

**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

AUGUST 7, 2019

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**VILLAGE OF WOODBURY
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AUGUST 7, 2019

PRESENT: C. Gerver, Chairman
R. Anzalone
J. Buglino
S. Capriglione
R. Cataggio
D. Lindsay
K. Naughton
J. Lockman

Chairman Gerver opened the meeting with the Pledge of Allegiance and welcomed the members of the public.

MINUTES

Chairman Gerver made a motion to accept the minutes from the meeting of July 17, 2019 as submitted. R. Cataggio seconded the motion. The vote was as follows:

C. Gerver – In Favor
R. Anzalone – In Favor
J. Buglino – In Favor
S. Capriglione – In Favor
R. Cataggio – In Favor

REGULAR AGENDA

GENCO – TAX MAP 231-3-6.1 & 6.2

Chairman Gerver explained that this was to be a public hearing for a previously approved Site Plan, Special Permit, and ARB for a proposed 7-unit residential complex on vacant property which has expired. The property is located in the HB zoning district at 6 and 8 Falkirk Avenue in Central Valley. At this point Vito Scalia of Genco Realty appeared on behalf of the applicant and said they are applying for renewal of their permit that expired and asked for the grace of the Board to renew it.

Chairperson Gerver then opened the floor for public comments and questions. There being none, S. Capriglione made a motion to close the public hearing. Chairman Gerver seconded the motion. The vote was as follows:

C. Gerver – In Favor
R. Anzalone – In Favor
J. Buglino – In Favor
S. Capriglione – In Favor
R. Cataggio – In Favor

GENCO – TAX MAP 231-3-6.1 & 6.2 (cont.)

Chairman Gerver the noted, for the record, that the GML 239 was sent to the County on July 17th. An e-mail was received as a reply, saying there are no comments on this particular application. He then read the Notice of Public Hearing that was published on Friday, August 2, 2019. He then asked the consultants for their comments.

D. Lindsay noted that the applicant had made the proper submission to appear tonight. He said it was an application for a new site plan, not an extension, as was noted in their letter. He explained that the Board may grant extensions, but they have to be filed within a year of the approval. He added that the Board is not obligated to grant extensions, so applicants should act on their approvals in a timely manner.

D. Lindsay went on to say that the site plan is unchanged from the plan that was previously approved and, under that plan, the Board reviewed the general circulation patterns, parking, water, sewer, the storm water infrastructure, ARB and a number of other items. He said he really had not written another report other than to note that a thorough review had been done and the Board did consider the application thoroughly. He did have a question regarding the floor plan for the units. He said that originally the Board reviewed models labeled the Knoxville One, Two and Three and the Norfolk One, Two and Three. At some point in the process, the applicant advised the Board that the Knoxville Three would be the only floor plan that was being requested for approval, and that is the one that was approved. He wanted to confirm with the applicant that the Knoxville Three is the model being applied for in this application as well. Mr. Scalia was not sure. D. Lindsay informed him that all the square foot areas, parking requirements and ARB review and approval were based on the Knoxville Three model. He said the Board would be in a position to take action on that tonight, but not extend it. Mr. Scalia said that if that was the one that was approved, that is what they will stay with.

There was some discussion regarding the fact that the resolution did not specifically name the Knoxville Three. However, D. Lindsay's memo stated that the applicant advised that the Knoxville Three was the one to be used for this project. K. Naughton said that a condition could be added, but the resolution does say that they have to comply with D. Lindsay's memo. Chairman Gerver said he would like to see it as a condition. K. Naughton said that she could put it on the first page of the resolution under Nature of the Application. The applicant was fine with this.

At this point Chairman Gerver read the Resolution of Approval specific conditions. When he had finished, R. Anzalone made a motion to accept the resolution of approval with the changes made this evening. S. Capriglione seconded the motion. The vote was as follows:

- C. Gerver – In Favor
- R. Anzalone – In Favor
- J. Buglino – In Favor
- S. Capriglione -In Favor
- R. Cataggio – In Favor

GAI YI – TAX MAP 227-6-4.1 & 4.2

Chairman Gerver explained that this was to be a review and discussion of a site plan for a Bed and Breakfast to be located within an existing single-family home on property located in the R1A zoning district at 35 Buena Vista Terrace. He then notified the Board that the GML 239 was sent out on July 17th. A response was received on July 23rd that Orange County has no comments on this application.

At this point Jason Pitingaro appeared as the engineer for the project. He explained that this is a proposed conversion of a single-family home to a Bed and Breakfast. He further explained that there had been a subdivision of this property six years ago, so the application is really only for lot 4.2, not 4.1 and 4.2. He said the existing home has five bedrooms and some additional rooms, a typical floor plan for a home with kitchen, living room, dining room and a number of bathrooms. At this time, they are not proposing any changes to the outside of the building. Mr. Pitingaro said there is a driveway that circulates around the entire property, and ample parking. There is a pool that exists and a pool house. These will remain with the property but will only be for the use of the owner, not guests. He added that the property is served by water and sewer. He said there was some concern as to whether there was septic on the property. Mr. Pitingaro said he spoke to the Water and Sewer Superintendent and they have confirmed that there is water service to the house. It has also been confirmed that the property is served by sewer. He said they will show the sewer to the building and locate the connection to the main as well.

Mr. Pitingaro said that if you were to visit the site, you really can't see the house from the street because of all the landscaping. The whole front is obscured by bushes and there is a chain link fence that surrounds the whole property. He said there really are not a lot of opportunities to add landscaping to this property because it is fully landscaped throughout. He then said he would answer any questions the Board may have.

At this point, Chairman Gerver went to his consultants for their comments. Jonathan Lockman referred to his memo dated July 30th. He noted that the parking requirements for a Bed and Breakfast require one space per guest unit plus one space for every two employees in the largest shift. Five guest rooms are proposed. Seven spaces are provided. He said he needed some clarity on whether there will be employees or additional people living in the house. He said that if the people living there are going to run the Bed and Breakfast then seven spaces will be adequate to meet the standards.

With regard to the landscaping, J. Lockman said that he wanted to give the applicant credit for the existing landscaping, but at the moment they don't show which existing landscaping is going to remain undisturbed. He said if they indicate which vegetation is going to remain that will solve that issue.

J. Lockman also recommended that some fencing or plantings be installed to separate the parking from the pool. Also, any lighting that will be added should be shown on the plan. He was also concerned about the sight distance from the driveway on Buena Vista Terrace. He also recommended that this is a Type Two action under SEQRA as there is no construction proposed.

GAI YI – TAX MAP 227-6-4.1 & 4.2 (cont.)

Chairman Gerver asked if the Board members had any questions. J. Buglino asked if handicapped accessibility would apply to this application. D. Lindsay said that handicapped accessibility would be function of the Building Department, but they would be required to comply with State law. J. Buglino asked if parking would be an issue. D. Lindsay said it would have to be the parking stall closest to the access to the structure and it would have to be a clear short path to the building, unobstructed, serving the slope requirements and the width of the stall. He said they will be required to comply if it falls under ADA requirements.

Chairman Gerver asked the applicant to give the Board some clarification on whether or not the pool would remain, on their next submission because he said that seems to drive where the application goes. Mr. Pitingaro noted that they are only talking about the larger of the two lots in this application. The other lot is to remain separate. Also, they do intend to limit the use of the pool to the owner's use. They intend to provide signage on the pool to this effect. He noted that the pool is fenced in, so it is separate from the parking area to some degree. He said if the Board would like, they could plant additional shrubbery along the fence. He also noted that there currently is no water in the pool so it can't be used. S. Capriglione asked if the gate could be locked so that only the owner has access. Mr. Pitingaro said he did not think the applicant would object to that. Chairman Gerver asked what would distinguish the pool so the guests would know that it is not an amenity for their use. D. Lindsay said this has come up on other Bed and Breakfast applications and it does create an enforcement issue for the Building Inspector. If the site does not meet the requirements for a Bed and Breakfast with outdoor amenities – which this one will not – then they are prohibited from having them. Chairman Gerver said the Board could potentially make this a condition of the resolution. K. Naughton said she thought they actually should because they are stating that there are going to be no outdoor amenities. Mr. Pitingaro said it is not unusual for a Bed and Breakfast to have areas that are for the use of the owner only so they put up a sign that says this area is private – no access.

Mr. Pitingaro also noted that there will be no employees. There are five bedrooms so they are considering them as five guest rooms. He said he did not think there would be five guests there all at once and they are not expecting a need for any additional employees. The two additional parking spaces will be for the owner. D. Lindsay asked if the owner would be preparing the breakfast, or how will this be handled. Mr. Pitingaro said they are planning on offering a Continental breakfast so there will be no additional food preparation. The breakfast will be fairly limited.

S. Capriglione pointed out that there is a sixth bedroom shown. She asked if this was going to be built. Mr. Pitingaro said that the room is currently a study, but has no bathroom. This will be used as the owner's bedroom. S. Capriglione asked if the pool house would be used as a residence. It will not.

GAI YI – TAX MAP 227-6-4.1 & 4.2 (cont.)

Mr. Pitingaro said they have updated their plans to show all the landscaped areas and called out the plantings that were specific enough to be identified. He said there is only a small area that could be called a lawn. He said all the landscaping will be illustrated on the re-submitted plans. He also noted that the back of the property is heavily wooded.

There are no additional lights being proposed. There are flood lights on all four corners of the building which are sufficient for the use of the parking area

S. Capriglione asked if the driveway would be one-way around the building. Mr. Pitingaro said they could limit it to one-way circulation. He said the circulation would go in a clockwise direction to make it easier for people to unload their luggage at the entrance. He said that D. Lindsay had suggested counter-clockwise. D. Lindsay said it doesn't matter as long as it only goes one-way.

Chairman Gerver asked about the sight distance from the driveway. Mr. Pitingaro said they did measure the sight distance and that will be on the plans as well. He said he felt the sight distance was compliant. He also noted that there is no construction proposed at this time, so the ridge preservation standards, although they still apply, will not come into play at this time.

J. Buglino asked about the applicant getting a building permit. Mr. Pitingaro said there is no work proposed that would require a building permit. D. Lindsay asked if there were any permits or licenses that they would need to obtain. Mr. Pitingaro said they checked with the State health department and there are no licensing requirements for an operation of this limited size.

D. Lindsay noted that the applicant would still require a Special Permit from the Planning Board which would include any conditions that the Board thinks are appropriate. He said some of the items discussed are in the code already but the Board can add any other reasonable conditions that they think are warranted and counsel says are appropriate. Chairman Gerver also pointed out that Special Permits are renewable and if there are complaints the Board will have an opportunity to revisit this. K. Naughton also noted that the code states that the owner of the property has to live on the property if he is going to run the Bed and Breakfast. It would also be a condition of any resolution of approval. She said that generally proof is required in the form of a driver's license or voter registration or something to show that this is your residence.

R. Anzalone asked if there was going to be any signage on the street for this facility. Mr. Pitingaro said that they were not proposing any signage. D. Lindsay suggested they consider at least a small sign showing the address since this is in a residential neighborhood. Mr. Pitingaro said they could put a number plate on one of the columns at the gated entrance. D. Lindsay said the Board would also have to review this in their approval. Mr. Pitingaro said he would discuss this with the applicant and they will provide this on their next submission.

Chairman Gerver then asked D. Lindsay for his comments. D. Lindsay said he gave the Board a three-page memo listing the site plan requirements so they could waive them all. He also said the applicant will need to change the application to indicate that only the one lot is involved in the application. This means that there will be no outdoor amenities. Also, the owner-occupied rule is a requirement that will be watched. D. Lindsay said he talked to the Building Inspector about this.

GAI YI – TAX MAP 227-6-4.1 & 4.2 (cont.)

With regard to the waste water, D. Lindsay said the applicant would need to prove whether or not they are connected to the sewer that runs in front of the house, and how that has been investigated. He also noted that this requires a public hearing.

R. Anzalone asked if the garbage would be picked up by the Town of if a private garbage hauler would be required. K. Naughton said the Board could include a condition about the garbage collection in their resolution.

At this point Chairman Gerver made a motion to declare this a Type Two action under SEQRA. S. Capriglione seconded the motion. The vote was as follows:

- C. Gerver – In Favor
- R. Anzalone – In Favor
- J. Buglino – In Favor
- S. Capriglione – In Favor
- R. Cataggio – In Favor

WOODBURY COMMON – TAX MAP 225-1-70.2 & 226-1-1

Chairman Gerver explained that this was to be a review of an application received for an amended site plan to include an outdoor dining patio as well as an additional freestanding sign to be located at the future Nininger Road entry on property located off of Route 32 in Central Valley. John Villapiano, VP of Development for Simon, owner/operator of Woodbury Common appeared on behalf of the applicant. He explained that the application consists of two components which may or may not proceed together. The first is a new dining patio for a new restaurant tenant that will be occupying Suite 448. The patio would measure just over 1500 square feet and would seat approximately 100 customers. It would result in a net increase of impervious area of just under 1,000 square feet. He said overall they are under their impervious area so this would not be an issue from a code perspective. Included with the patio would be a seat wall, as well as some hardscape and landscape modifications.

The second component of this application is a second monument sign at the future Nininger Road entrance which is to the south of their property adjacent to the Thruway interchange. He said they have been working with the DOT on how this interchange would happen in the future. Mr. Villapiano said that the sign would be viewed by people coming to Woodbury Common, not really viewed other than from the Thruway interchange. He said it is not really viewable from the public corridor. One side of the sign will face Nininger Road. This sign will measure just over 80 square feet. The sign height will be 11'7" from grade. He said he would be happy to answer any questions the Board may have.

Chairman Gerver asked K. Naughton if these matters should be separated into two applications. K. Naughton said that would probably be in the applicant's best interest. D. Lindsay added that one of the components may require ZBA action.

Chairman Gerver noted that no response had been received from the GML 239 referral.

WOODBURY COMMON – TAX MAP 225-1-70.2 & 226-1-1 (cont.)

D. Lindsay said that a public hearing would be required for both of these so there is plenty of time for the County to respond. Chairman Gerver then asked D. Lindsay for his comments.

D. Lindsay said he had given the Board a memo which said that the two items should be separated into two applications. With regard to GLA, he said he spoke to G. Thomasberger about this. He said that, although it is a dining area, it is outdoors and a seasonal use. It is not enclosed and G. Thomasberger said it provides an amenity for people who are dining. If they weren't using this, they would be using the public spaces and seating benches so he does not consider this GLA. S. Capriglione asked if the tables and chairs would be removed in the winter so there would be nothing permanent except for the seating wall. Mr. Villapiano said that would be a requirement they would have as the landlord.

With regard to the monument sign, technically it does not meet the code requirements. It says one freestanding sign at this center. D. Lindsay said that because of the size of Woodbury Common it may make absolute sense. He said you can't see one sign from the other and they're both at main entrances so it might make sense to have them, but that is something the ZBA will have to consider and the Board can also consider. He said he would need some kind of an engineering drawing for the sign itself because what he has now just points to the bushes. He wanted to know exactly how it was going to be angled and whether it will affect sight distances.

With regard to the pedestrian circulation near the patio, he said the seat wall will come out slightly into a walkway that runs along a roadway and there is a crossing there. He did not think this would be a problem as it looks like there's enough space there, but he wanted to have the site manager tell him something about this. D. Lindsay said there has always been a concern about pedestrians and cars in this location and he did not want to see pedestrians pushed out farther than they should be.

D. Lindsay suggested that this be referred to the ESO's for their comments, should they have any. He also said the service access to Suite 448 is very limited. He wanted to be sure this would be adequate. Mr. Villapiano said the service court will not be changing and the unit currently operates as a restaurant. This was Applebee's. He cited page three of his plans which showed the rear of the unit and the rear entry out to the service corridor. D. Lindsay was concerned that they might try to use the front door, which will be blocked by the patio. He wanted verification that they would only be using the service corridor.

With regard to ARB, D. Lindsay said there have been changes to the windows and the awnings and the Board should take a look at it to make sure they are comfortable with the changes and get whatever they need from the applicant to make sure it meets the ARB requirements. He added that this requires a public hearing.

There was some discussion regarding the monument sign, as well as the existing sign near the exit from the Thruway. D. Lindsay wanted some confirmation that this is on the applicant's property or, if not, they have the authority to be there. He also needs an engineering drawing of what is going on on Nininger Road.

WOODBURY COMMON – TAX MAP 225-1-70.2 & 226-1-1 (cont.)

After some discussion Chairman Gerver made a motion to refer the sign application to the ZBA for review. R. Cataggio seconded the motion. The vote was as follows:

- C. Gerver – In Favor
- R. Anzalone – In Favor
- J. Buglino – In Favor
- S. Capriglione – In Favor
- R. Cataggio – In Favor

D. Lindsay said he would write a letter of referral to the ZBA.

There was some discussion regarding the ARB for the patio. D.Lindsay suggested that the Board could to the ARB at the same time as the Site Plan and Special permit public hearings. R. Anzalone was in favor of doing all three on the same night, as were the rest of the Board members. Chairman Gerver made a motion to schedule a public hearing for Site Plan, Special Permit and ARB for this application on September 4th. J. Buglino seconded the motion. The vote was as follows:

- C. Gerver – In Favor
- R. Anzalone – In Favor
- J. Buglino – In Favor
- S. Capriglione – In Favor
- R. Cataggio – In Favor

D. Lindsay said he would take care of the referral to the ESO's with the Building Department.

ADDED AGENDA ITEM

HARTMAN – TAX MAP 255-1-7

Chairman Gerver noted that he was adding this item to the agenda so the Board could schedule a public hearing. He said the applicant submitted new renderings. He then made a motion to schedule a public hearing for this applicant for August 21, 2019. S. Capriglione seconded the motion. The vote was as follows:

- C. Gerver – In Favor
- R. Anzalone – In Favor
- J. Buglino – In Favor
- S. Capriglione – In Favor
- R. Cataggio – In Favor

There was no further business for the Board to conduct so S. Capriglione made a motion to adjourn the meeting. Chairman Gerver seconded the motion and the vote was unanimously in favor. The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Gale A. Naugle
Planning Board Secretary