

**Village of Woodbury
Planning Board Meeting
July 21, 2021**

Minutes of the Planning Board Meeting held on July 21, 2020, at 7:30PM

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

Representing the Village of Woodbury Planning Board:

Richard Golden, Attorney
Natalie D. Barber, Engineer
Jonathan Lockman, Planner

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. **Approval and Acceptance of Previous Minutes:**

Motion was offered by Chairman Gerver, seconded by R. Anzalone to approve, and accept the minutes of the meeting held July 7, 2021. 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

4. **Regular Agenda:**

- A. **Village of Woodbury/2 lot subdivision** - Public Hearing for proposed 2 lot subdivision of property located at 15 Penie Lane in Highland Mills. Said property is known on the Village of Woodbury Tax Maps as Section 219 Block 5 Lot 21.2

Chairman Gerver questioned if the Board review and accept the EAF Part 2. The Board accepted.

Motion was offered by Chairman Gerver, seconded by S. Capriglione to accept the EAF Part 2 as provided 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

Motion was offered by Chairman Gerver, seconded by T. Deluca for the determination of significance as a Negative Declaration. 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

Chairman Gerver provided the opportunity for the public to comment on the proposed 2-Lot subdivision. Said property located at 15 Penny Lane, Highland Mills set properties on the Village of Woodbury section 219-5-21.2. He said it was published on Friday, July 16th and with that he asked for public comments.

After a final call for public comments on the 2-Lot subdivision for the Village of Woodbury a motion was made.

Motion was offered by Chairman Gerver, seconded by S. Capriglione 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

Board Member S. Capriglione had some potential conditions for the Resolution of Approval. She inquired as to a resolution condition that the roadway that traverses one of the subdivided parcels (to be deeded from the Village to the Town) cannot be altered and must remain open at all times. Planning Board Attorney Richard Golden responded saying the roadway is a Village roadway, such a condition would only appear to restrict the Village in determining whether to alter or close the roadway. Thus, it did not appear appropriate to include that restriction as a condition.

Motion was offered by Chairman Gerver, seconded by T. Deluca to have council draft the Resolution of Approval. 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. Feldman/Southfield Falls ARB** - Review and discuss draft resolution for ARB of proposed addition to an existing single-family dwelling. Said property is located 77 Southfield FQIIS .and is known on the Village of Woodbury Tax Maps as Section 255 Block 4 Lot 2.

Planning Board Planner Jonathan Lockman referred to his memo dated July 16, 2021, and Attorney Golden’s draft Resolution of Approval. Since he hasn’t seen the most recent draft, he liked to have included a few items.

Items Needed to Add to Approval Resolution:

- 1. Sheet A-5 contains a note stating, “windows to be selected by other,” which should be removed. The applicant shall confirm in a plan note on this sheet that the proposed glass will not be highly reflective or that anti-reflection window film will be applied for any windows with a southerly exposure.*
- 2. Sheet S-1 shows an additional hatched area indicating the proposed extension of the driveway pavement surface to line up with the new garage entrance. The proposed lot coverage shall be re-calculated to reflect this increase in pavement area and updated on Sheet S-1. It is still noted incorrectly as 17.8% as it was in prior submissions, even though the driveway pavement area was increased since.*
- 3. The Planning Board application shall be updated to indicate that the property is in the CCDOD as well as R-1A.*
- 4. The applicant shall update the bulk requirements chart on sheet S-1 to match the specific height labeled on sheet A-6. The building height is still labelled as “*
- 5. The site is located at approximately 800 feet in elevation, subject to the Ridge Preservation standards of the Zoning Code §310-13. A note shall be added to the site plan stating that “there shall be no vegetation clearing or removal of 8”+ caliper trees.”*

Planner Lockman was given a draft of the Resolution Of Approval and quickly reviewed it.

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 June 30, 2021, to the satisfaction of the Village Planner.

He then asked Attorney Golden to please revise the date in condition #2 to July 16, 2021. Chairman Gerver noted the square footage of the additions is missing from the Resolution of Approval. After reviewing the latest site plans the numbers were 294, 391 and 130 a total of 815 square feet.

Chairman Gerver read the Specific Conditions on the draft Resolution of Approval with the corrected date (July 16, 2021).

Motion was offered by Chairman Gerver, seconded by T. Deluca to accept the Resolution of Approval with the updated square footage and the two Specific Conditions. 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. Woodbury Fresh** - Review and discuss Site Plan, Special Permit and ARB for proposed conversion of two existing retail spaces into a specialty supermarket. Said property is located within the Woodbury Centre at 37 Centre Drive in Central Valley and is known on the Village of Woodbury TaxMaps as Section 235 Block 2 Lot 1.12.

General – This application for a supermarket in the existing Woodbury Centre is proposed to replace two vacant retail storefronts (formerly Forever 21 and Lenox). The applicant proposes a loading dock, two-mezzanine storage areas, and two compactors to replace one existing to facilitate the supermarket operation. They further propose to remove the two existing wall signs and replace one with a backlit sign where the Forever 21 sign was located and replace the pylon sign panels with the Woodbury Fresh logo. Other proposed exterior modifications include the addition of two canopy areas for cart storage and a new automated door system. The applicant has provided existing and proposed floor plans and elevations, renderings of the proposed storefront, sign plans, and a plot plan for the Planning Board to consider.

Architect Stosh Zamonsky introduced himself and the team Engineer Walt Lipmann and Attorney Joe Haspel who represent Mel Frier the applicant. Architect Zamonsky gave a brief description of their plans. The project is to occupy two store spaces Forever21 and Lenox store. The two spaces add up to 30,400 square feet. The plan is to put a high-end grocery store that will have some food prep. They are looking to add 1800 square feet in the rear for extra loading docks and compactor. The applicant is also looking to add cart storage at the front of the store with a cover and shelter for people coming and going. The existing signs will be replaced with one Woodbury Fresh sign.

Board Member R. Anzalone asked if this store was part of a chain and Architect Zamonsky responded it's an independent store. S. Capriglione pointing out a section on the site plan asking if the applicant plans on doing home deliveries. Architect Zamonsky said it's an option since Supermarkets have changed. The applicant may be providing home deliveries from vans and/or possible pick-ups. S. Capriglione asked if that would be from an independent contractor or employees of Woodbury Fresh and will they have Woodbury Fresh vehicles and if so, where would those vehicles be parked. In case of a higher demand, will there be 5-10 trucks. Architect Zamonsky said he will check with the applicant and provide an answer to the Board by the next submission. S. Capriglione asked if the carts will be operated like Aldi's where you pay first and then get your money back afterwards. Architect Zamonsky said they will have full-time employees that will retrieve carts and restack.

Planning Board Engineer Natalie D. Barber began to go over her comments in her memo dated July 16, 2021.

H2M Memo:

Review of Submitted Materials –

1. Zoning –

a) Use – The subject property is in the IB Zone and is a part of a commercial center. Former Building Inspector Thomasberger previously advised ALDI's grocery store was considered retail and permitted as part of the commercial center. Even with the addition of some food preparation, we believe this opinion is relevant to this application.

b) Bulk Table – Although, the building is part of a previously approved commercial center, the applicant should provide a bulk table demonstrating the existing and proposed setback and coverage conditions and how these comply with the Code requirements for the IB zone.

i. Coverage – The applicant is proposing covered cart storage areas near the front entrance, which appear to eliminate portions of landscaped area which may affect the impervious coverage calculations.

ii. Setbacks – The applicant should confirm that the addition for loading and storage at the rear of the building conforms to the Code setback requirements.

c) Parking – The proposed development for ALDI's eliminated 13 parking spaces. The Board reviewed a comprehensive parking analysis which resulted in a waiver of 31 spaces or 2.2% of the required parking. At that time, the applicant's study suggested available parking was 2x more than what was needed during a peak parking demand. Since this proposed action is a swap for retail to retail and no modifications to available parking are proposed, we do not believe additional analysis is required. However, you may wish to refer this to your traffic consultant for confirmation.

2. Site Plan –

The Village Code (§310-45.1.) specifies standards for site plan submissions, which should be reviewed by the applicant. Modest additions to the plans are required for a complete plan submission i.e., identification of the Village of Woodbury and Orange County, property Section-Block-Lot (SBL), name of developer, graphic scales, etc.

In addition to the general plan considerations stated above, a site plan at an adequate scale should be provided showing details of the site including changes to landscaped area at the front of the building and proposed addition at the rear. Exterior modifications should be clearly indicated along with access drives, striping, as well as impacts to utilities etc.

a) Layout and General Circulation –

The applicant proposes an addition that extends into the access aisle at the rear of the building. Once a site plan at an appropriate scale is provided, the impacts to this area will be reviewed. Adequate access for emergency services, delivery trucks, and general traffic through this area will need to be confirmed. We recommend a turning movement plan showing trucks accessing the loading areas and a Village fire truck maneuvering the rear of the building be provided. Furthermore, the applicant should confirm whether the loading space designated as No. 2 on the floor plan is for a tractor trailer or box truck. We note the narrative indicates 2 loading spaces for tractor trailers and 4 spaces for box trucks, however, loading space No. 2 appears to be larger.

If you choose to refer the plan to your traffic consultant, we recommend you ask them to consider whether a traffic and site circulation study need be conducted.

b) Utilities –

i. Water & Sewer – We note water service to Woodbury Centre is by the Village of Harriman and Sewer service is directly through Orange County Sewer District No. 1. Similar to your consideration of ALDI's, we recommend you require the applicant request will-serve letters from each of these utilities.

Additionally, the utility connections to the building and any proposed modifications to these utilities should be shown on the plan and estimated water and sewer demands provided on the applicant's projected water and sewer demand form.

ii. *Stormwater/Grading – Proposed modifications to grading will be confirmed when the site plan is submitted but based on the information received any impacts to drainage appear to be relatively minor. The applicant should confirm whether there are changes to the slope near the proposed supermarket exit as shown through a comparison of the existing and proposed front elevations.*

3. *ARB – The applicant is seeking ARB approval for the proposed supermarket (ARB Code requirements appended). Our comments and recommendations are as follows:*

a) *Materials & Colors –*

i. *The colors and materials appear to match the existing building façade, applicant to confirm.*

ii. *The applicant should confirm there are no other changes to the existing façade except for the signage, cart corral to the East of the main entrance and the canopy to the West, and doors.*

iii. *We recommend you consider requiring the new doors remain non-reflective.*

b) *Signage –*

i. *The elevations provided by the applicant depict proposed wall signage. The applicant should review the Code requirements for signage and provide confirmation of compliance in details. We note the following requirements for the applicant to confirm:*

a. *(§310-30.B) Wall sign shall not project more than 12-inches from building façade.*

b. *(§310-30.D(3)) Applicant should confirm compliance with sign illumination and hours of operation.*

c. *The signage table for IB zones limits sign area to a maximum 10% of total wall area with one (1) sign per use and ARB approval, we note the following:*

• *In this case, the Code (§310-30.D(2)(c)[3]) requires “Where a sign consists of individual letters, symbols or characters, its area shall be computed as the area of the smallest rectangle which encloses all of the letters, symbols and characters”. By scale, the sign area is approximately 220-SF.*

• *In discussion with the Building Department, the wall area is defined as the area where the sign is proposed. The wall area above the entrance scales to approximately 704-SF.*

• *Based on these calculations, the sign area is approximately 31% of the wall area and non-complying with the Code. If the applicant is unable to reduce the size of the sign, we believe a variance is required.*

ii. *The applicant has also provided renderings of the proposed panels for the pylon signs. The new panels will replace prior panels and no changes in size are proposed. We recommend you consider the size of the text and white space proposed in relation to the other panels on the existing freestanding sign and decide if this is appropriate. The Code (§310-30.D(1)(b)) provides you with discretion to decide if “sign panels and graphics ... accentuate architectural features and details”.*

Engineer Barber said she spoke with the Building Inspector regarding the calculations of the wall area. As per the plan the allowable sign area seems a little larger than what's permitted. Architect Zamonsky responded the sign will be adjusted to the exact square footage that's currently there. Engineer Barber is looking forward to receiving that information assuming the applicant wouldn't want to go for a variance.

4. *Floor Plans –*

a) *Mezzanine Area at Entrance –*

i. *The mezzanine area at the front entrance includes two conference rooms, a kitchenette, two bathrooms, and*

office. We recommend the applicant confirm the conference rooms are for employee use only.

ii. This space is shown with only one egress, we confirmed with the Building Department, that two are required for this space.

b) Although not impacting your site plan or ARB review, the plans show a bathroom almost central to the store, with a sink on the exterior of the men's restroom without a facility for handwashing within. The applicant should confirm this is the intention and that this meets public health codes.

Under Miscellaneous, Engineer Barber did not comment on Cart Corrals since its one of the first things the Board discussed with Architect Zamonsky , but offered to answer any questions the Board may have on Cart Corrals.

5. Miscellaneous –

a) Cart Corrals – For ALDI's you did not require cart corrals. We recommend you consider whether the site is functioning without these features and if the introduction of another supermarket warrants a reservation of these areas within the parking lot. If cart corrals are introduced, due to the proximity of ALDI's and the proposed supermarket, it is likely carts from the two stores would be mixed, we recommend you consider how this would be managed.

b) Rooftop Equipment – The applicant should advise if there are any modifications to proposed roof top equipment. The Code (310-45.D.(10)) requires screening for these features and the same should be confirmed by the applicant.

c) Refuse Collection – Understanding there are two compactor units proposed for the Supermarket, the applicant should confirm the location of dumpsters, that these are screened, and availability of refuse collection to serve the needs of the proposed use.

d) Exterior Ramp – This feature is shown on the floor plan near the existing electrical room in the northeast corner of the building. We recommend the applicant confirm the purpose of this feature. Furthermore, we note the space to the West of the proposed ramp is part of the existing Waterford store. It appears the ramp may impact the loading dock in this area. We recommend the applicant confirm adequate access to the adjacent stores loading dock is maintained.

e) Lighting – The applicant should advise whether there are any proposed modifications to lighting and provide details for the same.

f) Health Department Approval – We note for the applicant's information, based on the food preparation services proposed, the applicant may need to secure permitting approval from the Department of Health.

Chairman Gerver asked if the generator on the rooftop will be natural gas or diesel. Architect Zamonsky said natural gas. Chairman Gerver asked the applicant to provide the specs on sound enclosure and attenuation around it, scheduling for testing and how it will be tested for noise. As per the presented plans he noted there are eight loading docks and asked if one will be for garbage. He also asked if there will be 52-ft. trailer on a daily basis, since it's an independent store and since there will be all sorts of different vendors the Board would like to know what kind of traffic it will add to the site. He mentioned Aldi's truck delivery as an example. Chairman Gerver said the Board would also like to see the maneuverability of the 52-ft. trailer in the rear with the new base. Adding Engineer Barber will provide the applicant the specifics on the truck that's used for these types of testing. Architect Zamonsky believes they will lose about 2 parking spaces in the rear to make sure there's clearance for the fire apparatus to get through. Chairman Gerver asked if there were any plans on keeping trailer(s) overnight and or the use of trailers for excess storage since none of those stores in that area has that. Architect Zamonsky confirmed there is no intention of storing trailers.

R. Anzalone referred to Engineer Barber's comment in her memo (section B-4b) on the sink located outside the men's bathroom. He wanted to know why it was designed that way. Architect Zamonsky said this is there first meet, they are putting pieces together and just wanted to know the Planning Board's perspective as well as the applicant. They will go through the Health Department review and everything else to get those pieces together.

S. Capriglione referred to food preparation (section B-1a in Engineer Barber's memo). She asked Architect Zamonsky if there will be any kind of seating that would be more of a restaurant set up. Architect Zamonsky said no, it would be more like a deli counter providing hot and cold food, so no eating in.

Planner Lockman comments in his memo were similar to Engineer Barber. He proceeded with comments that were not discussed. He asks that the applicant correct the ARB application, add more details, and include a short EAF form for the next submission. He began saying the landscaping was unclear, noting the changes on the plans and would like to see a specific landscaping plan. Planner Lockman proceed to go over his memo.

NPV Memo dated July 16, 2021:

11. Landscaping. Is any landscaping proposed? The site plan should display this, along with information on the size and species of trees and/or shrubs proposed.

a. The application would be subject to the landscaping standard found in §310-27 C (3) which requires a 5-foot-deep landscaped bed along the entire front of the building foundation.

b. Any removals of approved landscaping at Forever 21 and Lenox spaces should be shown, with any proposed landscaping provided on a landscape plan.

12. Lighting. Is any new exterior lighting proposed? Any proposed light fixtures should be shown on the site plan, with fixture, luminaire, and photometric details.

13. The project is subject to the Architectural Review process of Chapter 8 of the Woodbury Code, and particularly the standards of §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."

It appears that applicant meets the standards of §8.5. The exterior façade is unique and does not show excessive similarity with the surrounding storefronts. In addition, the exterior color scheme is pleasant and is not excessively dissimilar or inappropriate in relation to the existing businesses within the Woodbury Centre Shopping Center.

SEQR Comments

15. We defer to the Planning Board attorney regarding SEQR classification and procedure for this action. We would normally suggest that this action is unlisted, given it includes 5,796 square feet of new mezzanine floor area within the existing building, which exceeds the typical Type 2 threshold for commercial additions. However, we note that this site and structure may have been the subject of a prior EIS, and SEQR may require a process that considers the action against the adopted Findings.

Chairman Gerver asked if there's a requirement to abide regarding cart corrals. Planner Lockman doesn't believe there's a code or requirement for cart corrals. Engineer Barber said there may be some parking spaces eliminated and so she asked the Board if they would like Colliers Engineering and Design for comments on this application. Chairman Gerver said yes, he believes the

Board will need their input.

Attorney Golden agreed there should be a GML 239 referral and after confirming the square footage on the loading docks with Architect Zamonsky which according to him is 1,400 square feet. Attorney Golden confirms there should be a Type II Action under SEQR.

Motion was offered by Chairman Gerver, seconded by R. Anzalone to have a Type II Action under 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

Motion was offered by R. Cataggio, seconded by R. Anzalone authorizing Planning Board Engineer Natalie Barber for the 239 referrals. 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

- D. Firer/Woodbury Shops** - Review and discuss Site Plan, Special Permit and ARB for proposed conversion of a large retail space (formerly Modell's) internally subdivided into multiple boutique stores. Said property is located at 23 Centre Drive in Central Valley and is known on the Village of Woodbury Tax Maps as Section 225 Block 2 Lot 1.12

Architect Stosh Zamonsky introduced himself and the team Engineer Walt Lipmann and Attorney Joe Haspel who represent Mel Frier the applicant. He said this application is about placing small retail shops within an existing retail space, previously known as Modells. Architect Zamonsky confirmed it would be locally owned variety retail shops, no food services offered. The current shop measures 18,958 square feet and the shops will be permanently separated with walls with a center aisle leading to the rear where other shops will be. He continues to say there will be three double doors in the rear for deliveries, and a window on the front side of the building. Chairman Gerver asked if those double doors in the rear are for strictly for deliveries not as an entrance for the shops and Architect Zamonsky said no but they will be for egress as well. Architect Zamonsky continued by saying no additional square footage is proposed.

Engineer Barber began saying the application is a little unusual and so her memo had a lot of questions to get a better understanding on the applicant's intent, so the Board can analyze how the special permit use would operate. She suggests the applicant to submit a narrative that can address her questions listed in her memo. Which referred to safety and egress, submitting the plan to ESO and having adequate access were a few mentioned in her memo.

H2M Memo dated July 16, 2021

1. Zoning –

a) Use – The subject property is in the IB Zone and is a part of a commercial center.

We believe this application requires additional information regarding the proposed “boutiques” for you to evaluate the proposal and operation of the space. Our questions are as follows:

• Are the spaces reserved for retail only or are personal services proposed – salons/barbers etc.?

• The applicant should describe what sales could occur in the smaller “boutiques” (approx. 340 SF) and how these would function?

- Will the “Shops” be managed by one owner who will be responsible for maintenance of the space (restrooms, fire alarms, corridor’s, access) or are the individual “boutiques” expected to contribute to the general management of the space?
- What will be the arrangement for leasing these spaces and the transiency of these? Will each “boutique” be leased say monthly or are pop-up stores proposed?
- We recommend the applicant discuss anticipated deliveries, types of trucks, and a schedule for managing the same? Will all boutiques require access to the loading dock? For the smaller boutiques it would be more convenient for operators to access the front door, is this to be permitted?
- There are no storage areas for any of these spaces. We recommend this be discussed by the applicant and the ESO’s, see comment No. 4 below.
- What is the interior architecture of the showrooms – will any of the showrooms have glass or transparent walls? Are all walls permanent?
- We recommend the applicant discuss security of the individual showrooms, are the individual spaces lockable?

Engineer Barber asked if there's only one loading dock and Architect Zomansky confirm. He said there will be small deliveries; he doesn't think there will be large trucks making deliveries. They will be parking in the common area making deliveries with a hand truck. Engineer Barber noted a space that was not identified on the plan, and Architect Z confirmed it was an existing corridor adjacent to an existing space. He said they will have that cleared up.

b) Bulk Table – Although, the building is part of a previously approved commercial center, the applicant should provide a bulk table demonstrating the existing and proposed (if changed) conditions and how these comply with the Code requirements for the IB zone.

c) Parking – The applicant should provide parking calculations for the proposed use and confirm any changes from what would be required for the prior Modell’s retail store, including employee parking.

2. Site Plan – Based on the materials submitted, it appears there are no exterior site modifications proposed, the applicant should confirm there are no changes to utility locations, loading areas, or egress impacting the site around the building envelope. If no site changes are proposed, your consideration of this application is for change of use and an amended special permit with ARB review. If site changes are proposed, a site plan at an adequate scale should be provided showing details of the site including changes to utilities and/or egress areas (ramps, sidewalks, other).

The Village Code (§310-45.I.) specifies standards for plan submissions, which should be reviewed by the applicant. Modest additions to the plans that were submitted are required for a complete plan submission i.e., identification of the Village of Woodbury and Orange County, property Section-Block-Lot (SBL), name of developer, graphic scales, etc.

a) Layout and General Circulation – Once the applicant provides more information on anticipated deliveries, truck access to the loading dock should be confirmed. It may be appropriate to provide restrictions on deliveries to the loading area, rather than the front of the store. We recommend you consider this at the appropriate time.

b) Utilities – i. Water & Sewer – We note water service to Woodbury Centre is by the Village of Harriman and Sewer service is directly through Orange County Sewer District No. 1. Similar to your consideration of other spaces in Woodbury Centre, we recommend you require the applicant request will-serve letters from each of these utilities.

The utility connections to the building and any proposed modifications to these utilities should be shown on the plan and estimated water and sewer demands provided on the applicant’s projected water and sewer demand form.

ii. Stormwater/Grading – Applicant to confirm no exterior modifications requiring grading are proposed.

3. ARB – The applicant is seeking ARB approval for the proposed Shop’s (ARB Code requirements appended). Our comments and recommendations are as follows:

a) Materials & Colors –

i. The applicant should confirm the changes to the existing façade are for signage and a new window only. If other changes are proposed, these should be identified in a revised narrative.

ii. We recommend you consider requiring the new window be non-reflective.

b) Signage –

i. The elevations provided by the applicant depict proposed wall signage. The applicant should review the Code requirements for signage and provide confirmation of compliance in details. We note the following requirements for the applicant to confirm:

a. (§310-30.B) Wall sign shall not project more than 12-inches from building façade.

b. (§310-30.D(3)) Applicant should confirm compliance with sign illumination and hours of operation.

c. The signage table for IB zones limits sign area to a maximum 10% of total wall area with one (1) sign per use and ARB approval, we note the following:

- In this case, the Code (§310-30.D(2)(c)[3]) requires “Where a sign consists of individual letters, symbols or characters, its area shall be computed as the area of the smallest rectangle which encloses all of the letters, symbols and characters”. By scale, the sign area is approximately 246-SF.

- In discussion with the Building Department, the wall area is defined as the area where the sign is proposed. The wall area above the entrance scales to approximately 651-SF.

- Based on these calculations, the sign area is approximately 38% of the wall area and non-complying with the Code. If the applicant is unable to reduce the size of the sign, we believe a variance is required.

ii. The applicant also provided renderings of the proposed panels for the pylon signs. The new panels will replace prior panels and no changes in size are proposed.

4. ESO’s – We recommend an ESO meeting for consideration of this application. We believe the fire department and ambulance will be interested in access and how to identify issues within compartmentalized units. The aisle ways within the structure must be free of obstructions for a minimum clear width space, free of signs, garbage cans, and directional boards.

5. Floor Plans –

a) Egress – Although this is primarily handled during the building permit review process, we recommend the applicant confirm this space meets all safety requirements per the NYS Fire and Building Code.

We note with the doors to Showroom 7 and 8 open, it appears egress through to the exit out of the main corridor may be impeded. Applicant to confirm.

Engineer Barber asked what the applicant envisions for the small spaces that measure 340 square feet since it is relatively small for retail. Architect Zomansky said this is their first pass and they will be talking it over with the applicant. They will figure out the floor plan and come up with a clearly and more detail plan for the next submission. She asked if the boutiques will be permanently or pop-up temporary retail spaces. Architect Zomansky said the property will be owned by the owner and the spaces will be leased individually for long-term. It is not intended to be short-term workshops. She continued to ask other questions noted in her memo. Questions regarding security for these spaces was one and added that ESO’s input would be very helpful.

b) Functionality of Spaces –

i. Employee Corridor – The applicant should confirm the Eastern corridor accessing the loading dock is reserved for employees only.

ii. Rear Exits – Similarly, the applicant should confirm the rear exits are reserved for employees only, unless in an emergency.

iii. Dashed Lines – There are dashed lines separating Showroom 2 & 3 and 4 & 5, are these meant to signify temporary or removable partitions, rather than permanent walls?

iv. *Showroom 6 – This space has access to the loading area and the rear of the building, but not the main corridor, applicant should discuss. If the space is meant to have access into the hallway, the opened doors may impede access to the restroom.*

v. *Utility Closets – There are no spaces reserved for any mechanical or electrical equipment. Applicant should discuss.*

vi. *West Corridor – Showrooms 8, 9, and 10 open into an adjacent space that is not identified. Is this space a service corridor? The elevation sheets do not show a door where the floor plans show an exit to the rear of the building.*

vii. *Storage – Upon confirmation from the applicant regarding need and availability of storage space, we recommend you consider a condition of your action that spaces are not to be used for storage unless specifically designated as such and all corridor areas shall be kept clear except for goods in process of delivery and movement to designated storage or sales areas.*

6. *Miscellaneous –*

a) *Refuse Collection – The applicant should discuss refuse disposal and reservation of area for the same.*

kb) *Lighting – The applicant should advise whether there are any proposed modifications to lighting and provide details for the same if proposed.*

Chairman Gerver asked if it was going to be studded, sheetrock, and closed lockable doors. Architect Zomansky said yes. Chairman Gerver asked Attorney Golden and Engineer Barber if personal service is allowed. To Attorney Golden understanding what the applicant is asking for is a permitted use which is retail use. If it's approved for retail use, then personal use will not be allowed. Planner Lockman explained that due to the zoning code if the applicant decides on having a tanning salon, barber shop or dog groomer services that would be considered personal services. Architect Zomansky said the applicant is only looking to have retail spaces.

Board Member T. Deluca asked what kind of plans the applicant has for signage for those individual shops. Architect Zomansky said the signs will be on the inside and one on the outside saying Woodbury Shops.

S. Capriglione made a suggestion, to avoid any confusion across from the Centre there will be Shops of Woodbury and since the name on this application is Woodbury Shops it may be very confusing especially for visitors to the area. Therefore, the applicant may want to reconsider renaming the shop or contacting the Shops of Woodbury applicant and talk about it amongst themselves.

S. Capriglione asked if individual shop will have different operational hours and Architect Zomansky said the shop will have one set hours for all individual shops inside.

Planner Lockman said Engineer Barber covered most of his comments in his memo, so he referred to landscaping just like the previous application.

NPV Memo dated July 16, 2021:

5. Landscaping. A landscape plan should be included in the site plan set that should show any proposed removals of the approved landscaping at the former Modell's space, any proposed plantings to replace it. This application would be subject to the landscaping standard found in §310-27 C (3) which requires a 5-footdeep landscaped bed along the entire front of the building foundation. Information on the size and species of trees and/or shrubs proposed should be included in the landscape plan.

6. Lighting. Is any new exterior lighting proposed? Any proposed light fixtures should be shown on the site plan, with fixture, luminaire, and photometric details.

Planner Lockman said uses and signage was already discussed which brought him to the ARB.

Architectural Review Board Comments

9. The project is subject to the Architectural Review process of Chapter 8 of the Woodbury Code, and particularly the standards of §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.”

However, the majority of the exterior building façade other than the proposed new window remains unchanged, and the proposed new wall sign is appropriate in relation to the surrounding buildings. Therefore, it appears that applicant meets the standards of §8.5. The exterior façade is unique and does not show excessive similarity with the surrounding storefronts. In addition, the exterior color scheme is pleasant and is not excessively dissimilar or inappropriate in relation to the existing businesses within the Woodbury Centre Shopping Center.

Due to the number of shops in the plan and determining there be one to two employees per shop, Chairman Gerver asked Engineer Barber and Planner Lockman if there was a requirement for bathroom size in retail spaces, since it may have to do with water demand. Planner Lockman said there are no requirements for the amount of bathrooms and sizes. Architect Zomansky said they are just trying to see if the space can work, the bathroom quantities, the number of stalls or urinals will be driven by the building code and they will comply.

S. Capriglione asked that by having 14 different shops, one to two employee(s) per shop. That would bring it to 28 employees, bringing it to about 28 parking spaces. She asked wouldn't it affect the parking? Planner Lockman referred to the use of a chart that would include employees and by gross area.

Board Member R. Cataggio asked if there will be on-site maintenance person. Architect Zomansky said the facility is already maintained by the owners. R. Cataggio asked who will be responsible in closing the facility at the end of the day and Architect Zomansky said there will be a manager, but he will double check with the owner and provide an answer in the narrative.

Chairman Gerver advised for the applicant to update the S/B/L since it's inconsistent in the application.

Motion was offered by Chairman Gerver, seconded by S. Capriglione authorizing to do the 239 referral. 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 Chairman Gerver, seconded by T. Deluca to have H2M refer this application to the ESO for their input. 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 Chairman Gerver, seconded by S. Capriglione 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

In respect to the truck use that was spoken of in the previous application referencing the truck size, use, and frequency. Attorney Golden advised that it should be specified in the Resolution of Approval. He asked that the Board review the limitations and see which ones they are willing to go by. Architect Zomansky said it will be specified in the narrative.

Due to the paperwork S. Capriglione asked if the Woodbury Shop address is 23 or 37 Centre. Architect Zomansky said he will verify that information for the next submission. Engineer Barber reminded Architect Zomansky that the hours of operation should be listed on the plan.

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by T. Deluca, to adjourn the meeting at 8:41 PM. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

Claudia Valoy-Romanisin, Planning Board Secretary