

**Village Of Woodbury
Planning Board Meeting
January 6, 2021**

Minutes of the Planning Board Meeting held on January 6, 2021 at 7:30PM
(This meeting was held via Zoom)

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

Absent: None

Also Present: Richard Golden, Planning Board Attorney
Natalie D. Barber, Engineer
Jonathan Lockman, Village Planner

Chairman Gerver opened the meeting with Pledge of Allegiance.

Executive Session: No Executive Session was necessary.

1. Public Comment: No member of the public had comments.

2. Approval and Acceptance of Previous Minutes:

Motion was offered by Chairman Gerver, seconded by T. Deluca to approve and accept the amended minutes of the meeting held December 2, 2020. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

Motion was offered by S. Capriglione, seconded by R. Anzalone to approve and accept the minutes of the meeting held December 16, 2020. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES	4	R. Anzalone, R. Cataggio, S. Capriglione, T. Deluca
NOES	0	
ABSTAIN	1	Chairperson Gerver

3. Regular Agenda:

A. - Gluck/Summit Properties ARB – Review and discuss documents submitted for ARB review of 5 single family homes located on Summit Avenue in Central Valley. Said property is known on the Village of Woodbury Tax Maps as Section 228 Block 9 Lots 1.22, 1.22 ,4.21, 4.241, 4.243

Engineer, Ms. Natalie Barber spoke of the 5 lots that were approved from a 9-lot subdivision back in 2008. At that time the Planning Board had consider location of the lots and limits of clearing as ridge preservation. Ms. Barber said the applicant as per location has conformed to the resolution conditions. She said the dimensions of the homes have changed so it's understandable the changes to the clearing limits. She said in the areas of storm water management and septic field

locations, the clearing limits should be more restrictive. She noted to the Board, the building design and colors are somethings the Board should consider whether or not it's appropriate. During her review of the sites she has noted that lot 3 is visible from Route 32 and lot 4 and lot 9 will be visible after construction. She briefly continues to discuss the screening these lots may have and may not have. She said the applicant has shown in their elevations the homes being 3 stories exposing it to Route 32, she suggested limiting those homes to 2 stories instead. She mentioned the ridge preservation criteria where it requires existing trees greater than 8 inches in diameter along with the ones to be removed should be shown. The second topic was ARB, the dissimilarity of the homes in the nearby neighborhood, for instance the size of the home. Ms. Barber mentions her memo which attempts to describe the size of the homes and based on their analysis the proposed homes are 20% - 49% larger than what's existing. Ms. Barber provided pictures in her memo dated December 31, 2020.

Mrs. Capriglione noted the Orange County tax map showing the conservation easements, but she didn't see them in maps that were provided to the Board. Chairman Gerver and Ms. Barber pointed out the easements on the maps shared on the screen.

Chairman Gerver asked about the septic system. He asked if there was a requirement on how close a septic system can be to a conservation easement. Ms. Barber wasn't so sure; she said conservation easement is intended to preserve the vegetation within those boundaries.

Mrs. Capriglione refers to a map dated February 26, 2020. She said it shows an existing house on lot 3, a proposed house in front of the lot 3 and below lot 3. She said if the map is accurate, she's concern about the placement of the septic. Ms. Barber said the applicant cannot deviate from the original subdivision approval, there should only be 9 lot one for each. She said lot 3 and lot 5 has an existing home and a barn. Village Planner, Jonathan Lockman said the plan from February 2020 has changed a few times. He said at this point of the application the lots in question are 1, 4, 6, 7 and 9 and every time new drawings and applications are submitted it does not involve lot 3 therefore not valid.

Mr. Lockman briefly spoke of his memo dated January 6, 2021. He was concerned about the limits of disturbance. He mentioned an email sent to him from the surveyor of the project saying that any 8 inch tree within the limits of disturbance are to be removed and that all attempts to preserve those trees will be made during constructions. To his understanding, they're reserving the right to remove any of those 8 inch plus trees and that they'll try and preserve them but won't commit to. Mr. Lockman spoke of the proposed shrub plantings. According to the landscaping plans it doesn't specify the sizes or heights of shrubs and that needs to be noted. Mr. Lockman suggested that in the areas of disturbance, the location of the 8 inch trees are shown as well as the ones that can be saved. He said he agrees with Ms. Barber, he doesn't see why the Planning Board should agree that any 8 inch or more trees in the area of disturbance should be removed. Mr. Lockman suggested a condition, that any removal of large trees in the area of disturbance due to construction should be replaced with small trees that can grow back.

Mr. Lockman asked the applicant to show the finished grading contours, so that it can be evaluated for any drainage issues and whether retaining walls or guards may be needed along the driveways. Mr. Lockman said it was suggested to create a chart using the sizes of the nearby homes provided by the Architect, Eric Osbourne on November 3, 2020 along with the sizes of the buildings. He uses gross square footage regardless of unfinished space. He said it's difficult to compare when you don't know if the unfinished spaces in the nearby home are included.

Mr. Lockman spoke of a letter provided by Mr. Osbourne discussing the visibility of the house sites and what can be seen from the corridors. He suggested the Board to use that information as to whether it's an adequate amount of mitigation on ridge preservation standards.

Mrs. Capriglione asked about the chart Mr. Lockman has in his memo dated January 6, 2021. She asked if there was a model house added, since there was one she didn't recognize. After reviewing the chart on the memo Mr. Lockman apologized he said the name Newbury should be replaced with Aspen. It was also noted on Mr. Osbourne's chart he has lots 4 and 9 as Cedar and Hemlock when it should be Aspen and Birch. It has been on ongoing confusion, but it has been sorted out.

Mr. Anzalone asked about the rear elevations for all 5 models, noting only 3 have been shown. Mr. Lockman said complete full elevations of all 4 sides of all 5 lots have been provided. Mr. Lockman continued to explain the views that were provided in detail.

Chairman Gerver mentioned the letter provided by Mr. Osbourne and has a concern with a home that was mentioned in the letter. The home is in Hudson Point and can be seen from the view corner. Chairman Gerver wants it to be known that this present Planning Board did not approve that application, so the criteria of the ridge preservation were not discussed with the Board. He said he is concerned with all the lots and the designs and colors. He said the sections are highly visible especially from Route 6. He and Mrs. Capriglione visited lot 4 and they noticed some big oak trees that once removed the lot will be open and the home will be visible. He asked if the home can be repositioned and commented on the removal of trees to place septic system and mentioned his concerns.

Mr. Osbourne said he's not sure where those big trees are located, but the trees may have to be removed to reposition the home. He suggested a survey to be performed to know which way the home should be moved or to avoid removing certain trees.

Mr. Lockman asked Mr. Osbourne that within the limits of disturbance, Mr. Osbourne shows every tree that is greater than 8 inches. He asked if there are trees around the dwelling that are greater than 8 inches not shown and the he answered yes. Mr. Lockman suggested that Mr. Osbourne show for each lot the area that is going to be disturbed. As well as the trees that are 8 inches plus in the disturbed area and then make a chase as to which trees should be removed and show with an X and show a tree guard on the ones that are to be preserved.

Mrs. Capriglione asked if there can be a tree survey and Planning Board Attorney, Richard Golden said yes. He said there are property owners who want to have views and therefore want the removal of trees, while the Village wants to protect the views of everyone else and not have these homes so visible. He continues to say a tree survey may be requested and it doesn't have to be limited to 8 inches and above. He said as per the code ridge preservation any healthy tree with at least 8 inches shall not be removed unless essential to the location, but prior to the 8 inches discussion it says every attempt shall be made to limit tree cutting and removal in order to maintain natural sight vegetation. In his opinion the Board has an obligation to stay under the code, to keep as many trees and other landscaping as possible. In order to do that the Board should shift the house, move the house, make the house smaller or move the septic by any means necessary. Mr. Golden agrees with Mr. Lockman as per the surveyor comments on the project, the indication of the removal of trees in the area of disturbance. Mr. Golden said they cannot do such things, because they don't have the right. He said when the Planning Board decides which trees can be removed and the one that are not to be removed; it will then require an easement and a deed restriction protecting those trees. Mr. Golden suggested the Board to give the applicant some direction on the tree survey so that there isn't any miscommunication.

Chairman Gerver suggested decrease the inches on the trees from 8 inches to 6 inches. Mrs. Capriglione agreed 6 inches should be sufficed. It was suggested that all of the lots have a tree survey since Mrs. Capriglione brought up the septic placement for lot 9 and how the plans doesn't specify which trees are to be removed.

There were more discussions on limited disturbance. Chairman Gerver asked if bringing big machinery in and out is within the limits of disturbance. Ms. Barber and Mr. Golden said yes. Mr. Golden said the limits of disturbance is not that they can disturb everything within that area it's simply that they can't touch anything outside of that area and then this Board is going to dictate what trees can be removed within that area of disturbance. The applicant can suggest the area of clearing but ultimately it would be the Board's decision.

Chairman Gerver cleared it up for the applicant as to what will be needed for the next submission. He said the Board will need finished grade, finished grading contours, a tree survey for each lot that shows 6 inches and above that clearly denotes what's going to stay and what's going to be removed and as Mr. Golden suggested a limit of clearing.

Mrs. Capriglione asked what will be done on preservation on stone walls. Chairman Gerver said just as they have done before which is ask the applicant to preserve as much as possible.

Mrs. Capriglione asked what is a sump pit and an infiltrator system. Ms. Barber said that is part of the storm water system. She said a sump pit collects water an example pumps that are used to pump out water from basements. She said an infiltration System is like gravel or a perforated pipe type of system that allows water to flow through going to a collection point. It runs underground. Chairman Gerver said the Highway Superintendent had previously asked if the pipe can be changed from hdpe to concrete. Ms. Barber recalled him asking for that change as part of the connection to the Village storm water collection system. She said in this case it will be a culvert pipe crossing under the private owner's driveway; it's not collected in the Village system. Chairman Gerver understanding how the infiltration system works, indicating on the plan where the culver system will be he asked who will be responsible the Village or the homeowner. Ms. Barber believes it would be the homeowner, since it's not connected to the Village and it seems to be by the driveway of the homeowner. Mr. Golden wanted to make sure because if it's part of the driveway system he suggest some sort of covenant and deed restriction indicating that the culvert located at the end of the driveway is the responsibility of the homeowner to maintain.

Chairman Gerver discussed the similarity and dissimilarity of homes. He said there are a bunch of homes that look different in size. The older homes are smaller than the not so old and new built. He thinks the homes will fit with the ones around the location of the lot he pointed out on the satellite map. Overall he's okay with the size of the home. His issue was the color, since it should be a color that would blend in. He suggested the materials of the house to be more natural, for instance stone in front of the house instead of the vinyl. Mr. Anzalone agreed. Mrs. Capriglione suggested the color of the decks to be a darker stain, where the rear of the house is facing down Route 32. Mr. Osbourne agreed in making those changes.

Mrs. Capriglione had some questions for Mr. Golden regarding the original resolution of approval. She wanted to know if Specific Conditions #11, #12 and #15 were met. Ms. Barber asks for her to list them and she will then look into it.

11. Applicant is required to make improvements to Summit Ave. so as to have it collect and convey stormwater in an appropriate fashion, all to the satisfaction of the Village Engineer and the Town Highway Superintendent, including, but not limited to, the proper sizing of the driveway culvert pipes in accordance with the Village Engineer's memorandum No. 43-08-043, dated July 28, 2008, attached to this Resolution.

12. Applicant is required to make improvements to the Oak Concourse road property so as to have it convey stormwater in an appropriate fashion, all to the satisfaction of the Village Engineer and the Town Highway Superintendent, including, but not limited to, the proposed concrete swales in accordance with the Village Engineer's memorandum No. 43-08-043, dated July 28, 2008, attached to this Resolution. No improvements to the Oak Concourse road may proceed unless and until Applicant posts a cash bond or irrevocable letter of credit to ensure the successful completion of such work, including a one-year guarantee period. The cash bond or irrevocable letter of credit shall be in such amount as hereafter determined by the Village Engineer at the time such improvements are intended to be undertaken to ensure that the estimate is reasonably related to the costs of materials and labor

applicable at such time. Any irrevocable letter of credit shall be in such form as is acceptable to the Attorney for the Village.

15. Applicant shall secure all necessary approvals for its proposed water main extension, including the Village Water Superintendent and any Developer's Agreement required by the Village. No such water main extension work may proceed unless and until Applicant posts a cash bond or irrevocable letter of credit to ensure the successful completion of such work, including a one-year guarantee period. The cash bond or irrevocable letter of credit shall be in such amount as hereafter determined by the Village Engineer at the time such improvements are intended to be undertaken to ensure that the estimate is reasonably related to the costs of materials and labor applicable at such time. Any irrevocable letter of credit shall be in such form as is acceptable to the Attorney for the Village.

Mrs. Capriglione then asked about the proposal on the stone pillars located on Oak Concourse. Since there was a discussion of having them remain there, but the Highway Department wanted the road to be 16 feet wide. Looking at the satellite picture Ms. Barber pointed out the pillars. She said she would follow up and get back to the Board. Chairman Gerver asked who was maintaining Oak Concourse road, Ms. Barber said she look into it. Mrs. Capriglione read specific condition #8 regarding the pillars.

8. The existing twin stone pillars on Oak Concourse road property shall remain as an important historical and aesthetic landmark. However, based upon the recommendation of the Emergency Service Organizations for the Village, there shall be a minimum 16 foot paved roadway for Oak Concourse and one of the stone pillars shall be relocated to accommodate this wider roadway than currently exists. The relocated stone pillar shall be accomplished in such a manner and form so as to reconstruct the present stone pillar as presently in place as to design, materials, color and dimensions.

Mrs. Capriglione asked if it meant the whole Concourse has to be 16 feet wide. She said there is no way 2 cars can pass on that road. Mr. Golden said he recalls the conversation at the time is that they wanted them to be relocated so that they could be through that area 16 feet but he doesn't believe that there was an intention to have the entirety of 16 feet. He said he will follow through and figure out the intent of those pillars. There was a lot of conversation about those pillars and Ms. Barber said she will look into it.

Chairman Gerver said he looks forward to working with the applicant next submission.

Adjournment:

With no further business to discuss, a motion was offered by Chairperson Gerver, seconded by S. Capriglione to adjourn the meeting at 8:42 PM.

ADOPTED

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

Claudia Romanisin, Planning Board Secretary