

**Village of Woodbury  
Planning Board Meeting  
October 7, 2020**

Minutes of the Planning Board Meeting held on October 7, 2020, at 7:30 pm  
(This meeting held via Zoom)

Present Board: Christopher Gerver, Chairman  
Robert Anzalone  
Sandra Capriglione  
Richard Cataggio  
Thomas Deluca

Absent: None

Present Consultants: Richard Golden, Planning Board Attorney  
Dennis Lindsay, Village Board Engineer  
Jon Bodendorf, Engineer  
Jonathan Lockman, Village Planner

Chairman Gerver opened the meeting with the 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 R. Anzalone, to approve and accept the minutes of the meeting held on September 2, 2020. Chairperson Gerver conducted a roll call of the Board, which resulted in the motion being:

**ADOPTED**

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

**4. Regular Agenda:**

**A. Timely Signs/Heritage Financial** - Review application received for ARB of proposed color and size signage change or Hudson Heritage Bank located in the strip mall at 273 Route 32 in Central Valley. Said property is known on the Village of Woodbury Tax Maps as Section 230 Block 4 Lot 4.1.

Senior Director of Marketing for Heritage Financial, Robert Russini is before the Board asking for a variance approval for their sign at 273 Route 32 (Central Valley Mini Mall). He said they recently changed their name from Hudson Heritage Credit Union to Heritage Financial; in doing so they have changed their logo as well the colors from royal blue to navy blue. He said they are looking to see if they can get the color approved, which is the color of their brand. The variance consists of the applicant wanting to change the sign above their storefront as well as the plaza sign into a navy blue versus a royal blue and increase the size of their store sign above the storefronts as they are occupying two spaces versus one space.

Planning Board Engineer, Dennis Lindsay said Mr. Russini's request was very similar to the Bagel World application that the Board had not too long ago. Where Bagel World wanted to do some branding and they had a blue and white sign which was the color for every store in the Central Valley Mini Mall and after carefully reviewing had then authorized the change. Mr. Lindsay said he thinks variances aren't necessary, he believes what the applicant wants from the Board is an Architectural Review Board (ARB) approval. He said as per the size of the sign. He believes the one for Bagel World was 2 feet by 8 feet (24 inches by 96 inches). The measurements for the sign that the applicant proposes are noted as a 30 inch by 90 inches, which is larger in square footage than the Bagel World sign. Mr. Lindsay asked Mr. Russini if he was looking to go larger than what he has. Mr. Russini said 90 inches by 30 inches is the size written on the application due to having two storefronts versus one storefront like the other occupants, which is why they are looking to increase their branding as well as the visibility from the road. Mr. Lindsay told Mr. Russini it's still unclear since the existing sign measures 30 by 90 and what's proposed is 30 by 90. He said it may be larger than the others but if it's the same size and there's no change then he doesn't think it's necessary to ask for any kind of relief or any further approval from the Board in terms of size. Mr. Lindsay asked if it was to Mr. Russini understanding that 30 by 90 is what is there currently and looking to go larger or 30 by 90 is what he is looking to have. Mr. Russini said that to his understanding from what they currently have it's an increase in signage. Village Board Planner, John Lockman added he had previously asked for the measurements of the existing sign and the proposed sign(s) which is what's missing. Mr. Russini was trying to reach Joseph Beichert from Timely Signs of Kingston by phone to help clear up the confusion. Chairman Gerver said Mr. Russini should forward the memos over to Timely Signs if he can't reach him. Mr. Russini and Mr. Beichert can answer the consultant's questions since the Board will need such information to move the application.

Mr. Lindsay said he looked over the submitted drawings and one has existing conditions exterior, single-sided roof-mounted sign cabinet 30 inches high by 90 inches overall. The other sign the applicant's proposing has the new colors with measurements of 30-inch-high by 90-inch-wide roof-mounted sign. Mr. Lindsay said under those circumstances there wouldn't be any change, but he did not want to presume for the applicant, so the applicant will just have to clarify. Mr. Lindsay had some additional comments, saying the applicant wants to change away from the blue that was previously set for all the stores to a navy and tan. The other was the multi-tenant sign located on Route 32. The applicant wishes to change the slot they have now. He noted the previous applicant Bagel World changed their front sign but was not allowed to change their slot in the multi-sign.

Mr. Lockman said he sent his memo to the Board and he also forwards it to Mr. Beichert. He acknowledged receipt by emailing saying he would provide more information. He said as long as its code complaint and the proposed plan information is accurate it is all he's looking for. He reminded the Board that they have already had a precedent with Bagel World of diverging from the standard blue color scheme.

Chairman Gerver said the Board doesn't typically look at the information that is received on the day of the meeting. He said plans should be submitted two weeks before the upcoming meeting so that the board and the consultants have time to properly review. He said the documentation sent to the Board late this afternoon was not accurately represented. He said the colors sent via email looks black on white with a tan sign. He said the Board needs some confirmation, before moving forward he suggested the applicant to send a pdf to the Building Department., make sure the proposed colors are shown so the Board can be review.

Mr. Russini said they will send whatever is needed and added that he at that moment spoke with the applicant and confirmed the proposed size of the sign is 3-ft. by 10 ½ -ft. As per Mr. Lockman and Mr. Lindsay that measures 36 inches by 126 inches and Mr. Russini confirmed. Chairman Gerver asked the Planning Board Attorney, Richard Golden should the applicant file an application with the Zoning Board of Appeals for a variance, due to the sign code for Woodbury being 20 square feet. Mr. Lindsay then confirmed that his memo signs can only go up to 20 square feet. Mr. Golden said once confirmed that 20 feet is the maximum and the applicant wants 30 square feet then yes,

the applicant will need a variance from the ZBA and they need to apply with the Building Department and then the Board should wait until ZBA rules. In respect of the color, Mr. Golden suggested the applicant provide at least 8 color chips for the two colors they are proposing to then be distributed to the Board and consultants. Mr. Golden said this application would fall under SEQRA type 2 action and no General Municipal Law referrals are required but two separate public hearing would be required if they are going for a variance. a separate public hearing. Mr. Golden suggested the Board to address the applicant the placement of the sign. He suggested the applicant provide a rendering as to the exact placement of the sign, which will help the Building Inspector, Gary Thomasberger for enforcement of what's approved by the Board. Mr. Golden confirmed a LIC is required and a new entity disclosure form required by the Board of Trustees as of August 2020. He said the form is geared towards applicants rather than owners. He said the older form is for the owner(s) if they are an entity, while the newer form is for the applicant if they are not a person.

Mrs. Capriglione asked if the proposed colors for the multi-sign exceed the number of colors allowed therefore needing a variance. Mr. Lindsay said the maximum amount is four colors and what the applicant is proposing appears to be less than four. Mr. Anzalone asked if the sign will be illuminated within or will it have a spotlight on it. Mr. Russini said they are keeping it the same way as they currently have, not illuminated within but with a light shining on it from the outside.

Chairman Gerver asked Mr. Russini if he understood what steps needed to be taken. Mr. Russini said he did and thanked the Board for their time.

- A. **Woodbury Villas** - Discuss and review the proposed site plan amendment to the Phasing plan for a 21-lot transfer from Phase 1 to Phase 6. Said subdivision is located off of Dunderberg Road and is known on the Village of Woodbury Tax Maps as Section 225 Block 1Lot 3.22 et al.

Background – This 11th Amended Phase Plan (2020) was last discussed at the Board meeting of September 16, 2020. At that time, the Board discussed the development of an application that resulted in two applications as follows:

1. An additional 30 certificates of occupancy (CO) (total 192) before the traffic signal at the intersection of Dunderberg and Nininger Road is installed; and,
2. Transfer of 21-lots from Phase 1 to Phase 6

The Board authorized Counsel to draft a resolution of approval for item one above but noted that the signal was already operational. Village Board Engineer, Dennis Lindsay discussed this with the Building Inspector, Gary Thomasberger, as the Board requested, and he has confirmed that no action is required since the signal is installed, and the site plan condition is already satisfied for these additional CO's. At this time, the applicant is requesting the Board to consider the transfer of lots described above. The developer has returned to the Board on several occasions since the granting of the final subdivision and site plan approval in 2006. The prior revisions were primarily regarding the phase plan and ARB approvals. Mr. Lindsay provided a summary of these revisions in his previous memorandum (243-20-006). He noted the 9th amendment (2012) is the currently approved phase plan. In 2013, the Board approved the lot transfer requested above with conditions. The applicant did not submit a site plan for signature within the timeframe authorized and the approval lapsed.

Attorney, Steven Barshov said he was in total agreement with Mr. Lindsay's memo dated October 2, 2020. He agrees that no action needs to be taken regarding the other application. He said the traffic light is in and he thinks they are all in agreement that nothing needs to be done, and he just wanted to make sure that was on record so people wouldn't think it was a loose end. Mr. Golden then said for the record to make it clear, Mr. Barshov are you withdrawing that part of the application and Mr. Barshov said that is correct it's moot.

Mr. Barshov proceeded to talk about the switching of the phases and phase 1. He proposed an idea of hoping it can be workable for everyone. He said after a lengthy talk with the applicant, it's understood that the clubhouse with its approval from the Board and receipt of an ARB approval, the next step would be to obtain a building permit. The plan is to obtain one within 30-45 days, to then begin construction as soon as possible. Mr. Barshov said the only issue would be the cold weather. He said their commitment would be to construct until it's completed. The applicant's concerns as well as his are to be held up until the completion of the clubhouse to continue to construct other homes. He said that would put the project to a halt and create a serious problem. Mr. Barshov suggested to the Board issuing a bond, saying it will give the Board the comfort and security to know that if they don't proceed in due diligence the bond is there and it can be completed even if the applicant is not willing to or able to continue. He asks that as long as the applicant is moving with due diligence, he is not to be held up on building permits or Certificates of Occupancy. He said the applicant is asking that the Board approve the switch in the phase. The phasing for the ones that are complete or about to be completed, under construction, or completed for some time now.

Mr. Lindsay said the concern is getting into the same situation as before; people having building permits, houses being built and not being able to get CO's. He said it's not good for the developer and it's not good for the municipality. He said what Mr. Barshov proposes is new to him. He has done many bonds, but at the very beginning before building and it's been on infrastructure road curbs and top course pavement. He said this will be unique to try to develop a bond for this application and he's never done anything like this in the past and he's not familiar with it. Mr. Golden said he sees it similar to a Performance Bond on any type of municipal project including municipal buildings. Having a performance bond issued to one party of a contract as a guarantee against the failure of the other party to meet obligations specified in the contract. If the applicant fails to complete, then the Board would call on the performance bond which would then try to get a performance contractor and if not, the municipality would be able to hire a contractor to go ahead and complete the work. Mr. Lindsay is familiar with Performance Bonds, he said if Mr. Golden is comfortable with having one then Mr. Lindsay doesn't have an issue with having one. Mr. Golden said as long as there is sufficient protection in place. Mr. Lindsay said the principal point for him, the Board, and the Building Department is to not allow themselves to get in the situation as before with homes built with no security and with extended periods. He said when he has called upon the bond, the bonding company in his experience has been difficult. Not to say the applicant is disingenuous, but he worries that a bond would be issued, and the clubhouse starts but the houses move faster. An emphasis on houses and closing houses which is where the cash flow is and not necessarily on the clubhouse and down the road a lot of building permits and CO's are issued and the clubhouse is not ready. He would like some protection set. Mr. Golden said there can be reasonable conditions put in place concerning the performance bond and what it would do. Mr. Golden thinks to relieve fears, reasonable conditions should be installed. Mr. Lindsay suggested that there be an established schedule providing a reasonable development of that amenity in conjunction with whatever development's allowed to take place. Mr. Golden and Mr. Barshov found Mr. Lindsay's suggestion reasonable. Mr. Barshov agreed with Mr. Lindsay on his comments about homes built quicker, but since he's not a contractor he can't say for sure. He said the only limitation would be the weather.

Mr. Lindsay made comments on the gatehouse. In his opinion, the gatehouse should've built with Nininger Road. He said it was open at first for construction vehicles, but now it's open, so he recommends the gatehouse to be built. He recommended the Board to add it to the resolution and to make sure it gets completed. Chairman Gerver asked why there's no gatehouse on Dunderberg Road. Mr. Lindsay said there's no gatehouse, but there is a gate. Chairman Gerver suggested that Mr. Golden, Mr. Lindsay, and Mr. Barshov have a meeting and come up with a way to add to the completion of both gates into the resolution as well as going over suggestions for the switching of phases and phase 1. Mr. Lindsay said he would provide the Board with the resolution materials including the gate requirements. Chairman Gerver thanked Mr. Barshov for his time and said he was looking forward to hearing back from him. Mr. Barshov thanked the Board.

- B. Friedman** - Review and discuss revised plans submitted for conversion of an existing 1,000 sq. ft. addition of a single-family home to be used as a Place of Worship. Said property is located at 32 Blueberry Lane in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 217 Block 2 Lot 4.2.

General – This improved 1.49-acre property with an existing two (2) story single-family dwelling is located at the end of a cul-de-sac, Blueberry Lane. The property borders Cromwell Lake to the East and Skytop Road to the South. The applicant proposes converting a portion (1,000 SF) of the existing dwelling to a Shul and adding other site improvements, primarily related to parking and sidewalk, to accommodate this use. The applicant advises 3,611 square ft. of the existing dwelling will remain single-family. The application does not meet Code requirements in the Schedule of Zoning Regulations. The Planning Board has the discretion to waive the requirements for a religious use if it's demonstrated that strict adherence to the code would place a substantial burden on the religious exercise of a person, religious assembly, or institution. However, if the development does not meet Code requirements, and the hardship is not demonstrated, the applicant will need a variance from the Zoning Board of Appeals. While the Board's discretion applies to the requirements in the Schedules of Zoning Regulations (tables) and any code section referenced in those tables (e.g. parking), the Board has an opinion from Counsel that this does not apply to other sections of Chapter 310 Zoning (i.e. landscaping, buffers, others).

Engineer, Mr. Alfred Fusco from Fusco Engineering & Land Surveying, P.C representing the applicant gave an overview. He said a single-family home was constructed and then the applicant decided to add 1000 sq. ft. to convert it into a Shul. He said due to COVID they stopped, and the project was delayed. Mr. Fusco said some revisions were sent out in July and come September 11<sup>th</sup> they received information back from the planners and engineers. He said they are in the process of completing many of their comments. They are asking the Board for waivers in relationship to the rear yard and the width of the project. He said since there are two principal uses, a larger area is required. The applicant doesn't have a large area(s), so they are requesting waivers instead of variances. Mr. Fusco wanted to go over an item in the memo, which references the home as a corner lot and he feels it's not applicable. He said he does realize there is some homework to be done. He's awaiting information from the applicant referencing the usage of utilities amongst other things.

Mr. Lindsay said he wasn't going to go over his memo since Mr. Fusco was awaiting the customer's response to was looking for a better understanding of the submitted application. The application says an existing 1, 000 sq. ft. addition, he asked if there was any construction to the building taking place and Mr. Fusco said he did not think so, the 1, 000 sq. ft. was already there. Mr. Lindsay said he did a tabulation of the area listed on the plans and he what came up with the congregation floor area 2763 and the residential floor area is 3027. Mr. Lindsay wanted to know specifically the area designated for the congregation. Mr. Fusco agreed that it needed to be clarified and he will be asking the architect and come up with a complete chart where it is clear for the Board and counsel. Mr. Lindsay said once he comes up with the chart, he like for Mr. Fusco to reference the parking demands, making sure the parking is address adequately. Mr.

Fusco agreed. Mr. Lindsay added the water and sewer facilities, the lighting, signs, ARB review won't be reviewed at this time until the additional submissions from the applicant are done.

Mr. Lockman referenced his memo dated October 1, 2020. He said in addition to the 1,000 sq. ft. it seems a portion of the basement as well a portion of the first floor was going to be used. When adding those parts, it comes to 2,763 square footage for the Shul. Based on the indications from the architect and the floor plans. About parking spaces, Mr. Lockman said one for every three worshipers or using the square footage method whichever is greater and you're supposed to have one per 200 square feet of gross floor area or one for three seats whichever is greater, and two parking spaces that are required for the house. In all, there should be a requirement of 16 spaces set up. Information Mr. Fusco agreed to provide. Referring to his memo, Mr. Lockman noted that Mr. Fusco agreed to provide information to comments 7, 8, 9, 10, 11, 12, and 13 (regarding landscaping, sidewalks, etc.). He continues to say there's a retaining wall that's inside right away for the Skytop drive that would block access to the property at 18 Skytop. In the memorandum, Mr. Fusco wrote "noted", but Mr. Lockman feels the Board will want an explanation as to whether Mr. Fusco will be allowed to keep that retaining wall and how they'll get to their lot.

Mr. Fusco said he just took over this application from one of his engineers and he will follow through with all the comments Mr. Lindsay and Mr. Lockman noted and he has a survey crew collecting information. He said they are working diligently and hoping to get it to the Board and Counsel before their next meet. Mr. Lockman wanted to add that the applicant reduced the number of worshipers to 12, suggesting it would reduce the number of parking spaces. He suggested Mr. Fusco speak with the applicant and see what's the capacity because he feels the calculation for the amount of space is too great for the amount of 12 worshipers. Mr. Fusco agreed with Mr. Lockman there are too many contradictions, and he will put a balance. Mr. Fusco said he may make a presentation for a waiver based on the number of arrivals. Chairman Gerver suggested to Mr. Fusco that in his narrative he adds types of transportation (walking, driving, or bus transport) because those are questions the Board will ask at some point and it's best to be prepared. Mr. Fusco thanked Chairman Gerver for his advice. Mr. Anzalone had a question regarding #5 in Mr. Lockman's memo. He asked if there was any information in reference to the number of cars that are going to park in the front. Mr. Lockman said he glossed over that section due to a conversation with the Building Inspector Thomasberger back in February where he said Skytop was a double frontage lot. He later received a message from Mr. Lindsay's office a couple of days ago saying the Building Inspector Thomasberger was making a different determination. At this point, the Building Inspector will have to make a ruling for this case.

*NPV Memo dated October 1, 2020*

*5. The applicant acknowledges the finding in our comment #5 from our previous memorandum. The south side of the subject lots appears to have double street frontage on both Blueberry Lane and Skytop Drive. Parking is proposed on the driveway within the required 30-foot front yard from Skytop Drive (per discussion with Building Inspector in February 2020, see Tax Map below). The applicant is now requesting a waiver of the standard prohibiting parking within any front yard.*

Mr. Anzalone is concerned with parking in the front amongst residential houses. Mr. Lockman said we have to see how the Building Inspector Thomasberger will opine on this. Mr. Golden said for the record this is a type 2 action under SEQRA, also there is an old GML referral back in February with no response so the Board is free to act. He said there is no public hearing set, but this application will require one. Mr. Fusco was appreciative and thanked the Board and Counsel for their time.

- C. **Hadley Farms LLC** - Review application submitted for a proposed shul located within an existing single-family dwelling. Said property is located at 47 Hadley Farm Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 223 Block 1 Lot 16.22.

The applicant proposes to convert the basement and first floor of an existing house into a Shul and will discontinue residential use. It will be a Shul with Mikvah only. According to the floorplans and narrative submitted, it appears that Shul uses in the basement level will include a Mikvah (ritual bath) and dressing room with showers, two lecture rooms, and office and mechanical spaces. Shul uses on the first floor will include the main sanctuary, women's sanctuary, coffee/kitchen room, and bathrooms. The property is located at 47 Hadley Farm Road in Highland Mills, on a 4.32-acre lot in the R-2A Zoning District, SBL 223-1-16.22. 34 on-site parking spaces are now proposed in two bays. No exterior changes to the residential building structure are indicated. The floor area of the basement and first floor of the structure to be devoted to Shul use is a total of 4,455 square feet, per the narrative. No floor area is shown for the 2nd Floor which contains the residence space. The capacity of the sanctuary is stated as 100 (with 72 seats for men and 28 seats for women).

Engineer, John Queenan gave a basic overview of the conversion of the existing single-family residential dwelling at 47 Hadley Farm Road into a daily Shul/Mikvah facility. He said the property is in the r2a zone, which it's about 4.3 acres located on the west side of Hadley Farm Road. He said at the end of Hadley Farm Road adjacent to the Woodbury Junction subdivision, which is south of the property adjacent to Hudson Point and Southfield Falls roads. Mr. Queenan said the proposed Shul/Mikvah was designed to accommodate a hundred congregants approximately 72 seats for men and 28 seats for women. He said the Shul will be used daily, beginning at 6 a.m till 11 p.m. Having typical services in the morning, afternoon, dusk, and sundown all year round. He mentioned the basic site plan showing a basic layout. Mr. Queenan acknowledged Mr. Lindsay and Mr. Lockman's memos referencing floor plans, stormwater, landscaping, and lighting. He said he will get to those in time, but for the time being, he had some big questions he likes to go through with the Board. Mr. Queenan said the project proposes a connection to the water and sewer services, and the applicant's preference would be to connect to the Woodbury Junction subdivision if possible. Mr. Queenan noted that Mr. Lindsay's memo made regards to not being in the water district, so it would be an outside user, which is something the applicant plans to pursue. The same goes for the sewer. He said he believes a gravity service to the Woodbury Junction Subdivision rather than having a pumping into the force main on Hadley Farm Road. He said most congregates would be coming from the Woodbury Junction Subdivision, so they will be traveling by foot and car. He spoke of the driveway not being big enough to accommodate two-way traffic. Mr. Queenan provided a sketch proposing vehicles going up Hadley Farm Road and going through Woodbury Junction by moving the gate north and connect the driveway to Hadley Farms Road from that stub road in Woodbury Junction. Looking at the sketch Mr. Queenan pointed out vehicles parked and said they propose to push the gate just to where the driveway for the neighbor on the right (the east) and then their driveway would follow the dirt path that is used as a walking path, the driver would follow that ark and then connect up and into the existing driveway, allowing emergency vehicles to go in if they had to. He said if that is possible the applicant would like to further that design because the applicant must approach the Town of Woodbury due to the town owning the property. Mr. Queenan said site-wise they are proposing parking areas that are within the front yard for a total of 34 parking spaces, equivalent to what is required by the code. He said he was looking to not having a waiver but having parked cars in the front yard requires one.

Chairman Gerver asked Mr. Lindsay or Mr. Golden to weigh in on the water and sewer since it's been coming up in a few applications that are outside the consolidated districts. Mr. Lindsay said from what he can tell they are outside the district. Mr. Lindsay believes this is a matter the Village Board of Trustees will have to weigh in whether they will allow an out of district customer. He said Mr. Golden would be best to elaborate. Mr. Lindsay recognized the issues Mr.

Queenan brought up that needs resolving. Mr. Lindsay recognizes they need water and this congregation is different from other Shuls. He said other Shul applications haven't had daily hours that this one has, it's a full day and has impacts on the neighborhood with cars and movements. He said when it comes to water their best bet is to use the community water supply. As far as wastewater, Mr. Lindsay said although it may be a good idea to go to gravity, we don't like to have people connecting into our force mains, it's not good practice. He suggests down the road to connect to the gravity system that is not that far away. He said they may have to pump up to that point by gravity, but it would be internal on their property not connecting to our system. Regarding traffic circulation and access, Mr. Lindsay said two giant boulders are preventing unintended use of Hadley Farm Road. He said he previously had spoken with the Building Inspector Thomasberger and there was originally a gate there so that the ESO's can use to WP3. Someone kept unlocking the gate and eventually broke the gate. He said after some time good-sized stones were placed, then they were moved so now two giant boulders are set in place that cannot be moved without machinery. Mr. Lindsay said after adding new sewer lines and the road being repaved is an improvement, yet the road is very narrow. It's not designed for a two-way road and it would be difficult when cars cross each other. Mr. Lindsay said the practical aspect would be going through WP3, however, WP3 are private roads and the property in question is not part of WP3. He said the Board should consult with Mr. Golden as good practice. Mr. Lindsay referenced details from his memo based on prior applications received by the Board on Shuls. He said it seems a standard mode to certain things the Board requires for instance lighting, the on and off services and security lighting.

Mr. Lockman asked Mr. Queenan are the homeowners association the same people that are going to be walking and going to the Shul and Mr. Queenan said he believes all the congregates will be coming from WP3. Mr. Lockman said the HOA can then amend their documents, their maintenance plans to include the Shul, including the extra traffic, plowing, paving, or road maintenance is picked up by the new building. Chairman Gerver said he believes the concern is the number of properties surrounding WP3. He said if the Board allows an outside property owner then who's to say other property owners in that circle wouldn't want the same thing. Mr. Golden agreed if the Board allows this there will be hardly a reason as to picking and choosing which other new development wouldn't be able to tie into Woodbury Junction. By allowing to tie into Woodbury Junction the Board essentially have to consider potentially allowing other developments in the future. Mr. Golden said whether or not tying to this development is a good idea, according to the plan the Board had in place it is not what was planned when putting WP3 as a private community. Mr. Lindsay said when that was established the Town of Woodbury at the time took ownership of a strip of land that ran around WP3, not including Nininger and Dunderberg only because they owned the road structures and he's not sure about Hadley Farm Road. He's guessing that the strip may have stayed with the Town, something else that needs resolving.

Mr. Golden said about water and sewer it will be a Village Board of Trustees issues whether they would like an out of district user. He mentioned an application with the Town of Monroe Planning Board. The Town of Monroe Planning Board recently received a letter from Orange County Sewer District chastising the Moodna area, saying they have exceeded for years the capacity and that the county has no capacity that it will sell and therefore the town has to figure out a way to reduce its capacity it is using at the Harriman Treatment Plant which is tricky. He thinks this is something the Board of Trustees may have to look at along with Mr. Lindsay's advice on what is the additional capacity the Village may endure under those same Moodna group agreements. There may be a small commodity that they have to decide how they want to disperse it in many years before the county may allow people to purchase additional capacity. Chairman Gerver advised Mr. Queenan to get a form that was put on the Village of Woodbury website if he goes for public water and sewer and Mr. Queenan said he was provided with one from the Building Department, wanted to clarify that the property is not in the water district but the sewer district. Mr. Lindsay said is unusual but not unusual there are several properties with the same issue. He added saying we are not governed by Orange County Sewer District, but we are governed by our available resources in water and that is something that

will need to be considered by the Water and Sewer Department and the administration. Mr. Queenan said the applicant will pursue the municipal connection and see where it would lead them. He also said the Town of Woodbury does own the strip around WP3, but it's unclear who owns the stub of Hadley Farm Road. Chairman Gerver said according to the county's GIS (Geographic Information System) its Suburban Estate Woodbury a pearl river address. Mr. Queenan said it's important to find out who owns it., his guess is the Town of Woodbury. Mr. Lindsay said he doesn't think the town owns it. Mr. Golden said according to US property law someone owns every inch of real estate, it's just a matter of time in figuring out who owns it. Mr. Queenan said this property is unique. It's the only other property that has a road that could directly connect to WP3, otherwise, that strip runs around the perimeter in varying widths and sizes not allowing any other connection point into that subdivision. Mr. Lindsay disagrees as he pointed out the property on the other side of the street is situated the same. Mr. Golden said he doesn't think the Board will be guided by what the town will do to protect the integrity of the private development the Board ruled when originally approved. The Board needs to decide what is good for the Village regardless of what the town may allow. He thinks the Board should decide their charter path. Mr. Lockman spoke of the floor plans. He said some of the areas are not labeled and it's unclear which are for the Shul and which are for the residents. He thinks the 2nd floor is to be entirely for residence, yet it's not labeled. He said every section of the floor needs to be labeled to apply codes based on areas used for school. He also said there were some small errors and figures that need to be reconciled. Mr. Lockman said the parking can be set up given the large site. He said the applicant should try to set up conforming parking areas, that way it would look cleaner and the applicant wouldn't have to ask for waivers or variances. He said the Building Inspector Thomasberger seems to be looking into having a standard met for principle use of the residents and one for the principal use of a Shul. Mr. Queenan said this property will only be used as a Shul. Making sense of the second-floor drawings being blank Mr. Queenan said he'll have the architect clean up the floor plans for better viewing. About the utility access roads, Mr. Lockman said he wasn't aware of the critical water shortage that would make connecting out of the district a big deal. He said he just learned that tonight from Mr. Golden when he mentioned the Moodna area and Monroe issue, so we'll see how things turn out. Mr. Golden said for the record this is a type 2 SEQRA. He asked Mr. Queenan if there were any proposed changes to the structure that would require an ARB review. Mr. Queenan said nothing is going to be done to it unless they must put a ramp; the building will remain the same. Mr. Golden asked Mr. Queenan to confirm as it was noted online that the property is currently used as a school. He asked if it's going to be used as a school or a Shul/Mikveh. Mr. Queenan said his applicant told him a Shul/Mikveh.

Mr. Cataggio asked for the room on the plan designated as coffee to be redefined since it's not clear if they would be cooking. He said there were only two rooms with the amount of square footage noted, he liked to see the square footage of each room so the Board can see the total square footage. He mentioned the basement bathroom measurements 6 x 9 seem rather small for the maximum capacity. Mr. Queenan said he will take it up with the architect and detail it up. There were no more questions, Chairman Gerver thanked Mr. Queenan for his time.

**Adjournment:**

With no further business to discuss, a motion was offered by Chairman Gerver seconded by T. Deluca to adjourn the meeting at 9:12 PM.

**ADOPTED**

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

Claudia Romanisin, Planning Board Secretary