

**Village of Woodbury  
Planning Board Meeting  
February 17, 2021**

Minutes of the Planning Board Meeting held on **February 17, 2021** at 7:30PM  
(Meeting held via Zoom)

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

Absent: None

Also Present: Richard Golden, Planning Board Attorney  
Natalie D. Barber, Engineer  
Max Stach, Planner  
Mike Musso, Telecommunications Consultant  
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. **Regular Agenda:**
  - A. **Hadley Farms LLC – Review and discuss revised site plan submitted for 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.**

Background - The applicant was last before the Planning Board in October 2020. At that time, the Board discussed the threshold issues of the application related to water, sewer, and access. The applicant was asked to approach the Board of Trustees for a connection to municipal water supply as an out of area user. They were also asked to determine rights to use Woodbury Villas (formerly known as WP3) road, water, and sewer infrastructure and ownership of the area needed to construct those connections.

Engineer, John Queenan from Lanc and Tully representing the applicant began giving a brief history from this application last appearance. The applicant proposes to convert an existing single-family home at 47 Hadley Farm Road into a Shul Mikvah facility. At the last meeting there were 3 major items that needed to solve, they were access, water, and sewer. Mr. Queenan said they have had numerous conversations in specific to access. Hadley Farm Road is a private road, however there's an emergency access connection to Woodbury Junction-Woodbury Villas subdivision ending at the roundabout. Then there's a little stub road connecting to Hadley Farm Road, but it's cut off by a gate and boulders. Mr. Queenan said their proposal would be to connect the existing single-family home driveway to the little stub road (emergency access road) so that the Shul can gain an access from the Woodbury Junction-Woodbury Villas subdivision. In the last meeting before the Board, it was unclear as to

who own that parcel and what the applicant would have to do to have that access. Mr. Queenan said the Town of Woodbury owns that parcel, it's part of the open space parcel that surrounds the entire subdivision. Mr. Queenan said they had discussions with the Town of Woodbury, and they are not willing to entertain the idea of a possible connection/access drive. He said going through Engineer, Natalie D. Barber's comments there is a developer's agreement that basically excluded those types of access, but he is still in discussion with the Town of Woodbury. This leaves the applicant with one choice which is to improve Hadley Farm Road, which will be from Roselawn Road to the site. He said it will make it a functioning roadway about 24-25 ft in width whereas now it's about 12 ft. wide. Traffic could then go to the proposed facility on that route, which would mean anyone from Woodbury Junction-Woodbury Villas exiting out of the subdivision would have to go on to Dunderberg Road, take Dunderberg Road north to Edgewood, then Edgewood to Roselawn, then Roselawn to Hadley Farm Road.

Mr. Queenan said the applicant really wants to try to get a direct access from Woodbury Junction-Woodbury Villas before proceeding any further.

Mr. Queenan said that is where they are at right now and they wanted to give the Planning Board an update on the situation. He asked the Board if they had any suggestions or a way to go about getting access it would be very helpful. As for the second issue is water, the applicant is going to use the on-site well. The applicant will have a pump test, to satisfy water requirements. As for the third issue sewer, the applicant is pursuing sewer connection to Woodbury Villas. Mr. Queenan said that is allowed through the Town of Woodbury parcel.

Planning Board Attorney Richard Golden said gaining access through WP3 is something the Planning Board can't do. He explained the WP3 subdivision was formed as a conservation overlay district. It was formed at the time by the Town of Woodbury, but not those powers are with the Village of Woodbury and they decide the boundaries of the conservation overlay cluster district. Mr. Golden said it was designed as an overlay, different from an ordinary subdivision. Therefore, not allowing the Planning Board to have any access way into that development. He said it would have to be done through the Village Board of Trustees. Mr. Golden said he would have to look into the code to see if there is a provision for an expansion of a district. He said the only way to effectively expand that area for access would have to be done by the Village Board of Trustees. In his opinion the Planning Board has no authority to authorize an expansion of the overlay district. Mr. Golden said if the expansion was to happen it would cause all sorts of traffic issues with respect to short cuts from in and out of WP3. WP3 was planned and decided as a limited access self-contained cluster subdivision.

Mr. Queenan asked if it was possible for the Village Board of Trustees to allow such expansion. Mr. Golden said in the conservation cluster overlay district regulations it describes a process where it creates one, not create and expand. Mr. Golden told Mr. Queenan that he may want an interpretation from the Building Inspector Gary Thomasberger. He said he will look into and see if he can assist Mr. Thomasberger. To Mr. Queenan's understanding the Village Board of Trustees will do what they have to do with the overlay district and the Town of Woodbury will still be involved in order to make the crossing over their property. Mr. Golden said yes, and then overcome what Ms. Barber mention in respect of the developer's agreement. Mr. Queenan believes that all signs are pointing to the applicant upgrading Hadley Farm Road. Mr. Golden agreed with Mr. Queenan. J

Mrs. Capriglione asked if Hadley Farm Road is a private road. Mr. Queenan and Mr. Golden said yes. She asked would it have to be brought up to Village standards. Mr. Queenan said yes, at least for emergency access, and vehicular traffic since it's just one lane. Mrs. Capriglione familiar with the road is concerned on how it would be widening since it's so steep on both sides. Mr. Queenan said there a right of way that is associated and it's about 50 ft. wide. A new design will have to be made for the road most likely 25 ft. in width to carry two-way traffic. Mrs. Capriglione asked if it would remain a private road. Mr. Queenan replied yes.

Chairman asked if there was a sewer easement or a water easement that runs up the road. Mr. Queenan believes there are two sewer mains that run up that road. Mr. Golden asked if the applicant have complete control over Hadley Farm Road. Mr. Queenan said yes, the private road is under one ownership. It runs from Roselawn to WP3 and the owner maintains that road. Mr. Golden asked if he can provide the deed, so he can take a look. Mr. Queenan said yes and confirmed the owner they speak of is the applicant.

Chairman Gerver said it's not worth going over the comments since the applicant has a bigger issue to solve at the moment. Mr. Queenan was in agreement and thankful. He said he got exactly what he needed after all the research. He did look over Ms. Barber's comments and the Village Planner Jonathan Lockman's comments and will address them when appropriate.

Mrs. Capriglione asked if approval is given how will it affect 48 Hadley Farm Road. Mr. Queenan said there was a brief conversation with 48 Hadley Farm Road. The gate will be relocated so that the driveway doesn't lose his access. He said there won't be any direct access to WP3.

Ms. Barber said even if the applicant pursues the Hadley Farm Road connection for access, the applicant should review the easement restrictions and provide them to council. In order to know whether or not the sewer would actually be permitted to be built in that area. Ms. Barber confirmed they are in the sewer area but out of the water area. Mr. Queenan confirmed they would have to go to the Town Board for sewer connection. Mr. Golden said not only will the applicant have to go to the Town Board for sewer, but whether or not they can access anything through the Town's property.

Chairman Gerver asked Mr. Queenan to provide the sewer part of the form in order to give it to the Water and Sewer Superintendent. Mr. Queenan said no problem.

**B. Avalon – Review and discuss revised site plan and DOT status for proposed 4 story 130 room hotel at 94 Turner Rd in Central Valley. Said property is known on the Village of Woodbury Tax Maps as Section 226 Block 1 Lot 5 and 6.2.**

General/ Background – The application is for a 128-room hotel development on a 4.013-acre (merged parcel) lot in the LC Zone with frontage on Turner Road and Route 32. The applicant is proceeding in accordance with Local Law 3 of the 2019, Hotel Overlay Zoning District as adopted by the Village Board on June 13, 2019. In August 2019 you reviewed a Sketch Plan application and discussed access issues related to frontage on a County Road. The applicant was last before you in November 2019 for referral to the ZBA to seek variance relief for frontage. At that time, you declared your intent to be Lead Agency and classified the action Unlisted under SEQRA.

Engineer, John Queenan from Lanc and Tully representing the applicant introduced Paul Oliveira the applicant, Attorney, Christie Addona from Silverberg Zalantis LLC, and Traffic Consultant Frank Filiciotto from Creighton Manning Engineering, Mr. Queenan gave a brief background about this application. He said the last time they were in front of the Planning Board items were discussed. They were trying to facilitate the traffic review through the DOT. Mr. Queenan said the biggest issue is traffic and Mr. Filiciotto is the one who can fill in the details on traffic. Mr. Queenan said the discussion can be on the site plan, but he feels traffic is what should be tackled first. Chairman Gerver shared his screen so that the site plan can be viewed. Mr. Queenan began to identify the roads and location. The site plan has been adjusted with more details.

Mr. Filiciotto began giving a brief history of the traffic situation with this project. The DOT has jurisdiction on Route 32 and a letter dated March 3, 2020 weighed in on the earlier version of this site plan. In that letter the

DOT would not permit a new access point to Route 32 and due to the other proposed hotel nearby they will look at both together. Mr. Filiciotto said they then began a traffic study to help DOT understand the proposal better. Not only were they going to add a new driveway that aligned with Oakland but they were closing an existing one that didn't align with any other intersection. Mr. Filiciotto said they had constructed a plan involving the other proposed hotel without knowing where exactly it would be built. To ensure that it would work for the other project hotel. The applicant contacted the DOT with the help of Traffic Consultant Philip Grealy. Mr. Grealy help set a meeting late in August with the DOT, the applicant's consultants, Village representative, and the adjacent hotel representatives. In that meeting there were many topics discussed related to the applicant's project, but the DOT wanted proof and a number of things the applicant needs to provide before considering the new access. Mr. Filiciotto said they expanded their traffic study, added some additional studies and resubmitted a revised study in December 2020. Last week of January 2021 the DOT responded saying they would entertain a right in and right-out access point across from Oakland Avenue. Mr. Filiciotto said they have not gone back to the DOT yet, he said full access from Oakland Avenue is the direct path for the proposed hotel. He believes it would reduce incoming traffic and outgoing traffic.

Mr. Filiciotto said they will be getting back to the DOT and they would like the Planning Board's input on the situation. They received two review letters from Maser's Consulting and H2M Engineering and they've yet to go through them. At the moment he wanted to explain how they foresee traffic coming to and from the property given the location of Woodbury Commons, major interstate connections and the roadways.

The idea is to create a safe access point that aligns with Oakland Avenue, eliminating a turning driveway that serves SMA (Success Martial Arts) and create a shared driveway. Mr. Grealy said in terms of the DOT they have looked at both projects (Marriott and Avalon) together and independently. In the meeting with DOT, Mr. Grealy said DOT was very specific as to what improvements they wanted at Turner Road. Mr. Grealy said he reviewed the report Mr. Filiciotto prepared in December 2020 and the Maser's report was prepared February 11, 2021 with several technical problems. Mr. Grealy believes that another meeting with DOT should be held. Mr. Grealy said there was a discussion with an individual at the DOT and they only confirmed the right turn in and the right turn out, no other specifics. He said its critical to know if that is the only thing that would be accepted. Mr. Grealy said the Marriott's proposal tackled the issues coming from the north, the left turn lane has been accepted by the DOT. The real issue is making it safe and efficiently for traffic heading south. Mr. Grealy said that although the projects have been reviewed independently, he would like to see a combined signal warrant analysis of both hotels, the occupancy of the SMA building, and to see the left turn lane is built at Turner Road. Mr. Grealy spoke of the possibility of at least an emergency connection between both hotel properties. There was also the possibility of widening Turner Road from Route 32 to the driveways of the hotels depending on the final configuration from the DOT. Mr. Grealy explained the SMA driveway and how it would make sense reconfigured. He spoke of the entry way and exit on Turner road and how it would make sense to reverse the driveway. The benefits of the right turn in and right turn out, but it may also cause more traffic onto Turner Road resulting in a need for a signal. Resulting into some issues, the level of service for traffic heading back south on to 32 and delays that may occur during peak hours.

Mr. Grealy said when the new roadway opposite of Oakland Avenue is built, he would like to see an easement to the adjacent Mobile Gas Station, so that if Mobile comes back in the future and has the idea of connecting to this new roadway as well as the SMA. The question is will it be a private roadway or a dedicated roadway. He said after having the Planning Board's input a meeting with the DOT should be held to determine if the right turn in and right turn out opposite from Oakland Avenue is the only roadway allowed.

Chairman Gerver said there are many issues that need to be worked out and addressed. The other applicant Marriott Hotel still needs to approach the Village Board of Trustees for a potential easement and the taking of Turner Road in order for all this to work. He said he doesn't know what the Village Board of Trustee they may

decide to go against it, and that would make a different scenario. He's other concern is how the applicant can enforce a right turn in and right turn out when on any given day when people are making a left of out the Mobile Station it jams up the southbound traffic, especially between the hours of 4pm and 7pm. It concerns him dearly, especially on an unsignalized intersection. Mr. Grealy agrees with the Chairman's concern. He believes there should be an input from the Village Board of Trustees, whether they will allow that land transfer up at Turner Road and Route 32. He said DOT is opened to take the land from the Marriott as part of the improvement. Chairman Gerver said there was talk about Corporate Drive, but it's a private road. He doesn't believe Corporate Drive is fully built out, there was some item that Engineer, Dennis Lindsay had to take a look at.

Mr. Anzalone asked Mr. Grealy what was the accident rate or if there was any statistics between Oakland Road and the Mobil Station since he was aware of a number of accidents along that line with cars trying to turn into and pulling out of the Mobile Station. Mr. Grealy said as per the Creighton Manning study there is a summary report of the last 3 years or maybe 5 years of accidents in the vicinity. Mr. Grealy said the DOT did not comment about that in their response. It was just their preference on the right turn in and right turn out.

Mr. Anzalone said there are lots of Monroe-Woodbury school buses that go in and out from Oakland Avenue along with Gregory Road. He asked if that would help putting a signal light there. Mr. Grealy think the DOT may want to come out with something more than a signal light. He said the DOT will take in account the accident rates, and the data provided by Creighton Manning report.

Mr. Filiciotto wanted to clarify on the accident analysis. He said the DOT told them to look at Oakland Avenue. He said they submitted foil request asking for data on a larger area, but DOT immediate request was to look at Oakland and the accident history from there. The most recent accident was a rear end and 9 accidents within a 3-year period, not including the Mobile driveways. Mr. Filiciotto said that due to the accident analysis the DOT may have taken that into consideration and back down from the original request.

Mr. Grealy said looking at the report the applicant Marriott had put together, there were several accidents at the Mobile Gas Station. A rear end and left turning accidents. He said if the DOT was to give full access there still be an issue with the left turn movements.

Mrs. Capriglione said that there has been an ongoing problem in front of the Mobile Station with tractor trailers parking on the southbound going on to the sidewalk. It has created a problem, there are signs up of no parking and now they park on Route 32 by the SMA and that may cause a problem with Turner Road. Mr. Grealy asked if the no parking signs helped, has there been any changes. Mrs. Capriglione and Mr. Deluca said no change.

Chairman Gerver said maybe a letter or letters from the Village Board of Trustee, Town Board, and the Police Department to say if this project access is granted a signal needs to go somewhere. Mr. Filiciotto said he appreciate the feedback from the Board. He said it helps them to frame their approach to the DOT and to continue moving forward.

The applicant Paul Oliveira said he be happy to allow Mobile Gas Station an easement. He said that the traffic patterns of right in and right out would be confusing for people coming out of the Mobile Gas Station, the SMA or the development. Not knowing the Marriott's disposition, he feels that using their access road for full access would make it clean and better for all the business in the area. Mrs. Capriglione said she prefers it to be right in and right out only and then use Turner Road.

Chairman Gerver said if Turner Road is to be the main way out making a left going back on Route 32 it has to be widened. He said you can't have Turner Road the way it is and have two large projects. From a practical standpoint he doesn't think it will work.

Mr. Deluca asked if the SMA has to give permission if the applicant is shutting off their access. Mr. Oliviera said yes, they've given permission. Chairman Gerver asked Mr. Golden if that would be something the Board will need. Mr. Golden said yes. Its easily done by recorded easement, an agreement that in details to go ahead and shut off the access.

Mr. Anzalone asked if any of the residence along Turner Road will remain. Mr. Grealy said further down by Cosimo's stand the remaining homes along with the one on the corner of Turner Road and Route 32. Mr. Anzalone asked about the homes on Route 32 across from the Dug Out. Mr. Grealy said that resident will remain.

Mr. Golden advised that before going any further. With respect to utilizing Turner Road, in order to have the left turn out there needs to be a determination that traffic coming from the hotel, in order to go left will have to go onto Turner Road and not have a direct access from Route 32. He said the Planning Board was based upon the idea that it was going to be full access from Route 32, therefore satisfying the zoning codes restriction accessing the state or county road. Mr. Golden continued to say if its right turn in and right turn out then all left turns going south will be the majority of the exit traffic on Turner Road. Meaning not having a direct exit access from Route 32. He said it would have to go to the Building Inspector Thomasberger for interpretation. He continued to say this is an issue that shouldn't wait until the end of this process to just then be delayed because the issues weren't addressed. After listening to tonight comments along with Mr. Golden's comments, Mrs. Addona was in agreement. She said they will go back and take a close look at the Zoning Board decisions and wanted to clarify she doesn't recall it saying anywhere full access, the way the code is worded does not require "direct access" but the ability to directly access.

Mrs. Addona said she was very appreciative for the input tonight. She said they wanted this meeting not only for input but to try to get a handle on what will be the next step.

Mr. Grealy said Mr. Golden's point will also reflect on the Marriott application, since their direct driveway to Rout 32 follows the same scenario as this applicant. He said if there's an interpretation then that interpretation gets addressed for both applications. Mr. Golden said the way that works is that each application has to apply independently and get their own interpretation.

Mr. Grealy advised Mr. Filiciotto to coordinate with the traffic engineer for Marriott. There are some discrepancies taken care of and consistent. Just so that down the applicant doesn't run into any issues with the DOT. Chairman Gerver agreed, he had noticed some things like trip counts, turn movements that did not add up. Mr. Filiciotto said he will clean that up.

Mr. Cataggio asked if it was right in and right out only and with the two hotels, people would drive up to Corporate Drive to make a left turn there. That would be a potential problem. Mr. Grealy said whether it be Turner Road, Oakland Avenue or corporate drive. He said somewhere in that stretch needs a traffic signal and he believes there should be one.

Chairman Gerver said what they have discussed tonight seems to be still a big issue. The site plan needs to be worked out. DOT needs to give their final determination on what will and will not be allowed before the Board can deny or approve. He said it would be premature to review any other part of the application. He suggested that Mr. Grealy and Mr. Filiciotto work together and try to get that follow up meeting with the DOT to kind of help the process. Chairman Gerver asked Ms. Barber to forward the new radius for the new fire truck the Fire Department will purchase to Mr. Filiciotto. Chairman Gerver decided to wait on the ESO meeting. Mr. Grealy suggested to Mr. Filiciotto the comments that were received on the Marriott application because some will apply to this application.

Ms. Barber said Mr. Grealy covered most of her commutes and the rest will come in time. She references her comments regarding SEQRA and EAF. She asked Mr. Queenan to review those comments and make adjustments to the EAF for further consideration. Ms. Barber asked about the GML and Mr. Golden said it was refereed earlier, but because the project has changed and the applicant was asked to re-refereed

Motion was offered by Chairman Gerver, seconded by S. Capriglione that the Planning Board declares lead agency for the project. 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

**Adjournment:**

With no further business to discuss, a motion was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to adjourn the meeting at \_\_\_\_\_ PM.

**ADOPTED**

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

Claudia Valoy-Romanisin, Planning Board Secretary