immediate vicinity will reduce the amount of diesel engine exhaust. D. Lindsay noted that there are other mitigations such as signs that say "no idling" for the buses. He added that this would be difficult to enforce. D. McInerny said that, at present, there is a Woodbury Common employee whose duty it is to enforce the prohibition of idling. This prohibition would continue with the 2012 renovations.

S. Turner began a review of his memo by stating that the applicant has already responded to several of the items. He said that he wanted to make sure that it was clear what the original SEQRA process concluded, and what new impacts are created by this proposal that are different than what existed 14 years ago.

S. Turner noted that one of his recommendations was that the ZBA be listed as an involved agency. He also said that he would not recommend that the document be accepted as complete until the Board sees the language that the applicant indicated in their memo will respond to the issues raised by S. Turner. At this point D. McInerny asked S. Turner if a table would be a good way to demonstrate compliance with the zoning regulations. The table could show the requirement in one column and what's being proposed and then a statement about whether the requirement has been met in another column. S. Turner felt that this may give the public more of a description of what was being proposed so they could see that it abides by the zoning code.

At this point P. Greeley began his review of his memo of July 13<sup>th</sup> which outlined each item in the scope, with comments as to where in the document it was addressed and the areas that were lacking. As a general comment he said that a lot of the information was hidden within the



**CPG PARTNERS/WOODBURY COMMON RENOVATIONS - TAX MAP 225-1-70.2 (cont.)**

traffic study and needed to be brought forward so that the public can go through it more easily and not have to look in the traffic appendix. He said the applicant's traffic consultant understood this and will work with the rest of their team to get this done.

One of the items which P. Greeley felt should be brought forward in the document was the discussion of the proposed DOT improvement project, the timing of it and what it entails. He said it should be clearly identified that it is not part of this project. He also recommended that a meeting with the New York State DOT be held so that everybody is updated on the current timetable, and get some of their input. He felt this should be done as soon as possible.

P. Greeley then jumped to page 12 of his memo which recommends a discussion of the existing traffic management operations. He felt it was important for the document to include a general discussion of how traffic is managed, how parking is managed during peak periods and that this is all spelled out. This would also include any changes that would be implemented under the new plan, if any.

P. Greeley cited item 3.8.8 of the scoping document which called for the development of an internal signing package for traffic control and way-finding, and to explore opportunities for improved roadway signage. He said there is a signage plan in the site plan set, but felt that there needed to be a discussion and an expansion of this section in the DSEIS.

The next item was 3.8.9 which refers to the Maintenance and Protection of Traffic Plan. This refers to what D. Lindsay had brought up about construction sequencing and how pedestrians are going to be controlled and what signage is going to be there. He added that this plan may not be finalized until the contractor is on board, but there should at least be a discussion of how this plan is going to be implemented.

P. Greeley also noted that there was some discussion at the ESO meeting which is not reflected in the report. He said there should be a discussion and plan for emergency services. Chairperson Hunter noted that the Fire Chief did have some issues with the design behind Madison Avenue for access for fire trucks. She asked when this should be addressed. D. Lindsay explained that the Board would be developing a finding from the SEQRA document. This finding could be that there must be adequate access to the front and rear of structures. In the pedestrian way the Board has always required a 20' clear path. He added that there is always a caveat that says that any reasonable requirement of the Fire Department should be complied with.

P. Greeley said that there should be a restatement of the mitigation improvements which are required in the interim condition prior to the DOT's improvements.

**CPG PARTNERS/WOODBURY COMMON RENOVATIONS - TAX MAP 225-1-70.2 (cont.)**

R. Cataggio asked if the Board would be seeing simulation models for the existing roadway as well as the roadway with the proposed DOT improvements. P. Greeley said the Board would see what has changed in terms of this application on top of the current conditions, as well as the simulation with the DOT improvements currently planned.

C. Correia noted that the DOT is not slated to begin their project until 2015. The Woodbury Common renovations are scheduled to last until 2016. He said he agreed with R. Cataggio that it would be very important to understand the present conditions versus the future conditions, as the residents of Woodbury would have to endure both projects at once. P. Greeley said that he has asked for identification of some mitigation measures because there could be a period of at least two years where the expansion could be complete and the DOT has not completed all their work. This began a discussion regarding the DOT project and its phases. P. Greeley said this is why it is important to have a meeting with the DOT, the Village and other elected officials in the County to move the project along.

The discussion continued, after which Chairperson Hunter suggested that P. Greeley draft a letter from the Planning Board to the State Commissioner. This letter could also be forwarded to the Village Board to ask them to send the same type of letter. This letter could also be forwarded to the ESO's, as well as other organizations. The Board agreed that this would be a good idea. P. Greeley said he would be happy to draft the letter.

The discussion continued. Chairperson Hunter asked if there were any further questions regarding traffic. D. McInerney confirmed the list of items that P. Greeley wanted moved to the front of the document. He then began a discussion regarding the Highway Capacity Manual, because the manual that was used was from 2000 and P. Greeley had noted that he felt the HCM for 2010 should be used. D. McInerney noted that the DOT had used the 2000 version for their analysis, so he felt that this version should be used for this analysis as well. P. Greeley agreed.

There was some discussion regarding the signage package for both the interior and exterior of the center. Chairperson Hunter was concerned emergency about vehicles being able to travel down Route 32 in the event of an emergency on a Sunday afternoon when there is a lot of traffic from the Commons. She wondered if there were devices that would allow emergency vehicles to go through the traffic lights. P. Greeley said there are pre-emption devices. He added that this will come later under the discussions of mitigation measures.

There was some discussion regarding when this item could be placed on the agenda again. It was decided to tentatively place it on the agenda for the meeting of August 15<sup>th</sup>.

**CPG PARTNERS/WOODBURY COMMON RENOVATIONS - TAX MAP 225-1-70.2 (cont.)**

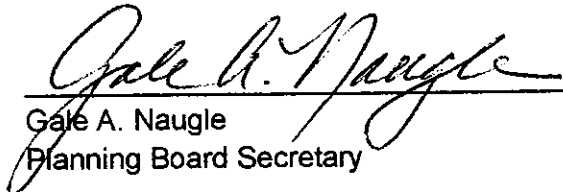
D. Lindsay informed the Board that they are under an obligation to accept the SDEIS in 45 days. However, the applicant has received written comments and has been advised of the Board's requirements. He said they now have 30 days unless the applicant agrees to an extension. L. D'Arminio said that they would consent to August 15<sup>th</sup>, or whatever the Board would need from the applicant for an approval.

There was no further business for the Board to conduct, so C. Correia made a motion to adjourn the meeting. M. Christman seconded the motion. The vote was as follows:

M. Hunter – In Favor  
M. Christman – In Favor  
C. Correia – In Favor  
R. Anzalone – In Favor  
R. Cataggio – In Favor

The meeting was adjourned at 10:03 p.m.

Respectfully submitted,

  
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Gale A. Naugle  
Planning Board Secretary

