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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING
AUGUST 15, 2012
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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

AUGUST 15, 2012

PRESENT: M. Hunter – Chairperson
M. Christman
C. Correia
R. Anzalone
R. Cataggio
D. Lindsay
S. Turner
R. Golden
P. Greeley

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.

MINUTES

R. Anzalone made a motion to accept the minutes from the meeting of August 1, 2012.
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

MAKAN/APPLE HILL ESTATES – TAX MAP 204-2-1,3,9,10,12,16,17 & 20

Chairperson Hunter explained that this was to be the consideration and review of a modified application and draft resolution for ARB approval of eight home styles located within the previously approved subdivision known as Apple Hill Estates. The property is located on Apple Hill Drive in Highland Mills. She further explained that there has been no comment received from the County for 239 review of this application. Therefore, the Board could review the resolution, but cannot act this evening. She also noted that the applicant had provided the information that the Board requested at the previous meeting.

Chairperson Hunter then began her review of the Draft Resolution of Approval. When she had finished, it was decided that this item will be placed on the agenda for the meeting of September 5th. At this time the Board can approve the resolution.

DEVENUTO/KELEMAN – TAX MAP 226-1-22.2 AND 229-4.3

Chairperson Hunter explained that this was to be a review of an application submitted for a lot line change request for property located at 51 and 53 Estrada Road in Central Valley.

DEVENUTO/KELEMAN - TAX MAP 226-1-22.2 AND 229-4-3 (cont.)

Michael DeVenuto, Jr. appeared on behalf of the applicants and explained that he is looking to make a lot line change between the Keleman and DeVenuto property using the Woodbury Creek as the boundary. Chairperson Hunter noted that the GML was sent out on August 1st. On August 13th a response was received from the Orange County DPW. No response has been received from the Orange County Department of Planning.

Chairperson Hunter then asked D. Lindsay to review his technical memo. He explained that the lot line on the Keleman property is being proposed to be moved to center on Woodbury Creek. He added that this makes logical sense because of accessibility. Also, there is no new lot being created, simply the movement of a tax lot line. D. Lindsay assumed that after the lot line was moved Mr. DeVenuto would be taking the property, since it fronts on his property. He asked how Mr. DeVenuto would gain access to this parcel. Mr. DeVenuto said he did not want access to the parcel, but it would be added to a piece that he had purchased from Elmer Abrams in 2000. D. Lindsay noted that one of the requirements under the review of a lot line change is that no new variances are being created, and no variances are being increased. He added that there is no change in any of the uses that are presently in existence because of this lot line change. However, if the property is going to change hands the Board will need to review this at that time. He added, for the Board's information, that this is a transfer of 3.3 acres. He had a survey map, which did not show any topography, but said the Board could waive that requirement, as it would not be of any value in this case. He said the code requires that the land where the lot line transfer exists is to be incorporated into an adjacent lot and not creating a new lot. This agrees with the applicant's representation of their proposal. There is a requirement for encroachments, and the applicant certified that there are no new encroachments. The land will be under the same ownership as it is now so there will be no new encroachments created. There is also a requirement for a note on the plat that to the best of their knowledge there will be no violation of the Health Code. This note should be included on the plat as well. D. Lindsay added that this lot could not be sold separately as a separate tax lot for development because then it would not comply with the requirements for a lot line transfer.

Chairperson Hunter then asked S. Turner for his comments. S. Turner was a little confused as to what would become of the property once the lot line was moved. Mr. DeVenuto explained that the large piece referred to by D. Lindsay would be added to his lot. S. Turner pointed out that Mr. DeVenuto would have access to this property through his property. He said that from a planning perspective he was concerned about access if this was to be a separate lot.

S. Turner said that he had requested an Environmental Assessment Form, but no longer required one, since this application is not subject to SEQRA.

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

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 an amendment to the site plan and Special Permit for proposed renovations. The property is located on Route 32 in Central Valley. She then thanked Supervisor Burke, Councilwoman Prestia and Councilman Arone for being in attendance. She then informed the Board members that if they deem the document to be complete this evening there will need to be a public hearing, which she is hoping to schedule for September 19th. She then turned the meeting over to Lou D'Arminio from Price, Meese, Shulman and D'Arminio, who is representing the applicant this evening. Mr. D'Arminio noted that they had gotten the memorandums from all three consultants and have replied to all their concerns. He was hopeful that the document would be deemed complete tonight so the notice of completion could be filed, and a date set for the public hearing.

Chairperson Hunter then asked D. Lindsay for his comments. He said that there have been a few re-edits of the document, but he concluded that the document is ready for distribution and public comment. He said the applicant will need to enter some dates into the document before it is distributed. He also prepared a short draft addressing what submittal materials might be needed, as well as the number of copies that are required. This will need to be confirmed with the Building Department. He reminded the Board that their task at this point is to confirm whether the DEIS addresses adequately all the items that were in the scope, is free from obvious and significant errors, and is a readable assessment of the environmental impacts and mitigations upon which the public can comment. He added that in his opinion, this status has been reached.

Chairperson Hunter then asked S. Turner for his comments. He said he would also recommend that the Board accept the document. He said he believes it is ready for public review. He did have one comment that he wanted to discuss. He said the document refers in several instances to earlier zoning approvals. He explained that there was an extensive SEQRA review for Woodbury Commons which included 330,000 square feet. The Common only built 270,000 square feet, which left the 60,000 square feet the applicant is now requesting to be built. S. Turner noted that this was not a zoning review, it was a SEQRA review. So, the 60,000 square feet was not actually approved as a site plan or a special permit. He has asked that this language be changed to include this explanation. He added that the applicant has responded to their requests and the document is ready for acceptance.

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

R. Golden also felt that the document is adequate for public review and should be distributed for the public to be able to comment on it. He then noted, for the public's information, the Board is talking about the document being complete or accepted as complete. He reminded them that this is still a preliminary stage to make sure that the document is not a frivolous document that needs so many changes that there is no sense in the public seeing it. When the Board says it is adequate for public review it means that it has met, substantially, what the scope was that the Planning Board set forth. He added that the consultants will have more substantive comments at a later date. He also said that he felt the document would be ready for public review even without the applicant's latest comments.

Chairperson Hunter then asked P. Greeley for his comments. He explained that they had prepared a memo dated August 9th which identified nine items that he felt needed to be clarified or brought to the front of the document so that people don't have to go through the entire document to find them. He said the applicant agreed to do this. He also agreed that the document was complete, and the items in the scope have been addressed. He will also have more technical comments at a later date. Chairperson Hunter asked about the traffic simulations that are to be presented. P. Greeley said the document contains what is called a Synchro Analysis which looks at the various traffic signals and how they work together. He said the applicant has agreed to show the simulation of existing conditions, future conditions, and conditions with the DOT improvements as part of their presentation at the public hearing. Mr. D'Arminio said he was not sure they would have the ability to show the before and after for the DOT approvals. He will check with his traffic engineers on this. P. Greeley will also coordinate with the applicant's traffic engineer and assist them in getting information from the DOT.

Chairperson Hunter then asked the Board members for their thoughts and comments. M. Christman said he would accept the advice of the consultants and deem the document complete. C. Correia said he would also agree, however, he still needed time to review the materials which had just been received from the applicant this evening. Mr. D'Arminio noted that they did provide a redraft by August 1st as requested by the Board. R. Anzalone agreed that the document should go out for public review. R. Cataggio also agreed. He was also concerned about the times that were looked at for the traffic volumes. He said they should be expanded. P. Greeley said this could be covered when they make their technical comments.

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

Chairperson Hunter also agreed with the consultants that the document is adequate for public review. R. Golden suggested that the Board put the issue to a formal vote. R. Anzalone made a motion that the Supplemental Draft Environmental Impact Statement is complete under SEQRA regulations and adequate for public review. 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

Chairperson Hunter consulted with S. Turner regarding the notices that are necessary. S. Turner noted that there is a newspaper notice that M. Rubio will prepare, but there is also a notice of completion which needs to accompany every copy that is distributed so that every agency and person who looks at it knows that the Board has accepted it.

A discussion ensued regarding the date, time and location for the public hearing. Chairperson Hunter said she would like to hold the hearing on September 19th. Several locations were discussed, after which Chairperson Hunter made a motion to hold a public hearing on this SDEIS on September 19th at 7:00 p.m. and ending at 10:00 p.m. The hearing will be held at either the IBEW Building in Harriman, Central Valley Elementary School, or Town Hall. R. Anzalone 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

Chairperson Hunter also asked P. Greeley to contact Sgt. Quinn of the State Police, and Scott Geiger, who is working on the New York State DOT Exit 131 project. She said they may be willing to speak at the public hearing regarding traffic.

C. Correia asked if it would be possible to see the presentation from the applicant prior to the public hearing. This began a lengthy discussion regarding whether or not the Board would want to schedule another meeting. D. Lindsay pointed out that the Board has already seen the presentation. C. Correia was concerned that the public may be overwhelmed. R. Golden said that the SEQRA regulations focus on the document and require that it is “user friendly” for the public. He agreed that the public hearing presentation needed to be done in a way that is clear and understandable by the public.

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

The discussion continued regarding the pre-hearing. It was decided that the applicant would provide the Board members with an outline of the topics he will be presenting. This will be submitted by September 5th. The Board will then respond, through R. Golden, with their comments and concerns. R. Golden noted, for the public's benefit, that the comments will go directly to him and there will be no discussion among the Board members on this subject. This is consistent with both the spirit and the letter of the open meetings law.

The discussion continued. D. Lindsay confirmed that the Board members did not want more copies of the appendices of the document. He said he would coordinate with M. Rubio regarding the number and distribution of the documents.

There was no further business for the Board to conduct, so Chairperson Hunter made a motion to adjourn the meeting. R. Anzalone 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 9:07 p.m.

Respectfully submitted,


Gale A. Naugle
Planning Board Secretary

Secretary's Note: There was a stenographer in attendance for this last portion of the meeting.