

VILLAGE OF WOODBURY PLANNING BOARD MEETING

November 6, 2019

Present: Christopher Gerver, Planning Board Chairman
Robert Anzalone, Joseph Buglino, Sandra Capriglione, Richard Cataggio

Absent: None

Consultants Present: Dennis Lindsay, Village Engineer; Johnathan Lockman, Village Planner; Richard Golden, Village Attorney; Johnathan Collins, Traffic Consultant; Michael Musso, Telecommunications Consultant

Also, Present: Timothy Egan; Village Trustee

I. Executive Session: N/A

II. Approval and Acceptance of Previous Minutes:

S. Capriglione, requested a change to the minutes. R. Anzalone, made a motion to accept the amended minutes with a name correction from the meeting of October 16, 2019, J. Buglino, seconded the motion. The vote was as follows:

ADOPTED	AYES	5	Gerver, Anzalone, Buglino, Capriglione, Cattagio
	NOES	0	

III. Regular Agenda

A. Andruszkiewicz/CVPM –

Public Hearing for various Site Plan amendments and Special Permit to include personal service use in existing structure (old TD Bank Bldg.). Said property is located at 252-260 Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 230 Block 7 Lot 17, 18 and 19.

Mr. Steve Esposito stated the newly proposed use is conservatively projected to generate a Peak Parking Demand of 20 additional parked vehicles. Therefore, the updated Peak Parking Demand, when conservatively considering the newly proposed use, would equate to 69 parked vehicles on a Weekday and 66 parked vehicles on a Weekend. It should be noted that the Peak Parking Demand for the newly proposed use would not be until approximately 2:00 PM on a Weekday and thus would occur slightly out of phase with the other uses. Based on the foregoing, it is the opinion of PDE that the 66 parking spaces to be constructed will adequately serve the mix of uses as outlined herein. The site can be monitored to determine whether any of the additional 7 land banked parking spaces need to be added in the future. In addition to the retail spaces and a restaurant, S. Esposito state the applicant has advised the proposed use is for an indoor playground.

S. Capriglione, asked about after school programs. The applicant stated the hours of operation would be 10-6 everyday and they would have children from 2-8 years old. R. Anzalone, questioned snow removal and the maintenance of the parking lot. S. Esposito stated they must remove it, and they have the option of piling it on the bank if a big storm hits. R. Cataggio, requested a right turn only.

D. Lindsey stated a “personal service” use has the same bulk requirements as the existing retail/office use. The previous application was granted ZBA relief for lot area on May 9, 2018 as follows: Required Lot Area: 78,000 sf Gross Lot Area: 64,248 sf Net Lot Area Approved: 68,346 sf. Use as a “personal service” does not require further relief. Parking – The previously approved plan required eighty (80) parking spaces, where sixty- six spaces were to be constructed with five land banked spaces reserved for future use if needed, for a total of 71 spaces resulting in a waiver by the Board for nine spaces. The applicant notes that the increase in mezzanine area (+360 sf) results in the need for two additional parking spaces, which they propose as two new land banked spaces. The applicant is requesting the Board reconfirm the original waiver for nine spaces and approve the two new land banked spaces.

Site Plan – The application does not propose to modify the building footprint of the existing bank and results in no other site plan revisions other than noted above (2 land banked spaces).

Special Permit – We recommend the applicant discuss the business of the indoor playground including expected number of users, hours of operation, special events that may occur, and general operations. We believe this may be particularly important to understanding the impact of this use on site circulation and parking and depending on the applicant’s response the need for a drop-off location.

SEQRA – A negative declaration of significant environmental impact was made for the previous application. This amended application impacts zoning and parking requirements but does not physically disturb any additional area on site. With concurrence of Counsel, we believe it would be appropriate to confirm your prior SEQRA action. We have reviewed the short EAF and have no comments. Prior referrals listed; no further referrals based on use change. Woodbury Water & Sewer Department. Woodbury Fire Department. Orange County GML 239 Referral - - Distributed 9/19/19. New York State DOT.

The applicant spoke, stating that there will be time to set up for events since they would themselves need time to clean and prep for the next event. Mr. Jerry Casessa stated they have 20 additional spaces.

J. Collins stated he will need a more detailed narrative about what will be going on there during normal business hours. Mr. Steve Esposito stated he will have what was requested by the end of the week. The Board also requested that the applicant propose multiple ways that the stairs can be ADA compatible.

Chairman Gerver, made a motion, seconded by S. Capriglione, to accept the Negative Declaration drafted by council. The vote was as follows:

ADOPTED AYES 5 Gerver, Anzalone, Capriglione, Buglino, Cattagio
 NOES 0

It was decided that the applicant will submit his revised materials by November 8th. To be placed back on the November 20th agenda. Chairman Gerver made a motion to close the public hearing. S. Capriglione seconded the motion. The vote was as follows:

ADOPTED AYES 5 Gerver, Anzalone, Buglino, Capriglione, Cattagio
 NOES 0

B. Gai Yi –

Public Hearing of proposed site plan for Bed and Breakfast to be located within an existing single-family home. Said property is located in the R1A Zoning District at 35 Buena Vista Terrace and is known on the Village of Woodbury Tax Maps as Section 227 Block 6 Lot 4.1 and 4.2

Mr. Jason Pitingaro stated the plans have been revised to show the existing landscaping. Along the perimeter of the property as well as seven parking spots on the proposed site. Five spots will be for the guests and the two remaining spots will be for the owners who live on the premise. There will be no outside employees.

D. Lindsey stated the applicant proposes a code compliant five (5) guestroom (maximum) B&B with an additional bedroom for the owner. The Code definition of B&B requires it be “owner-occupied”. The Building Inspector advises that, based on various inspections he has conducted in connection with property activities, it has not been Owner occupied thus far. He has opined that “owner occupancy” may be difficult to enforce. He recommends you include whatever conditions Counsel recommends assisting with enforcement.

The Code specifically prohibits public restaurants. The applicant has confirmed only breakfast will be offered. We recommend you include this as part of your action.

Mr. John O’Friel stated he lives on Buena Vista and he has never received notice and he lives three houses down on the other side of the street. He then went on to say the applicant received a violation three years ago and that this application if approved will increase traffic on his street. Mrs. Judy Vacca stated she lives on 25 Buena Vista and nobody on the street got notified. She then stated that there is a business going on because there are always cars in the driveway. She also asked if the owner must be on the premises and was answered yes and that the permit is tied to the applicant, so if they sell the house, the permit does not follow to the new owner. R. Golden stated that 33 residents got notification however due to residents saying they never received it he then advised the board to allow a written comment period.

It was decided that the board will accept written comment from the public until November 15th. S. Capriglione, made a motion to close the public hearing and accept the negative declaration presented by council. R. Anzalone, seconded the motion. The vote was as follows:

ADOPTED AYES 5 Gerver, Anzalone, Buglino, Capriglione, Cattagio
 NOES 0

C. Cad Signs Corp/ALDI –

Public Hearing for ARB approval of proposed sign panel to include both ALDI and Kohl’s on the Woodbury Centre monument sign. Said property is located at Centre Drive and Route 32 and is known on the Village of Woodbury tax maps as Section 225 Block 2 Lot 1.12.

Johnathan Ackman the representative from Aldi stated they would like a revised sign, requesting Aldi’s sign and Kohl’s sign to be placed as a half and half sign. Chairman Gerver stated he feels that the sign should not be split and the sign on the building itself is very visible.

Chairman Gerver, made a motion of disapproval for the proposed sign, seconded by R. Anazalone.

The applicant was going to propose a different option. R. Golden said that he would suggest a rescind of disapproval so the applicant would not have to get another application, and to just ask the applicant to change and modify what they are asking for.

Chairman Gerver, made a motion, seconded by S. Capriglione, to rescind the motion of disapproval and allow the applicant to modify their request so the applicant will not have to file an entirely new application. The vote was as follows:

ADOPTED	AYES	5	Gerver, Anzalone, Buglino, Capriglione, Cattagio
	NOES	0	

D. Brach & Mann/24 Catskill High Rail –

Discuss revised Site Plan, Special Permit and ARB for proposed Shul and Mikvah to be located within an existing single-family dwelling. This property is designated as a critical environmental area pursuant to SEQRA and subject to the Village regulations for ridge preservation (310-13). Said property is located at 24 Catskill High Rail in Central Valley and is known on the Village of Woodbury Tax Maps as Section 254 Block 7 Lots 2.

The applicant’s attorney spoke and stated that the Village Board will not let the applicant use the utility parcel and they feel they are entitled to it. The Village Board believes that it will be needed in the future. The board requested a landscape buffer and granted an extension to the 4th of December due to most of the applicant’s consultants not being able to attend the meeting.

Chairman Gerver, stated he doesn’t want to set a precedence that the Planning Board would go to the Village Board and ask them to overturn their decision. This applicant was awarded by the Justice Court to come to the Planning Board to ask for the Special Permit due to them having a mitvah there before they asked for it.

E. Homeland –

Review and discuss site plan and special permit application of a proposed new wireless telecommunications facility located on approximately 7.72 acres at 11 Abrams Road in Central Valley. Said property is known on Village of Woodbury tax maps as Section 226, Block 1, Lot 38.

The board went through the colors of the paneling and the applicant brought a mock branch to show the board members what the tree would look like.

M. Musso stated the location of the proposed monopole at 11 Abrams Road appears reasonable based on (a) the property's physical characteristics, some tree line buffer that will help mitigate some but not all views of the monopole, and setbacks that are achieved; (b) the findings of the alternate site analysis conducted; and (c) the predicted interaction with existing "on air" Verizon cell sites in the area. The proposed 110-ft monopole at Abrams Road is well- positioned to interact with nearby existing Verizon sites (Maher Lane monopole; Cemetery of the Highlands monopole) and is at appropriate distances from those facilities and at a focused height to better serve the site area and provide the necessary capacity relief to Verizon's local wireless network. The height of the proposed monopole (110 ft above grade) appears to be reasonable based on (a) the heights of existing tree lines and structures nearby (which can impede signal) and the varying topography that exists; (b) the possibility of future co-location by other wireless carriers or the Village should the monopole be approved and constructed; and (c) the fact that FAA markings or lighting will not be required at the proposed height. The 110 ft height conforms with the Village Wireless Code and appears to balance the needs of the applicant while providing space at lower heights for co-location in the future.

At the current time, none of the other wireless carriers that service the Village of Woodbury area have reportedly expressed interest in co-locating at the proposed facility. However, it is likely that one or more

wireless carriers would be interested in co-locating at the site at lower heights in the future if the monopole is approved and constructed. A conventional monopole (as proposed) or stealth tree are two options for the site but a stealth tree configuration is recommended. He then went on to state that the application seems to be complete.

R. Golden stated that the application was complete, and he would feel comfortable if the board advised him to draft a resolution with conditions and issue a Negative Declaration.

Chairman Gerver, made a motion, seconded by R. Anzalone, to accept the Negative Declaration. The vote was as follows:

ADOPTED	AYES	4	Gerver, Anzalone, Buglino, Cattagio
	NOES	1	Capriglione

R. Anzalone, made a motion, seconded by J. Buglino, to authorize R. Golden to draft a resolution of approval of a Stealth Thunder Grey Monopole with pine tree branches. The vote was as follows:

ADOPTED	AYES	3	Anzalone, Buglino, Cattagio
	NOES	2	Gerver, Capriglione

IV. Extra Item:

A. IBEW – HC Parking Field Change:

Chairman Gerver stated a letter was sent to the Planning Board from the Mr. Gary Thomasberger the Village of Woodbury Building Inspector stating he had received a request for a minor revision to their approved site plans for the relocation of 2 Handicapped parking spaces. The IBEW have requested the handicapped spaces be removed from the rear of the building in the paver area and be placed next to the existing Handicapped parking space on the pavement. He then stated that this relocation would accommodate direct access to the accessible route to the building entry. Mr. Thomasberger stated he has no objections and would recommend these changes due to their compliance with ADA/Ansi A117 requirements.

Chairman Gerver, made a motion, seconded by S. Capriglione, to authorize a field change to allow the IBEW to change the two handicap parking spaces that they requested to change. The vote was as follows:

ADOPTED	AYES	5	Gerver, Anzalone, Buglino, Capriglione, Cattagio
	NOES	0	

V. Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by J. Buglino, to adjourn the meeting at 9:39 PM.

ADOPTED	AYES	5	Gerver, Anzalone, Buglino, Capriglione, Cattagio
	NOES	0	

Jessica McClennan