

**Village of Woodbury
Planning Board Meeting
August 19, 2020**

Minutes of the Planning Board Meeting held on August 5, 2020 at 7:30 PM.
(This meeting held via Zoom.)

Present: Christopher Gerver, Chairman
Robert Anzalone
Joseph Buglino
Sandra Capriglione
Thomas Deluca

Absent: None

Also Present: Richard Golden, Planning Board Attorney
Natalie D. Barber, Engineer
Jon Bodendorf, Engineer
Jonathan Lockman, Village Planner
Philip Grealy, Traffic Consultant

Chairman Gerver opened the meeting with Pledge of Allegiance.

1. **Executive Session:** No Executive Session was necessary.
2. **Public Comment:** No member of the public had comments.
3. **Approval and Acceptance of Previous Minutes:**

A motion was offered by Chairman Gerver, seconded by Thomas Deluca, to approve and accept the minutes of the meeting held July 15, 2020. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 5 Chairperson Gerver, R. Anzalone, J. Buglino, S. Capriglione, T. Deluca
NOES 0

4. **New Business:** N/A

5. **Regular Agenda:**

- A. **Congregation Ohev Shalom – Public Hearing** for proposed conversion of a portion of an existing single-family dwelling to a shul with site improvements. Said property is located at 230 Schunnemunk Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 247 Block 3 Lot 4.

There were request from the Planning Board on the July 15th meeting. Those were revisions to the ARB (Architectural Review Board), the removal of arches, columns and lights on the side of the Shul, showing the retaining wall on the elevation views, adding titles to the elevation views clarifying front, side, and rear, and other modifications. These materials were to be submitted by August 5th for consideration at the public hearing. A revised site plan and a lengthy Stormwater Pollution Prevention Plan were not received until August 13th. Since the materials were not received in a timely manner, it was recommended

that the Board extend the public hearing to the September 2nd meeting to provide time for the public and consultants to review them. The Board also requested detailed water calculations and confirmation of correspondence with the water and sewer administrator, as well as an expanded Part III EAF to consider SEQRA, which have not been received.

Nathan Brach representing the applicant briefly went over the project and the revisions the Board had previously requested. He mentioned how Mrs. Capriglione had asked to modify the façade so that it can blend with the look of the neighborhood. He said the designs took long due to the rendering company and once it was done it was emailed to the Building Department, hoping the Board was able to review. Mr. Brach went over the changes on the design of the house, stating the different views as well.

Ms. Barber said all of the notices were properly distributed and the applicant did submit revised site plan drainage analysis, the ARB renderings, but they were untimely. She said the site plan arrived late last week, the ARB came today and not having a detailed report for the meeting Ms. Barber recommended that the Board leave the public hearing open. In order to give an opportunity for the public to properly review these materials and also a more detailed report. She said she did take a preliminary view on the new renderings and thinks they are in line with what the Board requested at the last meeting. She said a change was noticed on the colors going from charcoal to olive or tan and that would require a new ARB application. Mr. Golden said the public hearing should be open to the public so they can have the opportunity to comment. He said even though the public hearing is going to be adjourned it was noticed for tonight's meeting and people who are present should be permitted to speak, as well for those who will be present for the adjourned meeting. Mr. Golden said the Board had previously issued two waivers with respect to the lot area and coverage and there was also the issue of non-compliance with respect to the landscaping. He continues to say that the landscaping could not be waived under that same waiver provision for both lot area and lot coverage. He said the applicant should discuss landscaping requirements with the Board and if already done so, are they to the satisfaction of the Board. Mr. Golden then said he agreed with Ms. Barber, the public hearing should be adjourned to September 2, 2020, after people who are present has had the opportunity to speak.

Chairperson Gerver proceeded to the public and started to call out names shown on his screen. He asked if they had any comments and all said no comment. He thanked the public and moved on to the Board. Mrs. Capriglione said she thought the applicant would provide a rendering of the rear. She said in any of the renderings it does not show the rear with the parking in that area or the driveway leading up to the building, something she would like to see. Mr. Brach said he will check if it can be added before the public hearing. Mrs. Capriglione said she noticed the agenda stating the propose conversion on a portion of the house. She asked should it state it's the entire single-family home being converted. Mr. Golden confirmed it should say single-family home. He asked if the notice of the public hearing was different from the agenda and Mrs. Capriglione said she thought they both would be the same. Mr. Golden asked Ms. Barber to check with the Building Department in changing the agenda description to note that it's the entire home. Chairperson Gerver asked the Board if they had any comments or questions and Mr. Anzalone said that he has noticed the Water Sewer Administrator has not responded and he believes that its very important to get a response before September 2, 2020. He asked if there was a way to speed that up. Ms. Barber said she will attempt get in contact with the Water Sewer Administrator and also with the help of the applicant their most recent attempts or communication with the Water Sewer Administrator. Mr. Brach said that was Mr. John Queenan department and since Mr. Queenan is absent tonight, he is not able to provide any

information regarding to the Water Sewer Administrator. Ms. Barber then said she will get in contact with him as well. Mr. Golden said according to his notes, with respect to wastewater disposal issues. He said there should be some kind of restrictions with respect to what is disposed of because that has been a problem, such as pampers and diapers and things like that. Ms. Barber said on a similar application H2M recommended signage in the bathrooms about proper disposal techniques, she wasn't sure if there's any mechanical means but it will be reviewed as well.

Mr. Buglino said the topic of landscaping came up and wanted to know if that would be something that the consultants will have a chance to review and provide the Board their opinion. Chairperson Gerver said he will when the next matrix goes out. The night of the continuation of the public hearing he will have NPV group (Nelson, Pope and Voorhis) submit a memo based on the updated planting drawings. Village Planner, Jonathan Lockman said the landscaping was reviewed early stages of the project and believes due to their comments it led to changes not being finalized.

A motion was offered by Chairman Gerver, seconded by R. Anzalone to adjourn the public hearing to September 2, 2020. The vote was as follows:

ADOPTED AYES 5 Chairperson Gerver, R. Anzalone, J. Buglino, S. Capriglione, T. Deluca
 NOES 0

- B. **Genco Realty** - Extension request for a previously approved Site Plan, Special Permit and ARB of proposed 7-unit residential complex on vacant property. Said property is located in the HB Zoning District at 6 & 8 Falkirk Avenue in Central Valley and is known on the Village of Woodbury Tax Maps as Section 231 Block 3 Lots 6.1 & 6.2

The applicant is requesting an extension of Site Plan Approval for a 7-unit Townhouse Complex on Falkirk Avenue, set to expire on August 15, 2020. The resolution requires the applicant "secure a building permit, site work permit and/or begin on-site work" within one year of the date of signature. The resolution allows the Board to grant an extension (not to exceed one year) under circumstances where the applicant is unable to begin on-site work. The applicant's extension request filed with the Building Department on July 7, 2020 cites the Pandemic as the cause of their inability to satisfy the resolution condition and they have requested a one-year extension.

Marco Scalia representing Genco Realty confirmed there was a letter submitted to the Planning Board regarding an extension to their permit. Chairman Gerver read the letter written by Vito Scalia from Genco Realty. The letter is as follows:

*To Chris Gerver and all of the Planning Board Members:
I wish to ask for an extension on my site plan approval, and/or resolution of approval for that lot merger, site plan special permit and ARB signed on August 15, 2019. The Pandemic really set up back with every aspect of this project. We are asking for a 1 year extension.
Thank you.*

Chairperson Gerver asked Mr. Scalia if there was anything he would like to add. Mr. Scalia answered no; the letter explains exactly what is going on. Chairperson Gerver asked Ms. N. Barber if there was a memo from H2M and she said no. Mr. Golden was asked if he had any comments and he proceeded to explain how the code allows for up to one year of an extension from their initial time period. 1-year period after their amended approval would be within the Board's discretion to grant up to a year's. Mr. Golden

reminded the Board that at the coming end of that extension the Board's next plan board meeting at around that time would be August 4, 2021 and there may be an issue about whether or not they could ever get anything more than that without reapplying. He said as far as the issue as to whether or not the Board has the authority to go ahead and grant it up to August 4, 2021 the Board does and if the Board believes that applicant's request was in accordance with their difficulties for the one year extension then the Board can go ahead and grant the extension.

Chairperson Gerver asked each of the Board members if they had any questions for Mr. Golden. Mrs. S. Capriglione said it was pretty much cut and dry what the applicant has said and stated. Mr. Thomas Deluca agreed. Mr. R. Anzalone said he does not see a problem with it, obviously it has been a difficult year for everyone. Mr. J. Buglino gave it two thumbs up and with that Chairperson Gerver made a motion.

A motion was offered by Chairman Gerver, seconded by Thomas Deluca granting a 1-year extension expiring August 4, 2021 for Genco Realty application. The vote was as follows:

ADOPTED

AYES 5 Chairperson Gerver, R. Anzalone, J. Buglino, S. Capriglione, T. Deluca
NOES 0

- C. **Woodbury Common** - Coffee Truck - Schedule public hearing date for the installation of a coffee truck and associated outdoor seating area in the courtyard outside of the Polo Ralph Lauren store. Said property is located within the Woodbury Common shopping center and is known on the Village of Woodbury Tax Maps as Section 225-1-70.2 & 226-1-1.

The applicant was last before the Board on June 17th at which time the Board requested a referral of the application to the ESO's, an opinion on GLA from the Building Inspector Gary Thomasberger, and a site plan. The Board received a response from both the Police and Fire Departments having no issues with the proposed application. Mr. Thomasberger has provided his interpretation on the GLA. The applicant has submitted the site plan and request the Board to schedule a public hearing. H2M has taken a preliminary look at the plan and believes additional details should be provided including spot elevations to confirm adequate drainage, utility connections, and changes to site lighting. The revised plan should be submitted by August 21st if the hearing is to be September 2nd.

Chairperson Gerver confirmed that all requested items were sent in prior to the meeting. John Villapiano, Vice President of Simon Premium Outlets started to go over those submitted items. He said the tenant provided a plan that showed general utility connections, not changing the grade and it's understood that prior to pulling any building permit the applicant would have to have an official sign and sealed engineering drawings that would have to be reviewed and signed off by the Village Engineer. There was also a request for specific information to other kiosk operators and food trucks at Woodbury Common. That information was updated and sent earlier today. He continued to say that it's possible that information may change come next week. Chairperson Gerver asked Ms. Barber if she had any comments.

Engineer Barber said the site plan was submitted, but some additional detail should be included. For instance, showing the utility connections to the truck or having some spot elevations to confirm drainage. Also, there may be some changes to the site lighting so that should be reflected on the plan as well. She continued to say Mrs. Capriglione requested a listing of the other kiosks which were provided today in the afternoon, deferred to the board for review. She said the Board had asked for comments from the ESO's

which were received, and they took no exception. She said Mr. Thomasberger provided an opinion on the GLA, also there was no exceptions to the application. That was all she had to comment on. Chairperson Gerver asked Attorney Golden if he had anything to add and he replied nothing further. Mr. Villapiano asked the Mr. Thomasberger's standing on the GLA, since he did not receive the memo on it. Mrs. Capriglione had a copy of the memo from the Mr. Thomasberger and proceeded to read the following.

Please be advised that I have reviewed the application for the Coffee Truck proposed within the Woodbury Commons courtyard. I also reviewed the emails sent by John Villapiano regarding the GLA. Based on this letter and discussions with Dennis Lindsay and Natalie Barber I would agree that there is sufficient GLA for the use proposed as long as no further expansion of Building 20 is permitted without further verification of GLA.

Chairman Gerver recalls the conversation they had where Mr. Villapiano would halt expansion of a store and the Coffee Truck would go in and they would review everything with regards to phase five and Mr. Villapiano said that is correct. Mr. Villapiano added it probably would be another site plan amendment before the Board sees phase five, but it's noted that it reflects his understandings. Chairman Gerver asked Mrs. Capriglione if she had any comments and she proceeded by thanking Mr. Villapiano for submitting the memo listing the number of food trucks but was confused by the number listed. She said the memo listed 3 food trucks while she thought they had approval for 7 or 9 food trucks. Mr. Villapiano said food trucks are a very fleeting presence and the uptick can be seen at their busier times, but right now their focus is on the permanent address. He said that list was reviewed and provided to him by their on-site management as well as their short-term and specialty leasing groups, so he has no reason to think that they have any more than 3 food trucks. He said there are times under normal operating circumstances they would have more. Chairperson Gerver then asked the rest of the Board if they had any comments and they did not and with that Chairperson Gerver made a motion.

A motion was offered by Chairman Gerver, seconded by R. Anzalone to schedule the public hearing on September 2, 2020 and have a draft Resolution of Approval authorized by council. The vote was as follows:

ADOPTED

AYES 5 Chairperson Gerver, R. Anzalone, J. Buglino, S. Capriglione, T. Deluca
NOES 0

- D. **Cad Signs Corp/ALDI** - Review and discuss draft decision for ARB approval of proposed sign panel displaying ALDI and Kohl's back to back 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.

This application was last before the Board on December 4, 2019. At that time, the Board discussed the applicant's proposal to modify the existing Route 32/17 pylon sign to advertise nine tenants (eight on each side) and the discretion to flip the Kohl's and Aldi's sign as needed. The Board agreed to allow the sign to be flipped once every six months for a maximum of two years. The Board requested referral of the application to the ZBA for number of colors (five or more versus Code permitted maximum of three). The applicant received relief from the Zoning Board on July 8, 2020 to allow five colors on the sign panel.

John Eckman, Aldi's Real Estate Director said they were looking to change out one panel of the existing Kohl's sign at the very top of the pylon sign. He said they are not looking to enlarge the structure or the size of the panel whatsoever, just removing the existing panel and simply placing with an ALDI panel.

Chairperson Gerver confirmed that the applicant had went in front of the ZBA and now have an approved variance due to the colors and Mr. Eckman replied yes.

Chairperson Gerver asked Ms. Barber if she had any comments and she proceeded to say that back in late December of last year the applicant and the Board discussed the opportunity for the Kohl's panel to be removed and ALDI's to replace what is existing and also to their discretion to flip the Kohl's and ALDI's sign as needed for a maximum of 2 years. She said the Board requested the application to be passed on to the ZBA for colors and so the only remaining issue is the sign area. Ms. Barber said in their H2M records a valid non-conformity for the sign area exists which to their understanding it can remain but cannot be increased. Kohl's was approved for a panel that was 12-ft by 47-in and ALDI's while they maintain that it's the same size as the Kohl's panel it is larger by 7-sq. ft. She continued to say that essentially what the applicant proposing is larger than what was previously approved and at that point it was referred to Mr. Golden's office asking for advice on how to proceed.

Mr. Eckman said they looked back on the previous approved plans and stated that the 12-ft. marker on the previously approved plans is not intended to highlight the Kohl's size of the panel, it is intended to highlight the panels below the Kohl's. He said they had an engineer go out and measure all of the existing panels and the recommendation that came back from their engineer was that what's installed out there today is what was previously approved by the Board. He continued to say that the dimension is 12-ft but that 12-ft is meant to delineate the width of the signs below the Kohl's panel for all the remaining sub-tenants. Daniela Monroy, representative from CAD Signs Corp. offered to place on the screen the engineer's drawings with the measurements. Once in view she noted the 12-ft panels would be Models and Ulta, but the Kohl's cabinet is actually a 13-ft panel. Mrs. Capriglione asked if that 13-ft was mentioned anywhere in the original approval. Ms. Monroy said she didn't think so but clarified that they have nothing to do with Kohl's. She said they are just going by what was previously approved with Kohl's and install the ALDI sign and they are just proposing to use the correct measurement from their engineer. Mr. Eckman added that the Kohl's sign that is seen under existing was approved on the renderings during the Kohl's approval process. Mrs. Capriglione said she thought Ms. Monroy just said that it was 12-ft that is in Kohl's approval. Mr. Eckman said the 12-ft delineation is on Kohl's approval, but it does not intend to reference the Kohl's width. He continued to say that it's intended to reference the Staples, Models and Ultra width.

Mrs. Capriglione was confused and asked for some clarification from Mr. Golden. She asked how the Board would know what was intended if 12-ft is in the approval. Mr. Buglino asked if there was an existing approved sign or permit to go on or a drawing that would show how big everything is supposed to be. Chairman Gerver said somehow there is a 13-ft 7 $\frac{3}{4}$ sign. He said he would hate to put the burden on ALDI's when it's really not their fault. Mrs. Capriglione said if it's more of a housekeeping issue its best to be clarified, which is why she is asking Mr. Golden what the Board should do. Chairperson Gerver said since they have the drawings with the engineer's stamp on it, he suggested modifying the approval to coincide with what the engineer signed off.

Mr. Golden said unless you modify the Board's resolution the applicant is bound to go ahead and only put up a sign the size this Planning Board had previously authorized. Mr. Golden said he wasn't sure if there was room in the resolution to state the sign may be larger. He advised the Board to look at what was approved. If there was a specific rendering that was identified prior to the original resolution of approval

that approved that size or it was not approved and the applicant went ahead and built it that way, given a building permit (which is not good enough). Mr. Golden continued to say if the applicant submitted a rendering that was contrary to the Board's resolution and the Mr. Thomasberger approved it that is not an approval. It must be in conformance with the Board's approval.

Mr. Golden made suggestions to the Board. The Board could either modify the current resolution making it clear that prior to the issuance of a permit to allow the installation of the sign, Mr. Thomasberger must confirm that the size of the present Kohl sign is no larger than originally approved or the Board could go ahead and do what Chairman Gerver suggested. That regardless of what the Board's present approval; allow the larger dimension of the Kohl's sign which will have to be put into the resolution so that its clear. The Board agreed with Chairman Gerver, but still had some concerns. Chairman Gerver said he understands its more of an housekeeping issue and he will talk to the Mr. Thomasberger about it, but if an applicant comes back wanting to change their pylon again because of the resolution that's in place, the applicant will still have to come back to the Board and have any modification to any pylon approved by the Board. Mr. Buglino asked what can be done for future monuments, to avoid confusion. He continued setting an example the Board approves of a 12-ft sign to then later, driving by you see that the sign is actually 14-ft. Mr. Golden said that an enforcement issues and they don't gain any rights by the fact that its been up there for a day or 14 years before its discovered. If its not in accordance with the approval, it's a violation.

Mr. Anzalone commented on how years ago there was an idea of placing a monument sign near the thruway and was then dropped. Instead the monument was restructured, and the Kohl's sign was made bigger that it was originally. Mr. Buglino asked if there was any way of finding out. Mr. Eckman then said he asked Kohl's that same question and the response was prior to the re-configuring of the sign the Kohl's sign was where Staples is now in the depiction of the existing rendering and the Woodbury Center was the entire triangle up top. He continues to say that to get that extra panel and move Kohl's up, they were to make the Woodbury Center smaller in the tiny triangle at the top and bring Kohl's up. To his understanding that was when Kohl's went through the approval process with the town, so what is built out there today is what was approved in their files. Mr. Eckman said he doesn't think Kohl's deviated and grew the sign larger than what they were supposed to. He believes the Mr. Thomasberger will be able to shed some light in this issue. Mr. Golden asked for the dimensions of the new sign so that he can put it in the modified resolution. He was told 3-ft 11in the height and 13-ft 10¼ the width. Chairperson Gerver asked if anyone had any questions or comments, then proceeded to read the Specific Resolution in the amended resolution of approval.

SPECIFIC CONDITIONS

- 1. All conditions of prior approvals in connection with this property shall continue to be in full force and effect, and this Resolution does not supersede or otherwise modify such prior approvals and conditions except as specifically set forth in this Resolution.*
- 2. No building permit shall be issued authorizing the construction or renovation of structures inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board as part of this approval, nor shall any Certificate of Occupancy be issued for any structures constructed except in conformance with such renderings. Any deviation from such renderings will require further Planning Board review.*
- 3. The size of the sign must be the same as presently approved, except that the proposed Kohl's/Aldi's top pylon sign only is allowed to be up to 13' 10 ¼" in width and 3' 11" in height.*

Mr. Golden asked if he may interject, he said section 4 from the Specific Conditions was modified and read section 4 as follows.

4. The flipping/rotating of the Aldi's and Kohls signs may occur no more than twice a year for the first two years after construction of the sign approved herein. At the end of the two-year period the Aldi's/Kohls sign must remain stationary and constant, with no further flipping/rotating of the sign thereafter permitted.

Chairman Gerver proceeded to read the rest of the Specific Conditions.

5. The Board believes that the addition of any future panels, or the placement of more than nine (9) tenants on to the Woodbury Centre sign along Route 32 (M2), or smaller lettering that would unnecessarily require extended visual distraction by passing drivers to read the text will be detrimental to the welfare and safety of the public. For that reason, the Board resolves that the Woodbury Centre sign along Route 32 shall never contain more than eight (8) panels on either side, or advertise more than nine (9) tenants with no more than one tenant per panel, or contain advertising text at smaller lettering.

Chairperson Gerver asked the Board and the applicant if they agreed with the modifications. They all replied yes.

A motion was offered by Chairman Gerver, seconded by T. Deluca to accept the draft Amended Resolution of Approval. The vote was as follows:

ADOPTED

AYES 5 Chairperson Gerver, R. Anzalone, J. Buglino, S. Capriglione, T. Deluca
NOES 0

- E. **Shops of Woodbury** – Review revised site plan and additional documents submitted for a mixed-use development to include retail stores, restaurants, and a hotel. Said property is located at the intersection of Route 32 and Locey Lane and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lots 34.1 & 34.2.

General/ Background –The application is for a mixed-use commercial center development with retail, restaurant and hotel uses totaling 52,650 SF in footprint area. The northern portion of the site is occupied by the County Park and Ride Facility, which the applicant indicates will be accessible during construction and “at all times”. Sketch plan review was considered in 2018 with referral to the ZBA and ESO’s. The ESO’s met in May 3rd and June 4th of 2018. SEQRA was concluded in February 2019, when the Board agreed that the potential adverse impacts mitigated through the prior review and findings for Cabela’s were applicable to this application. On June 13, 2019 the Village Board adopted legislation approving a Hotel Overlay District encompassing the subject property and eliminating the need for some of the variances under consideration by the ZBA (e.g. hotel use and building height). On January 8, 2020 the applicant received a decision from the ZBA on the remaining issues including lot coverage, side yard setback, and front landscaped area. The current plan reflects the decision by the ZBA. This is scheduled for review of the updated materials.

Attorney, Dominic Cordisco touched on the history of the project. He came in the year 2018 after the applicant purchased the site, which was supposed to be Cabela's. Cabela's had previously gotten an approval and started construction in the year 2015 and had cleared the site and then abandoned it. The applicant

purchased it in September of 2017 and since then has been working with the Village in moving forward with a plan of building a commercial, retail and hotel development on this site. He continues to say that in regards to what's happening now, seeing a significant amount of distress within the retail establishment and also in hospitality as everyone is dealing with the pandemic, despite that the applicant is eager to move forward. The applicant is looking to fully understand and address issues that the Board and consultants may have and are very much committed to the project and committed to addressing your concerns. He confirmed receipt of a two-page memo from H2M, then introduced Kevin Van Heist, Engineer and John Canning, Engineer.

Mr. Van Hise shared his screen with the site plan. He said he will be addressing comments that were specific to site designs. He said there was a comment on wanting to know the existing grade condition now that the interchange construction is complete. Mr. Van Hise said the Board was notified that they have been working with Yonkers Construction throughout the process. Hey, said they have shared that grading file with them and that will be reflected on the next submission. He continues to say that one of the highlights of that is that they were able to raise the site and as a result there will be fewer requirements of walls. There will be some sections of wall that will be required but it won't be as significant as shown in the submission. He started to talk about the water and noted there was an approval already with the Cabela's project. They did complete a float test a week and a half ago and were pleased with the results, so they are in the process of completing that application and will submitted shortly. Mr. Van Hise said there may be some minor modifications to the plan addressing the comments to H2M with respect to parking stall sizes and things like that but no major changes.

Mr. Canning started to say the applicant is particularly happy that they are before the Board, because due to this unfortunate situation with COVID-19 it has been an expensive experience, so he's looking to move forward. He said they have been through the SEQRA process which was a major concern for the Board and now are in the site plan process. He said he received comments from H2M, Mazer and from NPV and for the most part he will be responding to the traffic and parking issues. Mr. Canning said they will incorporate all of Mazer consulting's comments into their next submission, specifically the driveway lane on the property making it 12.5-feet in accordance with the code. The plan was brought on the screen and Mr. Canning noted how they widened and re-striped the inbound lane is 12.5-feet and the outbound lane is 18-feet and all of the lanes on the property are 12.5-feet wider to be in compliance with the code. He also brought up the bypass or bailout lane around the two take-your-order boards for building one and those boards will operate just like they do at the new McDonald's on route 17M in Chester. Mr. Canning said comments from Engineer, Philip Grealy regarding signing and striping, for the most part agrees and will incorporate them. He also made regards to Engineer, Dennis Lindsay and Mr. Lockman comments will be incorporated as well on the final built. Mr. Canning continues to say there are some minor tweaks to work out with NY State DOT. He said they will be installing loops for them to monitor how many spaces are vacant so they can advertise. He continues to mention other lanes within the property that will be adjusted accordingly and some additional signage. Details of the emergency access roads will be provided. Mr. Canning noted Maser's memo dated February 1, 2019, it mentioned the shared parking concept through SEQRA. He said the shared parking analysis was updated due to the adopted new code that require more parking spaces for hotels. Based on the code 474 vehicles is the maximum parking demand and they are providing 496, though it may go down to 494. He said an ITE analysis was done, they want to make sure there is enough parking for all the customers, so based on the ITE they think there will be less parking. Its projected to be 461 as

apposed to 474. He referenced the restaurant parking as per H2H comments, stating that the code requires parking for restaurants. He mentioned the hotel not needing additional parking and how it will have a small business office for guests to use, a small dining area will be provided for guests for breakfast only. He said at this time its not planned to have bus access in other areas of the site. He showed how on the plan the park and ride buses would be able to circulate around. He said Mr. Lindsay noticed a few parking spaces on a bias along with some ADA spaces so they will be adjusting those. The Access Agreement is to be maintained with the gas station and to the park and ride at all times. Its understood that if the project is approved, they must prepare a work zone traffic control plan that will show the methods, means and hours of the operation. On the plan Mr. Canning noted cars backing out into the one-way aisle behind Building 8 will also have to back out in front of the Building 8, which they think it's just as busy and it's two-way traffic at that location so they are comfortable with that the level of activity and parking/unparking in the rear of Building 8 will be safe. Mr. Canning said there were other comments from Mr. Lindsay on signage, striping, loading zones, stop signs and they honestly haven't had a chance to look at them but they skim them and they seem to be relatively straightforward and they expect to incorporate most of them.

Chairman Gerver asked about the lanes by the gas station. He said there was talk about having a solid curve and Mr. Canning confirmed the solid curve is on the plan and it will stay on the plan. Mr. Lockman said he provided a memo dated August 13, 2020, he was concerned about the slope of the emergency driveway and it was cutting across at an angle, but that has been fixed. He said it was asked about the as-built edges of the site so the Board and consultants could really judge the landscaping and the applicant will work on it. The applicant has been responsive to the circulation to and from the commuter ride parking lot and has shown how they will remedy the issue. Mr. Lockman touched the subject on the landscaping plan. He said they needed to add some materials like the species and sizes of the plants. He would like the parking layout to be more details. He mentioned his comment regarding Building 8 because he was concerned with the angle spaces when people back out. He said he would talk further with the traffic consultants on that issue. Mr. Lockman said he reviewed the waivers and he thinks the parking reductions requested seem reasonable and they are within the number of spaces that the Board can wave. They are not parking waivers that would require ZBA approval. The Board is allowed to reduce the required parking by 25% with evidence that shared parking will work. Meaning the applicant can go down by 145 spaces and right now they're asking for a waiver of about 82 spaces but as they said there will be refining that. Mr. Lockman spoke of the Ridge Preservation, saying the hotel end of the site is at 608-feet and the rule is that if you go over 600-feet the ridge protection standards kick in. That would apply to colors, earth tones, roof types and other ways to mitigate the view looking

Mrs. Capriglione referred to section 6 in Mr. Lockman's memo.

6. Variances/Waivers

We understand that the applicant has received variances from the Zoning Board of Appeals (see decision issued January 8, 2020). These include:

- Allowance for a retaining wall, sidewalk and portion of Locey Lane with the 25- foot required front yard landscape strip.*
- Exceedance of Lot Coverage by 17%.*

- *Variance of side yard setback, to allow the hotel building to be 38.1 feet from the northerly property line.*

The proposed reduction in parking requirements does not require a variance from the Zoning Board of Appeals, and may be authorized by the Planning Board. §310-40.C authorizes the Planning Board to reduce the required parking spaces by 25% in cases of shared parking. In this case, that could be as many as 145 spaces (25% of 578 required spaces). Such a parking waiver from the Planning Board could be granted with proper The Shops at Woodbury. Mixed Use Commercial Center NP&V Memo, August 13, 2020 Page 4 of 4 justification, as 496 spaces are provided and 578 are required, which is a shortfall of 82 parking spaces. Justification for the waiver request would need to include projections that different uses on the site would have different peak demand for parking, allowing for sharing.

She said she was confused reading over the variances and wanted some clarification from Mr. Lockman. In reference to the Lot coverage section, she said 65% was the maximum lot coverage, the applicant proposes 76%, and Mr. Lockman noted an increase of 17% but it should say 11%. Mr. Lockman agreed the numbers do not add up. Mr. Cordisco interjected by saying he thinks the number is related to the size of the variance so it's actually the proportion of 76% as it relates to 65% rather than the actual number. Mr. Lockman in agreement said they're describing the size of the increase not the numerical difference between the two percentages. Mrs. Capriglione suggested the wording to be updated to avoid any confusion in the future. Mr. Cordisco suggestion to avoid any confusion in the future what they can do is amend that language on the plan to state it both ways so that it is clear.

Mr. Buglino said he doesn't see a lot of room for landscaping on the plan just a lot of pavement and concrete. Will there be some talk about increasing the landscaping by reducing the number of parking spaces? Mr. Buglino asked. Mr. Canning said not really because at the time while in front of the ZBA and dealing with SEQRA the issue was not having enough parking spaces. He's not sure if there are parking spaces to give up due to the hotel zoning requirement, it pushed the shared parking requirement up. He continues to say that they could consider doing a land bank (taking a space and not build) and put some landscaping if it's never needed. Chairperson Gerver said that was something the Board has done before in previous applications. Banking spaces making it look pretty and if then needed the Building Inspector can make a determination. Mr. Canning said when they submit their shared parking analysis the Board should have a look and if they feel comfortable with it then they can figure out where to pull back a few spaces and put in some landscaping. Mr. Buglino said that would reduce the lot coverage as well. Mr. Canning said yes. Chairman Gerver asked Ms. Barber for her comments. Ms. Barber said she will try to navigate through the number of issues from their memo dated August 14, 2020. There are many details to consider and there have been a number of issues in the memo that the applicant has indicated they are going to address with future submissions. She said they tried to boil our memorandum down in a cover letter with issues that they thought the board would like to discuss. She said in today's review the applicant's plans represent a 6-story hotel and in the hotel overlay it only allows up to 5 stories or a maximum of 60-ft. Considering the building height they believe the applicant intends to have a basement level. Which typically it can be reserved space for mechanical and non-occupiable commercial use. She said that can be a condition but the plan should be revised to be clearer, indicating 5 stories, and perhaps like an asterisk to say that there is a basement area. Ms. Barber said the applicant should provide a tabulation showing the gross lot area to include the roadway abandonment in the New York State DOT

takings. She said it's important for the coverage considerations and the review of the overall site plan just with respect to functionality and any legal issues that may arise in compliance with the code. Ms. Barber mentioned how Locey Lane abandonment was not discussed and it's important for the applicant to clarify the status and the ownership. Steve Esposito attempted to clarify the status of ownership.

Ms. Barber said so to her understanding the Locey Lane is currently under the ownership of Cabela's and then it was transferred to Shops of Woodbury, and he said yes. Ms. Barber asked Mr. Golden if he had any records of agreements or easements of Locey Lane and Cabela's. Mr. Golden said he wasn't sure but he would check with Ms. Kelly Naughton though he asked if Mr. Cordisco could forward those files and he agreed to do so. Ms. Barber said there were a few concerns, for instance the maintenance of the roads, the gas station's access via Locey Lane, the ZBA that gives the applicant frontage of Locey Lane. Briefly speaking on parking, she said the accessory uses that are not proposed for the hotel and the parking requirements based on the number of seats for restaurants can be conditions of the applicant's resolution. Yonkers completed their grading and the applicant decided to incorporate the existing conditions onto their plan. Ms. Barber continues with comments regarding stormwater and maintenance requirements, the code should be addressed by the applicant. She said Mr. Van Hise mentioned water a test, H2M is looking for a letter served by the Village of Harriman. In reference to sewer capacity, a discussion should be held with the Administrator. Ms. Barber talked about signage, and she said it should be known that the applicant may want a monument sign. There will be signs on each of the restaurants and the proposed uses. She mentioned Woodbury Commons signage plan as an example.

Mr. Esposito said in regards to water they have an executed agreement with the Village of Harriman for water. He said he will provide a serve letter from the Mayor. He said they have tried reaching out for the Sewer Administrator and hopefully they can get a meeting with him in the next week or so. In regard to the Ridge Preservation Mr. Esposito explained Yonkers was before the board to get their grading permit to do the fill-in site and around the perimeter of the site. He said the site was filled to their grades so they did not raise anything. The sub grades were filled for them, all was left for them to do was fine grade it and bring in their structural fills and asphalt or whatever finish product there is on the surface. Mr. Van Hise asked a question in relation to the Ridge Preservation Overlay. He wanted to know if this was a new requirement of the Village Code or if this was something that was in place previously during the Cabela's approval. He asked how it was addressed at that time because the site was allowed to be cleared and Cabela's was approved and about to commence construction of two very large buildings. Since they are inheriting a cleared site, he is mindful that even if they qualify as portion of their site to be over 600-ft. and limited portions of the park and ride is well over that limit, what consideration did the Board give on this in the past and how it may carry forward. Mr. Golden said Ridge Preservation requirements have been in place in Woodbury for a very long time. It was in effect during Cabela's review approval. He does not know how that was addressed or whether or not it was addressed. He said its possible there may have been an oversight, but that doesn't necessarily give the applicant a pass. Mr. Golden suggested the Board and consultants should look at Cabela's and see how the Ridge Preservation was addressed in the application. Mr. Cordisco wanted to make it known that they are not looking architectural review board approval. They acknowledge they have yet to identify users for these buildings. from the village with the understanding that these users would still have to go to the to the Planning Board for ARB approvals and any other technical issues that might you know come up associated with their particular building.

In connection with the sewer Mr. Cordisco had given the board compared environmental impacts associated with this project with what was previously approved with Cabela's. Mr. Esposito spoke of the SEQRA determination on the amount of water for this site. With respect to what Mr. Cordisco and Mr. Esposito said, Mr. Golden said the SEQRA resolution by this board at least according to my notes was consistent with Capela's but it was conditioned upon commitments from Harriman for water and Woodbury for wastewater. He said he didn't understand that commitment, that there's enough capacity. With reference to what Ms. Barber was saying is consistent with how the Village deals with this. He continues to say they are going to give a well served letter and maybe other things that are required; conditions of that for the Village to go ahead and provide the wastewater. That is a commitment from the Village for the wastewater not simply a commitment that capacity exists.

Mr. Lockman said as far as the Ridge Preservation goes, he recommended to look at section 310-13 which are the standards. He thinks the applicant can make a case that you don't need to preserve trees that are already have been gone for years since they were cleared for Cabela's. He continues to say there are standards for having the buildings be of wood brick or stone, and a natural color, and no reflective glass for windows. He doesn't think it will be a big burden for the applicant to have the tenants to have some sort of design principles with terms of color and color palette or materials and then when ARB happens for individual tenants they can follow a master plan.

Mr. Grealy spoke of his memo dated August 18, 2020. The focus was more our on the high traffic areas and conditions relative to the main access drive coming in from route 17. He said back in February 2019 Traffic Consultant, John Collins had written a memo and we had reviewed the initial shared parking that Kimley Horn had prepared, and we were in agreement. Mr. Collins made some updates based on this plan and the changes in the hotel requirements and they are fine with shared parking that's shown. In terms of the surplus we're now down to somewhere around 20 to 22 spaces available. Mr. Grealy said he thinks the ability to use those spaces and land bank it, using it for landscaping can be done, but looking at that a little further we do not have 60 spaces reserved. Mr. Grealy spoke of the area near Building 3, he told Mr. Canning that he would like to have that area looked at a little more. Mr. Grealy mention the opposite side in front of Building 53, he would like to see that be a stop controlled coming out of that aisle, so that any inbound traffic has the right of way. He spoke placing signs the main entry going to any of the buildings, about the entry to the hotel and about the raised island by the gas station. Looking at the plan on the screen he said the striping is much better, how they open up the width of that lane. He said the drive-thru layouts are much better, how the menu board is situated helps have some visibility of the opposite driver. He mentioned Building 8 and how the angle parking meets standards used, he agrees there's a lot going on but it will function because it's a one-way aisle. More signage is recommended coming out of Building 2 and 7. Other comments from the memo were answered with Mr. Lindsay and Mr. Lockman's and with that he says the looks forward to seeing the final plans as they come in and is willing to work with Mr. Canning on any tweaking of the driveways. He adds saying the plans provided tonight have been very helpful.

Chairmen Gerver asked Mr. Grealy at three o'clock when construction workers from the city get off the bus, that main drag, the timing on that light's not going to be enough to let all those cars out. Would there be a way to have a loop installed further back in the drive to detect that if traffic is queuing backing up to hold that green? Mr. Grealy said yes, saying a cue detector can be added and suggested the area it

can be placed. Chairman Gerver is concern with cars backing up from the park and ride and feels it should be discussed a little further. Mr. Anzalone said there's a little bit of a problem with the light between Route 6 exit and Kohl's exit. The Kohl's light is red and it backs up if you have a green going north. He said sometimes one can get stuck in the intersection where exiting traffic from Route 6 and there's going to be a heavy traffic around five to seven o'clock with a lot of people going into the shopping center and the restaurants and workers coming home exiting off Route 6. Will this be taken into consideration he asked. Mr. Grealy said there will be an additional left turn lane Route 17 and there are traffic projections and they were considered with the DOT. He said they are still going through adjustments to the signal operations they haven't really stabilized fully. Mr. Grealy also spoke of one area between the sidewalk and the retaining wall; saying there may be an opportunity to create a little bit more width outbound lane to help alleviate any potential traffic from the park and ride.

In respect to the ownership Mr. Golden said the property is owned by the Shops at Woodbury LLC, so just make sure that is consistent throughout. More important there needs to be an entity disclosure form filled out by the applicant with respect to it being an LLC. Mr. Golden said applicant wanting any waivers from any required site plan elements; the best approach is to have a separate letter request indicating very clearly provisions of the site plan requirements that are being asked to be waived. Also in that letter address the usual standards for waivers, doing so it will make it easy for the Board to assess the request and act upon it. His suggestion to the applicant was to make sure that all of the easements including existing and proposed ones be noted on the plans and make sure that Mr. Golden's office has copies. He also said if the applicant edits any agreements with the county or state regarding stormwater, please send those to us so that we can also address those and work with H2M. Mr. Golden addressed the Board saying that in his memo to them he had indicated this issue with respect to SEQRA and the additional wastewater capacity over and above was handled by Cabela's and in that in his memo to the Board he suggested potentially a conditioned negative declaration. After some research he withdraws that suggestion because you cannot have a conditioned negative declaration for a type one action.

Chairman Gerver said in reference to snow removal; the Board has made it a condition of approval as per recent applications and based on the building inspector determination on snow removal from site may interfere with too many parking spaces, so it's something the Board may want to talk about later down the road. Chairman Gerver asked if anyone on the Board had comments and the answer no. The applicant was clear on what they needed for their next submission. Mr. Cordisco said if the turnaround of what's needed to be submitted happened very quickly, he asked if a public hearing can be scheduled. Chairman Gerver said that is not something the Board normally does, since time is needed to review each submission and discuss with the Board's consultants. Once counsel feels the Board is in position to hold a public hearing, it will then be scheduled. Mr. Cordisco thanked the Board and said he will try to have those submissions in as soon as possible.

EXTRA: Central Valley Properties Management LLC – Field Change for Sidewalk Modification

Ms. Barber said Central Valley Properties submitted a request for a field change associated with modifications to the sidewalk at the south end of the building and to the south access drive. They've proposed these modifications because there are conflicts with existing utilities including a guy wire and also the access to the south there is a sidewalk shown crossing that they propose to remove. The sidewalk which is actually consistent with other development within the Village, overall what they are proposing is an improvement to the site it provides ADA access around the whole building. They have advised that they will go whichever way the board decides but it needed to be brought to Board's attention and solicit your opinion and approval. It was also noticed in H2M's inspections, when reviewing the stormwater installation, the applicant has installed curbing on the site that is concrete. Ms. Barber said the plan has two details so we understand sort of where the confusion arose. The intention was to have belgian block within the site and then concrete along route 32. She continues to say the installation was done well, though we would typically recommend belgian block it's cheaper and it's impervious to salt and easier to repair but again there's nothing wrong with concrete curb it's already been installed. Again, it is being brought to your attention, so that you know that if it happens again it is at your discretion how you want to proceed.

Mr. Buglino asked if there was a plan for the sidewalk. Ms. Barber showed the plan on her screen and proceeded to show the Board where the original sidewalk was going to be. She then showed the updated sidewalk going around the entire building, an ideal arrangement for someone in a wheelchair. Mr. Buglino said he liked the new arrangement. Ms. Barber mentioned how the applicant put in place concrete instead of belgian block and Mrs. Capriglione wanted to know how that happened. Ms. Barber said they were efficient at installing it and it was noticed during an inspection because it was inconsistent with the plan. Mrs. Capriglione pointed out that was the second time there has been an inconsistency with the plan. She noted how the first time around it had to do with the windows. Chairperson Gerver asked how much concrete or belgian block is in the area. Ms. Barber said it extends around the entire parking area, storage and snow melt and then at the face of each building. Engineer, John Bodendorf added saying he understood Mrs. Capriglione's concerns. He knows the plan was approved with belgian block, though he thinks this was just an oversight of the applicant. He continued to say that concrete curb cost more than belgian block. He believes it was just an oversight of the applicant, but it is up to the Board to determine if they are ok with it. Mrs. Capriglione stated that her concerns are the Board making approval(s) and something is not being adhered to, where the Board won't be able to rectify. Mr. Golden assured Mrs. Capriglione that the Board can always rectify. He said when inspections are done and something doesn't comply with the plan, the Board is advised of it. When the Board is advised, they have an opportunity to say if they are okay with it or not, maintaining control in respect to these things. Mrs. Capriglione asked if belgian block standard for commercial projects throughout the town because of the look of the belgian block. Ms. Barber said there are several reasons why belgian block is recommended. She said it's easier to repair a couple of blocks versus a whole length of concrete curb, and it's impervious to salt.

Ms. Barber said to have the applicant remove the concrete and put the belgian block in, it would required to saw cut that area and make repairs to the pavement and that would decrease the integrity of the pavement. These changes did not sit well with Mrs. Capriglione. Mr. Buglino said he was not sure about the belgian block but feels the concrete curb is currently install and should stay. Chairperson Gerver agrees

in letting them stay with the concrete because he has seen what happens when asphalt gets cut into the patched, it's never the same from when its initially put down and in turn having soft spot causing problems.

A motion was offered by J. Buglino, seconded by Chairperson Gerver to allow the concrete and sidewalk wrap around. The vote was as follows:

ADOPTED

AYES 5 Chairperson Gerver, R. Anzalone, J. Buglino, S. Capriglione, T. Deluca
NOES 0

A motion was offered by T. Deluca, seconded by Chairperson Gerver to allow the concrete instead of belgian block. The vote was as follows:

ADOPTED

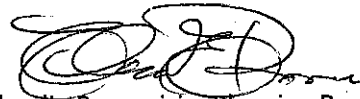
AYES 4 Chairperson Gerver, R. Anzalone, J. Buglino, T. Deluca
NOES 1 S. Capriglione,

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by J. Buglino to adjourn the meeting at 9:56 PM.

ADOPTED

AYES 5 Chairperson Gerver, R. Anzalone, J. Buglino, S. Capriglione, T. Deluca
NOES 0



Claudia Romanisin, Planning Board Secretary