

**Village of Woodbury
Planning Board Meeting
May 19, 2021**

Minutes of the Planning Board Meeting held on May 19, 2021 at 7:30PM
(Meeting held via Zoom)

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

Representing for the Village of Woodbury Planning Board:

Richard Golden, Attorney
Natalie D. Barber, Engineer
Max Stah, Planner
Richard D'Andrea, Traffic Consultant

Board Member(s) Absent: None

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. **Gold** – Public Hearing for the ARB and Ridge Preservation review of proposed renovations to include addition of windows, roof changes to existing single-family dwelling. Said property is located 4 Princeton Drive in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 245 Block 1 Lot 8.

The Builder Yankev Indig gave a brief description of the project. As discussed in the previous meeting, pictures were taken as per the Planning Board's request. He said they were keeping the same footprint, just adding new and bigger windows, along with a skylight. Chairman Gerver confirmed with Mr. Indig that the footprint of the building will remain the same, no changes.

Chairman Gerver asked for those who wish to speak in behalf of this applicant to state their name, address, followed by their comments.

Designer Hersh Leib Fisher introduced himself and said he resides at 3 Frankfurt Rd, Monroe, NY 10950. He has no comments.

The applicant Joel Gold introduced himself. Chairman Gerver gave a final call for comments on the Gold application. No one commented.

A motion was offered by Chairman Gerver, seconded by T. Deluca, to close the public hearing. 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

A draft resolution of approval was requested by the Planning Board due to their comments at the last meeting with the applicant. Chairman Gerver began to read the Specific Conditions.

SPECIFIC CONDITIONS

1. *All new windows shall be constructed of non-reflective material.*

2. *Prior to the signing of the plans, the Applicant shall comply with the memorandum of the Village Planner dated April 18, 2021 to the satisfaction of the Village Planner.*

Attorney Richard Golden mentioned the Planning Boards request to add additional wording under findings in the draft resolution of approval due to the color. The sentence read..."Additionally the Planning Board has approved the color white for the renovation as white is the existing color of the dwelling, no new construction outside of the present footprint is proposed and the structure will not be visible from a designated view corridor."

A motion was offered by Chairman Gerver, seconded by S. Capriglione, to approve the Resolution of Approval as drafted by council. 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

- B. **Jacob ARB/5 Alleghany** – Review and discuss ARB of proposed single-family dwelling located within the subdivision known as Woodbury Villas. Said property is located at 5 Alleghany Cross in Central Valley and is known on the Village of Woodbury Tax Maps as Section 255 block 1 Lot 8.

Designer Larry Hartman gave a brief description of a one-story home, with areas that will be raised and a basement underneath. He said he put together a booklet that includes the site plan, floor plans, 3D renderings, material choices, proposed footprint, and photos of homes to be compared to for the Planning Board and council. He showed homes that were approved back in 2003 and 2019, smaller than the home he's designing. He continues to say the home may not be visible since it's a one –story home and due to the forever green trees and the trees the applicant is keeping that's 10 ft. of the property line it's even more difficult to see.

Village Planner Max Stah began to go over the NPV memorandum dated May 13, 2021. He noted the applicant has not submitted the submission identifying whether the roof of the structure would be visible from any of the designated corridors, and it would require an ARB application. The color of the home is identified as nova white. The ridge preservation requires the structure to be of a natural color and the color white makes it highly visible. Planner Stah suggests the Planning Board require an anti-reflection window film on any low proposed windows. The applicant should also confirm that there will be no vegetation clearing or removal of trees over 8 in. caliper. Planner Stah said the ridge preservation may be waived if the applicant submits information indicating the site is not visible.

NPV Memo dated May 13, 2021:

Ridge Preservation

1. The site is in the Ridge Preservation area at approximately 986 feet in elevation, subject to the standards of the Zoning Code §310-13. The applicant has not submitted any materials regarding how the Ridge Preservation standards will be met. We offer the following comments with respect to the following subsections of §310-13.B:

a. Section 1: The applicant should determine if the roof of the structure will be visible from any designated ridge preservation view corridors and provide a simulation of the view of the new roofing and windows from such view corridor, if applicable, so that the Board may determine if the structure blends into the hillside to the maximum practical extent.

b. Section 2: On the ARB application, the applicant has proposed a "nova white" color for the stucco facade. This section requires that "In order to satisfactorily blend the structure into the natural environment and mitigate visual impacts, a structure shall be constructed of natural materials (wood, brick or stone) and shall be of a natural color." The Planning Board should discuss with the applicant which colors other than "nova white" may be acceptable, as white is not a "natural color" in this location and would be highly visible.

c. Section 3: This section requires that roof slopes follow the natural contour of the land and be of natural color. It appears that the “charcoal” shingles specified on sheet A-22 meet this standard. With one story over a partial basement, the house has a relatively lower profile than others.

d. Section 4: The applicant should confirm that proposed glass will not be reflective. Modern energy efficiency windows are highly reflective. If low-E windows are proposed, anti-reflections window film should be specified for all windows with a southerly exposure. This will not reduce the effectiveness of the low-e windows.

e. Section 5: The applicant should confirm that no vegetation clearing or removal of 8”+ caliper trees is proposed or provide details regarding compliance with this section if such clearing or removal is proposed. Landscaping needs to be specified (see comment 4b below).

f. Section 6: The applicant will be required to meet ARB standards (see comments below).

g. Section 7: Waivers. The ridge preservation may be waived if the affected land area will not be visible from a designated view corridor, or if the site has been impacted by prior development that prevents the standards from being achieved. No waiver is being sought.

Planner Stah made reference to the ARB. The applicant submitted photos as requested by the Planning Board. This is to assist the Board to determine whether it’s excessively similar or dissimilar to the surrounding homes.

Architectural Review

The project is subject to the Architectural Review process of Chapter 8 of the Woodbury Code, and particularly the standards of §8-5 and §8.8. Pursuant to §8.5.A, the Planning Board may deny an application by reason of:

”Excessive similarity, dissimilarity or inappropriateness in relation to itself or to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application, facing upon the same street or within the same or surrounding neighborhood, including neighboring developments, in respect to one or more of the following features: 1) Exterior façade of all building sides, including, but not limited to building materials, mass, roof line, architectural style and authenticity, colors, size, proportion, roof design and height. 2) Size and arrangement of doors, windows, porticoes or other openings or breaks in the façade, including reverse arrangement, 3) Footprint and gross floor area including all or portions of the structure.”

The applicant has submitted photographs, tables, and floorplans for comparable homes in the neighborhood of the subject property of the applicant. The Planning Board should review the sizes, heights, and styles of these comparable homes to determine the proposed project’s level of similarity or dissimilarity as described in the code above. Other than the white color issue raised in our comment 1b above, the home appears to meet ARB standards.

Planner Stah asked that the applicant provide information on the first floor plan the two rooms to the left of the garage since it’s not labeled. Designer Hartman said it’s a study and a kitchen. Planner Stah continued with the bulk requirements.

Zoning and Planning

Bulk Requirements

a. *The property is zoned Residential, One-Acre district (R-1A) and is in the Conservation Cluster Development Overlay District (CCDOD). The Planning Board application should be updated to indicate that the property is in the CCDOD.*

b. *Per Section 310-31.1.D(4), the maximum lot coverage is governed by R-0.25 standards. Lot coverage for buildings and impervious surfaces shall not exceed 35 percent of the lot area. Proposed lot coverage should be shown on the site plan.*

c. Lot Area and Yard Requirements. The lot area and yard requirements are stipulated on sheet OP-3 of the final plan for WP3 Subdivision from April of 2007. The subject lot, which is shown on the approved plat as HE 27, must meet the following standards: 30,000 sf lot area; 40' front yard; 15' side yard; and 35' rear yard. It appears the proposed home meets these requirements.

d. Lot Width. Review Sheet OP-3 of the final subdivision plans from April of 2007 show the lot size is unchanged and therefore meets lot width requirements.

e. Building Height. The building height should be labelled on the elevations. Per Section 310-7, the building height shall not exceed 35 feet.

Site Plan review

a. The site plan only indicates proposed grading on the east and south side of the proposed house, but it appears that additional grading will be needed on the north and west sides. Proposed grading should be fully shown.

b. No proposed landscaping of any kind is shown on the site plan. A front landscaped area 25 feet in width is required, with one shade tree for every 40 feet of road frontage. See §310-27.C.

c. The proposed driveway does not have any turnaround area, and no grading is shown. Will a culvert be required where it meets the street?

Planner Stah referenced the turnaround area on the driveway. He said NPV will defer to the Planning Board Engineer on whether there's some kind of culvert will be required or drainage structure between the driveway and the roadway. Regarding SEQR NPV will defer to Attorney Golden, but believes it should be a Type II action. He continued to say that as for GML 239, they are not aware of any resources within 500 ft. that would trigger the need for GML 239 review.

Designer Hartman referred to Planner Stah comment on..." *A front landscaped area 25 feet in width is required, with one shade tree for every 40 feet of road frontage.*" Planner Stah clarified while looking at the second sheet on the site plan that was placed on the screen. Designer Hartman said the issue is there are no trees now; since the topography of the road was changed the first 40 ft. had to be removed. Planner Stah said the idea is to have trees along the road, so the applicant will need to plant 3 or 4 shade trees within those 140 ft.

It was suggested to the applicant to take picture(s) from the corridors noted in the zoning map in order to be exempt from the ridge preservation. There was a question as to where that information can be found. Planner Stah explained the roadways are designated in the Village of Woodbury code. The zoning map has a list of locations to see if there is view of a specified lot. Designer Hartman said he will look up those corridors. Chairman Gerver said the color white on the house may be an issue, since there is a house in that development colored in white already and it's very visible. Planner Stah said Rt. 32 and the thruway are the roads of concern. Attorney Golden said it would be helpful that the Village Planner take note of those views provide those analyses for the Board and well as stating it clearly whether it's visible or not visible on the next memo. That would be helpful for the Board to then figure out what colors are suitable.

S. Capriglione referred to A102 on the plans. She asked if it was 2-story, because there are stairs going up and down in the house. Designer Hartman said the entire living area including the garage, dining room, whole left section is one-story. The bedroom section is raised half a flight allowing that area to be a 2-story with a basement underneath; a split-level. Walking up half a flight to the bedrooms and walking down half a flight to the basement. The bottom windows will be window wells, the applicant wanted the home to look more like a one-story home rather than a high one. S. Capriglione asked for the height of the ceiling in the basement. Designer Hartman said it'll probably be 9 ft. in height; windows 2-3 ft. from the slot, the grade would be 4 ft. having 8 inches in the ground. Attorney Golden said in order to help the Building Inspector in enforcing what was approved by the Planning Board, those dimensions should be shown on the plans. He also advised that the dimensions on the outside be labeled on the plans as well for the approval of the Planning Board. Designer Hartman said it would be added.

R. Anzalone said he would like to see the length of the house, the plans only show the width which is 91 ft. 4 in. Designer Hartman said its 114 ft. and 1.5 in.

Attorney Golden asked what materials will be used to construct the home. Designer Hartman said on top of the traditional wood structure asphalt shingles and on top of the wood structure will be stucco. Attorney Golden said the code requires wood, brick or stone. He said he wasn't sure stucco fits into natural materials stated in the code. Planner Stah said he will go over it with Planner Jonathan Lockman and look over previous decisions by the Board. Attorney Golden and Chairman Gerver did not recall approving stucco in previous applications. Planner Stah will do some research. Attorney Golden advised that if the applicant chooses to not to use the materials of wood, brick or stone stated in the code the applicant will have to seek a variance. He went on to say in ridge preservation a home that can be seen the Planning Board has the ability to waive some of that, but for a home that can be seen it's what's required to be constructed of natural materials. Designer Hartman said he'll look into the corridors in the zoning map and do some research on the materials and colors. Chairman Gerver said the things that are listed in the NPV memo that Planner Stah mentioned is what the applicant should comply with by the next submission and the ridge preservation is a huge concern.

Designer Hartman mentioned a material that was approved back in 2007. In the minutes the owner presented a certain material and it was approved. He asked if he can do the same. Attorney Golden said no. Looking at minutes doesn't tell the entire story. Approvals have to be looked at in conformance with the code. The code controls above all else, even if the Planning Board or a Building Inspector had told somebody they could go ahead and do something. If it contradicts the code then it's wrong and if there was a mistake made previously with someone else it doesn't mean the applicant can benefit off that mistake.

S. Capriglione mentioned the tax map on page 3. On the other side of 7 Alleghany there are two lots and she wanted to know if those lots were built out already. Designer Hartman said yes. She asked if he can provide the styles of the homes, to see if the homes are consistent with what he's asking to do. Designer Hartman said those homes are not stucco. He said about 98-99 homes has a little bit of stucco. They all have sidings with a mix of stucco and stone. In the next submission he will bring pictures of house number 5, it has white sidings. Number 4 has more of a light brown type of siding and number 3 has some stone. S. Capriglione asked if those styles of homes are more to what the applicant wants or like 3 Patterson Pass. Designer Hartman said he'll bring in pictures.

A motion was offered by Chairman Gerver, seconded by R. Anzalone, to re-type this as a Type II action on SEQR. 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

- C. **Courtyard/Marriot** – Review and discuss revised documents submitted for proposed site plan, SWPPP, EAF and Traffic Impact Study for proposed 108 room hotel to include guest amenities parking and associated utilities. Said property is located at NYS Route 32 and Turner Road in Central Valley and is known on the Village of Woodbury Tax Maps as Section 226 Block 1 Lots 6.1, 7.and 8.

Engineer Steve Esposito representing the applicant began by saying they have appeared before the Village Board of Trustees twice to discuss the reconfiguration of Turner Road. He said they have been back and forth with DOT (Department of Transportation) and Part 2 of Perm 33 application was submitted. They appear before the Planning Board to discuss the memorandums of the consultants and to try and set a meeting with the Water and Sewer Supervisor.

Engineer Barber went over a few points in her memorandum. She said H2M will recommend the Water and Sewer Department to provide their input on the application as well as requiring a will-serve letter for this application. She continued to go over her memo on the following.

H2M Memo dated May 14, 2021:

Utilities – A projected water and sewer demand form should be provided and a will-serve letter for both water and sewer solicited from the Water and Sewer Department. The Department of Environmental Conservation (DEC) advised an Engineer’s Report for sewer capacity should be provided as well as confirmation that the proposed water withdrawal is within the approved capacity of the Village. (See additional requirements below). The proposed details and plan for water and sewer should be reviewed with the Water and Sewer Department and compliance confirmed.

i. Water –

i. The applicant proposes a 6-inch water service connection from an existing main in Route 32. There are two existing water mains in Route 32, the applicant should confirm the proposed connection is to the 12-inch main and show the same on the plan. Future Village water distribution system improvements may abandon the 6-inch main.

ii. The water service connection detail and water pipe trench details should be revised to show a 4.5-ft bury depth in accordance with Orange County Health Department standards.

iii. The applicant should confirm the size and material of the water service connection. The plan identifies a 6-inch ductile iron pipe water line, but some details reference 4-inch fittings and pipe and others reference a 2-inch copper pipe. Consistency among details (material and size) should be provided.

iv. The water pipe trench with encasement detail references “profiles for actual depth” of construction. The applicant should provide a profile of the water main that shows the various storm and sewer crossings and depth in relation to this service.

v. The existing conditions plan shows at least one existing water well and another feature labeled “WSO”. The applicant should advise what the “WSO” feature is. The existing well, if proposed for abandonment, should be decommissioned per DOH/DEC guidelines and requirements. The same should be noted on the plan.

vi. The details sheet includes a hydrant, but this feature is not noted on the plan.

vii. The location of the Siamese connection and sprinkler room should be shown on the plan.

ii. Sewer – The existing on-site sewer system which the applicant proposes to modify is part of the Consolidated Sewer Area. The portion of sewer that is existing on site conveys wastewater that is collected from the elementary school, homes and businesses along portions of Buena Vista Terrace and that area through to Oakland Avenue, and those developments along Turner Road. This is an important piece of infrastructure for the Village and a plan for relocating the sewer should be submitted. The plan should identify any service connections that are connected to the existing pipe and manhole and, if they are active, how these would be reconnected to the new sewer. A profile and invert information (new and existing) should be provided. We believe there is an existing easement (not shown) for the sewer main across the applicant’s property. If the plan proceeds, the existing easement would need to be extinguished and a new easement created for the new sewer.

Engineer Barbers continued to go over a few other comments with Stormwater, noting the applicant is responsible for compliance with stormwater regulations. She continued to bring forth some other points in her memo.

Stormwater – The applicant is responsible for compliance with the Stormwater Regulations under Chapter 267 of the Code as well as those of the State General Permit for the Village’s MS4 obligations as well as the developer’s obligations under the General permit for Construction activities. The applicant submitted a Stormwater Pollution Prevention Plan to initiate compliance with the above stated regulations.

i. SWPPP Compliance with the Code §267-8:

i. The site plans should indicate the limits of disturbance and disturbance area noted.

ii. Provide construction phasing plans in accordance with Code requirements and describe the intended construction sequence in the SWPPP Report. iii. Discuss the temporary and permanent Erosion and Sediment Control practices in the SWPPP narrative as well as the maintenance schedule for each. Provide an erosion and sediment control plan and associated dimensions, details, and material specifications in accordance with the referenced section. Discuss each practice’s implementation schedule and the duration each practice shall remain in place.

iv. Discuss the delineation of SWPPP implementation responsibilities for each part of the site.

v. *Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and discharge of pollutants.*

vi. *Section 7 of the SWPPP discusses long term maintenance of stormwater facilities. This section should reference Appendix 11 which contains the StormTech Design Manual.*

vii. *Provide maintenance easements and an inspection and maintenance agreement in accordance with this section and §267-10.*

viii. *Provide certifications by SWPPP preparer and contractor/subcontractors.*

ii. *SWPPP Compliance with the General Permit:*

i. *Water Quality Volume (WQv): The applicant should review the WQv calculations in Appendix 5 and revise. Although the calculations are conservative, the existing impervious calculation should consider drainage area of only the impervious area (I=100%). The proposed impervious calculation should consider only the new impervious area and the drainage area should be the remainder of the site less the existing impervious. The sum of the drainage area for the existing and proposed calculations should equal the total area of the site. The narrative should be revised to reflect these changes.*

ii. *Runoff Reduction Volume (RRv): The applicant has calculated the RRv using the I = 3.01 as the total area of new impervious cover. The RRv is only required to be calculated for new impervious area and should be revised; similar to above, the applicant's calculation is conservative.*

There are other issues that as per Engineer Barber can be resolved in future submissions. She spoke of grading and how the applicant should review the code criteria for retaining walls as well as these other topics she listed from her memo.

Grading –

i. *A cut/fill analysis should be provided.*

ii. *A number of retaining walls are proposed which vary in height up to 10-ft in one area. The applicant should review the Code (§310-28) criteria for retaining walls and make the appropriate adjustments for setback from property lines. Details of the retaining walls should be submitted. All walls over 4-ft in height should have a fence installed. ARB for these features should be considered at the appropriate time.*

iii. *The applicant should discuss proposed treatment of steep slope areas.*

Lighting and Landscaping – (Repeated) Lighting and landscaping plans should be provided. The lighting should provide adequate safety lighting for patrons but should be a low-level design, dark sky friendly with sharp cutoff that does not impact adjacent residential areas. Late night lighting should be reduced to safety lighting only. Landscaping will be reviewed by your planner but it should be robust.

Engineer Barber said the County Planning Department has recommended that a sidewalk connection on Rt. 32 be provided, she asks the Board to consider with the applicant and the traffic consultant so that it can be addressed on the applicant's plans. She mentioning items that needs to be addressed, for instance the ARB and historic resources.

ARB - Architectural Treatments – An ARB application is required. This will be a large visible structure particularly with regard to height. In connection with ARB (and site plan), the applicant should also provide details on the proposed signage.

Historic Resources – The DEC requested the applicant solicit a determination of potential impacts on architectural and historic resources from the State Historic Preservation Office (SHPO). Applicant to provide.

ESO's – Two ESO meetings have been held for this application. After the recent meeting in February 2021, the Building Inspector issued his comments including comments from ESO's in a memorandum dated February 10, 2021. The applicant should provide a response to those comments and confirm compliance with each on the plan.

A firetruck template was provided by the Woodbury Fire Department which should be used to confirm turning movements throughout the site. The applicant should confirm whether a full movement around the hotel is required per the NYS Building and Fire Code.

Chairman Gerver said he did not see the Water and Sewer demand form. Engineer Barber acknowledges that has yet to be provided by the applicant. Chairman Gerver reminded the form had to be filled out with the application in order to review and sign the notice. He noted the permission to inspect the site is missing as well.

Traffic Consultant Rich D'Andrea from Colliers Engineering formerly known as Mazer mentioned a memo that was provided to the Board on May 13th. Providing updated traffic study and plans submitted for improvements on Rt. 32 and Turner Road. In the memo they had asked for a traffic signal warrant analysis for the intersection of Rt. 32 and Turner Road and they haven't received the analysis. He said the Avalon development provided a similar request for the Oakland Avenue intersection and he is looking for input from the DOT on the possible signalization in that intersection or at the Turner Road intersection.

Traffic Consultant D'Andrea said the improvements proposed on Rt. 32 should be coordinated with the Beer World application. DOT provided minor comments, and they pointed out the width of the proposed realignment of Turner Road and the turning of Emergency vehicles. He said their proposal is to widen Turner Road to a 30 ft. wide roadway. A cross-access for pedestrians was also mentioned between the Avalon property and this applicant's property, as well as a sidewalk along Rt. 32. Traffic Consultant D'Andrea mentioned the existing crosswalk at Oakland Avenue that leads to nowhere presently. He also mentioned the pending review by the Highway Superintendent that was discussed in a previous meeting with the Village Board of Trustees.

Planner Stah began addressing comments on bulk requirements and so forth.

NPV Memo dated May 13, 2021:

Bulk Requirements.

a. Bulk requirements for the Hotel Overlay appear to be met.

b. We note that in the Bulk Requirements Table for the LC district with HO Overlay, the minimum lot area required is shown as "43,560 sf" or one acre. Additionally, the special permit criteria require a minimum lot area per room of 700 square feet multiplied by 108 rooms, for a minimum lot area of 75,600 sf or 1.74 acres. Minimum lot area per room should be added to the table. The proposed hotel meets the minimum lot area with 3.23 acres provided.

c. Note 2 indicates the combined parcel area is 3.23 acres (140,699 sf). The proposed lot area in the Bulk Table is shown as 136,264 sf which equals 3.13 acres. This should be reconciled. d. Proposed height and number of stories have not been provided in the submissions (the table indicates only "<5 stories/60 feet," without specific figures). A specific height should be listed and ideally the corresponding dimension shown on a building architectural elevation.

Building Size. Plans for this Marriott Hotel submitted in 2019 indicated the building size proposed as 130,729 sf. The H2M review memorandum of January 28, 2021 indicated that the building was at that time proposed to be 79,200 sf. The proposed square footage of the building should be shown on the site plan, as well as in the project description on the first page of the FEAF Part 1 form.

Landscaping. Planting details and a landscaping plan will need to be provided as the application progresses. We will provide further analyses of compliance with landscaping standards once a full landscape plan is submitted.

a. Buffers: The Hotel Overlay requires a 15-foot-wide landscaped buffer, in addition to the parking lot screening standards of §310-27(C). In the Hotel Overlay parking spaces are allowed in setbacks and yards, beyond the 15-foot buffer. It is unclear on the April 6, 2021 site plan whether a full 15-foot buffer is going to be provided between the new proposed street line and the western edge of the parking area.

b. Street Trees: Along Turner and Route 32 frontages, street trees will be required pursuant to §310-27(C).

Planner Stah noted pursuant to the code in street trees he believes its one per 40 ft. linear.

c. Parking Lot Islands: The parking lot plan will require interior landscaping on islands to meet the standards of §310-27(D). This section requires ten square feet of interior landscaping and one 2.5-inch caliper tree for every 10 parking spaces. For 137 parking spaces, this would compute to 1,370 square feet of interior landscaping and 14 parking lot trees. Three parking islands and 4 or 5 "peninsulas" are shown. The applicant will need to demonstrate compliance with these standards.

Bus and Truck Maneuvering: Two bus parking spaces are shown. However, no loading berths or areas are indicated. See §310-41(B)(5). For hotels and motels one berth is required for each 25,000 square feet of floor area. (Size of proposed building is unknown – see comment 4 above.)

Solid Waste: Dumpster locations appear to be shown at the southeast corner of the parking lot but are not labeled on the site plan.

Architectural Review: will be required pursuant to Code Chapter 8. Building elevations and proposed exterior materials and colors will need to be provided in future submissions.

Floorplans: will need to be provided to indicate compliance with standards for hotel rooms (see §310-7.1 E).

Lighting: details and photometric light spread will need to be shown in future submissions.

Drainage: will need to be shown in future submissions. The proposed facility at the south end of the site may not be adequately sized.

Wetlands: A 100-foot buffer from the delineated NYSDEC Wetland PO-17 is shown at the southeast corner and is indicated as being left undisturbed. Standards of Chapter 165, Freshwater Wetlands, will need to be followed.

SEQR/Procedure Comments

We defer to the advice of counsel, but if the square footage exceeds 100,000 sf in floor area we believe it would qualify as Type I under the following threshold:

activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds...in a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area;

Even if the action is less than 100,000 square feet, the action would need to be coordinated and treated as a Type I action pursuant to 6 NYCRR 617.4(a)(2), and 10 NYCRR 97.14, which identifies the New York State Health Department's own Type I list and includes:

Initial plan approval: ...hotel/motel.

We defer to advice of counsel, but suggest that involved agencies may include:

- a. NYS DOT - curbcut;*
- b. Orange County Health Department for initial plan approval of a hotel/motel, and potentially for a public swimming pool*
- c. New York State DEC for a possible wetlands permit.*
- d. Village of Woodbury ZBA for possible variances*
- e. Orange County Sewer District #1 and Town of Woodbury for sewer and water hookups.*

We note that on the revised FEAF part 1, dated April 7, 2021, the answer to question E.2.h.i still needs to be answered "yes," as there are wetlands present on the southeast corner of the site.

This application will require referral to Orange County Planning Department as it is located within 500 feet of a State Highway.

Attorney Golden commented on the 15 ft. landscape buffer. He believes the project has a stormwater facility that's considered a landscape buffer, but the only thing can be considered landscape buffers are driveways and sidewalks. It needs to be addressed. As per SEQR the Board went with Attorney Golden's direction to have it as an unlisted action. Though under the Department of Health regulations it's a Type I action, the Board should re-type this to a Type I action. S. Capriglione said as per her notes it was a Type I action and Attorney Golden responded saying it was initially it was a Type I, but was then re-typed as an unlisted action. It now has to be re-typed to a Type I for different reason.

Chairman Gerver asked if they are to seek the opinion of the Building Department on whether stormwater maintenance facilities are allowed in the buffer area. Attorney Golden said unless the applicant moves it out of the buffer area. Chairman Gerver asked Engineer Esposito his thoughts and Engineer Esposito said the only stormwater facility they are proposing is underground in the parking lot. He pointed out on the plan the stormwater facility is 40-50 ft. setback outside the 15 ft. setback. Looking at the plans Attorney Golden asked if the parking spots are more than 15 ft. from the boundary line and Engineer Esposito said they will have to address it. Attorney Golden advised the plan is based on the reconfiguration driveway off of Turner Road and they should figure out the where the boundaries may be.

Attorney Golden noted the applicant has been before the Village Board of Trustees twice and the discussion on the land swap and the reconfiguration did not seem to have come up in the meetings. He said the Planning Board needs some clarification, so Attorney Kelly Naughton will bring it up in a future meeting with the Village Board of Trustees with respect to the reconfiguration to get better guidance. Engineer Esposito explained saying two issues had come up in those meetings. One was a set of plans were not referred to the Highway Superintendent for review and the other was a question from a Trustee. Engineer Esposito pointed out the lines on the parcels, showing the Board the piece of land/parcel dedicated to the Village and the applicant. He said the Trustee question regarded wanting the land and since it's a question the Village Board of Trustees should answer the Mayor decided to table it.

S. Capriglione said she attended that meeting and believes the Trustee asked if Turner Road was to be used to access the hotel and Engineer Esposito's response was no. She said it was confusing to her and she feels it may have been confusing to the Village Board of Trustees on how to access the hotel coming southbound on Rt. 32. Engineer Esposito said part of the improvements on Rt. 32 is that they propose a left-hand turn lane to access Turner Road and then a through lane for southbound traffic. Chairman Gerver interjected saying Turner Road is a Village road and he too attended the Village Board meeting and was also confused with the outcome. He said in that meeting there was only talk about swaps and dedication. Improvements on Turner Road were never mentioned by the applicant/team and that was what the Planning Board specifically asked the applicant to do. Especially since this project relies on the improvement of Turner Road. Engineer Esposito said he thought the plan was clear since it had been developed over time with the requirements of the DOT and the Planning Board consultants. This brought the Chairman to ask why questions regarding the DOT in the Village Board meeting were not answered by the applicant/team. This brings the applicant to appear before the Village Board of Trustees for the third time. Chairman Gerver said he was beyond frustrated and said if the applicant wishes to push forward without the Village Board's consent that is fine by him. He and the Board will continue to push the application forward, but he will not bring this up again.

Chairman Gerver said the applicant wishes to speak with the Water and Sewer Superintendent, a water demand form needs to be filled out. He asked that it then be reviewed by the Water and Sewer Department. Engineer Esposito said he will reach out to the Building Department for the form.

A motion was offered by Chairman Gerver, seconded by T. Deluca, to re-type this as a Type I action on SEQR. 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

R. Anzalone asked if the applicant has had any formal meetings with the applicant Beer World and the other hotel as far as coordinating plans. Traffic Consultant Carlito Holt happens to be the Traffic Consultant for Beer World as well. He said Beer World is in tune with the Marriott's plan and did make an application to the DOT. They are waiting for a response. He said on Beer World's application the access was formalized in conjunction to the access for Marriott as well as improvements to Turner Road. The feedback from DOT has been positive. DOT has requested additional information with turning templates for trucks. Traffic Consultant Holt said handling both DOT permits is beneficial as well as working with Colliers Engineering and DOT. Engineer Esposito stated they have been coordinating with Avalon; there have been a few meetings with Avalon, DOT and the Planning Board consultants.

Engineer Barber asked if something can be provided regarding the warrant analysis on all three Avalon, Marriott and Beer World that may lead to requiring a traffic signal. She asked if it will be submitted all together or is it required to be a standalone requirement. Traffic Consultant D'Andrea said for this project it was for Marriott to show whether or not they want a signal as a standalone project at Turner Road. He said for the Avalon project its requiring access directly to a state highway leading to an analysis at Oakland Avenue intersection. As for Beer World its analysis it's based on turning points.

Chairman Gerver said the applicant and consultants have made progress since the DOT went from not wanting a traffic light at all to actually considering putting one, so there has been some progress in getting a traffic light. Chairman Gerver said he had spoken to Traffic Consultant Phillip Grealy from Colliers Engineering and the DOT has agreed to come out and take a look at the intersection, due to the concerns they've expressed.

Chairman Gerver asked about the underground stormwater facility. He asked if it's just going to be dry wall. A ladder truck can't sit on drywall. He said the tormentors on a ladder truck will push through the asphalt. Engineer Esposito said did not have an answer for the Chairman; Jay Stapleson from Engineering Properties wasn't able to attend this meeting.

In reference to the sidewalk comment in both Engineer Barber and Traffic Consultant D'Andrea memos, Traffic Consultant Holt asked for some clarification that can be provided now or in the next meeting. R. Anzalone asked if it's possible to have a sidewalk leading to the Woodbury Commons through Turner Road. Since the majority of guest from the hotel can walk to and from Woodbury Commons. Traffic Consultant Holt said if there was a future thought of having a sidewalk connection to Woodbury Commons, he doesn't think the applicant will oppose to facilitate by providing the sidewalk along their frontage. Chairman Gerver said it would be brought up on the next meet with the DOT.

With respect to off-site improvements Attorney Golden said the Board can require an applicant to put in sidewalks on their property. It would eventually with other improvements have other property owners connect as well. Unless the off-site improvement is related to a mitigation of a significant adverse environmental impact, then the Board cannot require an applicant to do that.

Attorney Golden couldn't recall his reasons, but suggested the applicant to acquire a new entity disclosure form. Due to form changes since 2019 the applicant is required to contact the Building Department. Engineer Esposito said he will give the Building Department a call.

Adjournment:

With no further business to discuss, a motion was offered by S. Capriglione, seconded by Chairman Gerver, to adjourn the meeting at 9:10 PM.

ADOPTED

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

Claudia Valoy-Romanisin, Planning Board Secretary