

**Village of Woodbury
Planning Board Meeting
August 4, 2021**

Minutes of the Planning Board Meeting held August 4, 2021 at 7:30pm

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

Representing for 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 the 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. Village of Woodbury/2 lot subdivision – Review draft resolution 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 219-5-21.2.

The draft Resolution of Approval was reviewed by the Board and so Chairman Gerver proceeded to read the Specific Conditions on the draft Resolution of Approval.

SPECIFIC CONDITIONS

1. The existing roadway which traverses part of the proposed lot being transferred to the Town of Woodbury pursuant to the Stipulation of Settlement (Orange County Index No. EF006036-2018) shall remain open for the continuation of public travel, as it is a Village roadway.

Motion was offered by Chairman Gerver, seconded by T. Deluca, to approve the draft Resolution of Approval drafted by counsel. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

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

General/Background – The Planning Board reviewed this application in January and requested the applicant to conduct a tree survey for trees greater than 6- inch diameter within the limits of disturbance, which was completed. At the Planning Board July

7th meeting the Board requested specific changes to colors and materials proposed for certain lots in anticipation of a public hearing scheduled for August 18th.

Planning Board Engineer Natalie D. Barber said the applicant has tried to address all comments prior to the public hearing that is scheduled to be held on August 18, 2021. In their last meeting with the Board the extension of the conservation easement on Lot 4 to the northwest portion of the parcel was addressed and yet it has not been shown on the plan. She said the submitted elevation are sufficient as well as the colors of the proposed homes. Architect Eric Osborn representing the applicant submitted a revised ARB, listing the materials Engineer Barber found appropriate. She suggested Lot 6 to be reviewed since there was a request for the trim color to be changed.

Engineer Barber reviewed the plans and listed the items that needed to be addressed for instance the tree removal plan, the construction of the retaining walls, and the disturbance limits. She mentioned deferring the sizing of the basement to NPV.

Planning Board Planner Jonathan Lockman said he noticed there isn't a landscaping plan symbols on sheets 701 and 702, leading one to guess what those symbols mean. He asked for it to be added to the plan. All other comments on his memo were address by Engineer Barber.

S. Capriglione noted that in the individual maps, Lot 2 is stated vacant. Architect Osborn said there is an existing house, and he will have that updated.

Chairman Gerver ask that the applicant provide a color board with all the necessary items listed on the ARB (color chips, roofing, siding, overall designs) so that it can be available for people to see and touch for the public hearing. The sides of the house(s), there was a previous comment and Engineer Barber said for it to be consistent with prior approvals it was recommended for all sides of the house to be compliant with the ridge view preservation.

S. Capriglione asked about the tree removal on Lot 4, is it just marked on the map or are they marked on the field as well. Architect Osborn said the trees should be marked as well. She asked how many trees will be removed on Lot 4. Architect Osborn acknowledged that on all five lots, 33 trees will be removed in total but he will verify how many exactly on Lot 4. S. Capriglione asked if the 36 inch tree can be saved and Architect Osborn response was the engineer said it needed to be removed.

Planning Board Attorney Richard Golden asked if the Board would like to set a condition in the draft Resolution of Approval to have the plans revised as per the memos and comments discussed in tonight's meeting. In agreement with Attorney Golden the applicant was advised, the plans won't be signed until those condition(s) are met, therefore preventing the applicant to receive a building permit.

Motion was offered by Chairman Gerver, seconded by T. Deluca, to authorize counsel to draft the Resolution of Approval for Gluck/Summit Properties with a condition to have the plans revised as per the memos and comments discussed. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

C. Hartman/Hudson Point ARB- and plans submitted for ARB of proposed addition to an existing single-family dwelling. Said property is located 9 Hudson Pointe and is known on the Village of Woodbury Tax Maps as Section 255 Block 1 Lot 2.

General/Background – The Planning Board reviewed this application – in January and requested the applicant to conduct a tree survey for trees greater than 6- inch diameter within the limits of disturbance, which was completed. At the Planning Board July

7th meeting the Board requested specific changes to colors and materials proposed for certain lots in anticipation of a public hearing scheduled for August 18th.

Designer Larry Hartman’s assistant began going over items that were to be address due to the last meeting with the Board. One had to do with adding trees near the neighbors on the right side of the home, and the other had to do with siding. Designer Hartman sent an emailed with information regarding previously approved siding in the area. The proposed addition will match the siding on the existing home. There were comments on the spacing of the trees on the left side of the home, the windows as well as the square footage has been addressed in the new submission.

Larry Hartman’s assistant had copies of the new submission for the Board and consultants, but Chairman Gerver reminded the assistant that he is not allowed to hand out new materials during a meeting. All new submissions need to be given to the Building Department prior to the applicant’s scheduled meeting. Larry Hartman’s assistant was aware, but was wondering since the application has minor issues he was hoping the Board could maybe approve the addition tonight. He said he will submit the new material tomorrow with the Building Department.

Planner Lockman began to go over his memorandum dated July 29, 2021. It was previously discussed that in order to mitigate the 80 ft. long wall, the Board wanted trees planted on the property line (right side of the house). It was specified that it would take 11 trees 9ft apart. It was mentioned to reduce the space between the trees to 8ft, so he recommends having an additional tree. The renderings provide by the applicant show a simulation of what the plantings would look like but on the plan its specified Conifer trees, Norway Maple, Blue Spruce and White Pine. Though the renderings show Arborvitae trees instead, these trees are bushy and shorter than the trees listed on the plan. Planner Lockman ask that the renderings be updated to one listed on the plan. In his memo there are comments requesting building square footage labels, building height, and the anti-reflection window film to be applied to all low E-Windows. That last request was then changed for the film to be applied to all the windows to be consistent.

Larry Hartman’s assistant confirmed that on the new submittal it states “evergreen trees or this”, but the picture is just to give the Board visualization on how it will be planted based on the site plan. Chairman Gerver advised the site plan is the controlling document going forward not the renderings.

S. Capriglione said the Blue Spruce trees tend to grow tall and fuller, she asked if planting them 9 ft. apart sufficient space. Planner Lockman said the state recommends 8 ft. spaces. She asked if the trees die(s) is that perpetuity. Attorney Golden said it would be in the Resolution of Approval for planting. That is something that is always included and it’s also stated in the code.

In regards to siding, on a case-by-case scenario because it’s “matching and existing” as per Attorney Golden the Board is able to approve the siding for the proposed addition.

Chairman Gerver confirmed with Larry Hartman’s assistant that the new submittals, which refer to landscaping, the height label and the square footage, will be dropped off tomorrow at the Building Department.

Motion was offered by Chairman Gerver, seconded by T. Deluca, to authorize counsel to draft the Resolution of Approval for Hartman/Hudson Point ARB, adding a condition where the applicant must comply with all the comments in the latest NPV memo. Any additional comments, NPV can issue a new memo and the applicant will have to comply and make corrections prior to the signing of the plan. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

D. Cody Inc - Review and discuss revised documents submitted for site plan approval of a 2 story 4,000 sq. ft. (gross floor area) addition to existing School/Mikvah building. Said property is located on Bnai Yoel Drive off County Route 105 in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 225-1-45.1 & 45.2.

Designer Patrick Hutton from MJS Engineering Land Survey representing the applicant gave a summary. He said they have reviewed and revised the plan addressing issues with drainage. They have taken off issues that they feel are irrelevant to the plan, referencing the improvement of the 4,000 sq. ft. addition. He mentioned submitting a view of the building and added that the addition will match the existing building. Meaning no changes to the appearance, it will match.

Chairman Gerver asked if the applicant had received a memo from the Planning Board Traffic Consultant Philip Grealy and Designer Hutton said no. The memo consisted of 4-5 questions regarding on-site, parking, ESO referrals and pedestrian activity. Chairman Gerver said he will make sure they receive a copy of this memo, so that those questions can be answered prior to the next meeting with the Board.

Engineer Barber wanted to know the size of the addition. She wanted to know what was previously approved and the existing footprint on the building. She had questions regarding previous memos received by the applicant. In 2008 there were two additions approved by the Planning Board, one was an addition for 4,000 sq. ft. with a footprint of 2,000 sq. ft it being 2-stories. The one currently in front of the Board is an addition of 7,800 sq. ft with a building footprint of 3,900 sq. ft. The existing building at that time was approximately 3,900 sq. ft., so on the current plan the building everyone is looking at happens to be 7,800 sq. ft. The applicant is before the Board today because in September 2020 the applicant tried to get a permit for the 4,000 sq. ft. addition, but construction ceased for more than 6 months and as per the code the approval expired. Forcing the applicant to re-apply and stand before the Board. As per this new submission showing the as-built condition this has led Engineer Barber to have additional questions.

Engineer Barber noted the applicant has revised the plans reflecting the as-built condition by removing the improvements that were previously approved. She requested additional information confirming compliance with the DOH (Department of Health) approval that permits a combined daily flow of 4,500 gallons of water per day from the two schools. She would also like to see identified on the plan the two operable wells, the approved treatment work and service connection to each building and confirm the well supply quantity and quality. Engineer Barber continues to address her comments on her memo.

H2M Memo dated July 30, 2021:

Review of Submitted Materials –

- 1. Plan Revision – As noted above, the applicant’s plan has been revised to reflect the existing conditions of the site. The revisions show a build-out of parking and changes to site circulation, among other considerations. While the as-built conditions of the site are important, equally important are the necessary utilities and conditions of site build-out that were carefully considered as part of prior approvals. For example, the drainage, sewer, water, and access improvements that have not been constructed but that were approved previously should be shown on the plan either to depict as-built conditions or items to be constructed for a complete site plan. These are discussed in more detail below.*
- 2. Zoning – This is an existing developed site in the R-2A zone. Religious instructional uses are not specifically permitted as of right in this zone. In 2007 the ZBA granted a use variance for the addition to Building #4 subject to Planning Board approval.*
- 3. Water Supply – As noted previously, the information reviewed in prior approvals demonstrated adequate water supply for the proposed use. The applicant provided a copy of the Department of Health conditional approval for treatment of water supply serving the proposed use that limits combined daily flow from Building No. 2 and 4 to 4,500 GPD. We recommend the applicant confirm the loading calculations for 519 students and confirm the two well locations serving the schools on the plans with service connections shown. Additionally, the applicant should provide the condition of each well supply (i.e. quantity and quality). Furthermore, one of the conditions of the treatment works approval indicates “the proposed*

works shall not be placed into operation until such time as a completed works approval is issued in accordance with Part 5 of the NYS Sanitary Code". A copy of this correspondence should be provided and the location of the booster station with treatment facilities shown on the plan.

4. Wastewater Disposal –

a. *Building No. 4 – We previously requested the applicant confirm the status of the Building No. 4 (and 5) sanitary connection to OCSD#1. The applicant's response is unclear where they discuss a "future connection" and "any connection ... would". In our opinion based on the plan and resolution approved in 2008, the expansion was conditioned on construction of the connection to OCSD. Review of our files indicate a permit for constructing the 3,335-ft sewer main extension to the project site for treatment capacity to serve Building No. 4 was approved by the County in December 2007 (appended), but apparently never constructed. In our opinion, further expansion of Building No. 4 should await the County connection. Furthermore, we note the bulk table used for the Town of Monroe indicates compliance for facilities with "Central Sewer", this appears to be a conflict with the current operation of the facilities (Building 1, 4, and 5) in the Town of Monroe.*

We note the applicant's correspondence indicates the septic system serving Building No. 4 was designed in 1996, the status of this system does not appear to have been confirmed in the 2008 approval, presumably under the assumption that the County connection would be made. The status of this system should be determined and connection to Building No. 4 shown on the plan.

b. *Building No. 3 – According to the DEC website, the SPDES general permit for the on-site septic fields is current³. Our review of the site identified the septic field area south of Building No. 4, which the plan shows serves Building No. 3, has conditions that warrant investigation. We recommend a certification report prepared by a NYS licensed Professional Engineer be provided to verify all of the septic systems are operating properly, including at a minimum a dye test (to be witnessed by the Village Engineer and/or Building Department) and visual inspection of the septic tanks. This remains to be provided.*

5. *Fire Fighting – Two fire protection tanks are present on site. The Building Inspector advised he tests one of the tanks used for the school sprinkler systems annually, but the status of the 13,000-gallon tank for reserve firefighting capability is unknown. The applicant should provide the status of this feature and we recommend you confirm it is operating properly to the satisfaction of the fire department. The applicant advises they are working on this.*

6. *Drainage – We previously opined, since there is no change to the proposed site plan or existing conditions, there is no need for further drainage studies. All technical drainage issues were reviewed previously and the development of the same must satisfy the NYSDEC criteria for construction activities and the Village MS4 regulations. However, based on a review of the recent plan submission, it is clear changes to the site warrant confirmation drainage facilities were and will be (addition under consideration) constructed per the prior approval. Each addition to Building No. 4 was designed with a pretreatment and drywell system. The system serving the proposed addition should be shown on the plan. The status of the system serving the 7,800-SF addition should be confirmed and certified by the engineer. Additionally, other drainage improvements, i.e., swale along access road and detention facility serving the Building No. 2 should be verified and certified. If necessary, we recommend maintenance of these facilities should be a condition of your approval.*

7. *Parking – We defer primarily to your traffic consultant for comments on required parking. However, we recommend certain details be shown on the plan including striping in no parking areas, handicap parking stalls, clarification on number of spaces south of Building No. 2, and typical stall dimensions.*

8. Site Circulation –

a. *Pedestrian – The plan should show pedestrian corridors, i.e., crosswalks and sidewalks, among the buildings and serving the new building expansion.*

b. Vehicular – Although not constructed, the improvements to the site access contingent on construction of “Future Rider Farm Road” was a requirement of the prior site plan approval. The requirement was a recommendation from the County on August 29, 2008, to “decrease the potential for future motorist conflicts and accidents with school busses.” We assume the Planning Board would prefer to maintain this site plan requirement and the Board’s traffic consultant will weigh in if they have any further comments. If so, the future improvement should be shown on the plan.

We also recommend the applicant confirm the circulation through the parking area (changed from prior approval) is per your Code (§310-42.E.) requirements for driveway aisle width.

9. Municipal Boundary and Lot Lines – The location of the municipal boundary line and lot lines appear to have shifted. The location of these features should be confirmed on the plan and located by survey or other means.

Regarding the Municipal Boundary comment, Designer Hutton said that falls on Orange County’s file map system. He said they are the ones who determine. He continues to say the boundary lines are not delineated well. Attorney Golden was uncertain and suggested they investigate and review other county maps to be certain. Designer Hutton said they contacted Orange County and he was told to use the current. Attorney Golden suggested that a note be placed that the boundary lines are directed by the county.

Chairman Gerver asked how the gallons of water were determined. Engineer Barber said the gallonage was incorporated in the two prior approvals. She will investigate to make sure.

Attorney Golden questioned what is being proposed as far as the addition, is it 4,000 sq. ft. or 7,000 sq. ft. Designer Hutton clarified that the existing building is 7,800 sq. ft and the new addition is 4,000 sq. ft. with a 2,000 sq. ft. footprint, so there’s 2 stories in total.

S. Capriglione noticed on the last submission there were buildings missing and numbered differently and Designer Hutton said he had made those adjustments by removing some of the buildings. One was destroyed by a fire; another was labeled as a trailer that no longer exists. These adjustments were made at the request of the Board. He tried to keep the numbers as per the previous plan, but he couldn’t keep all of them. Engineer Barber noted she tried to help organize the numbering of the buildings, but there was an error on her memo.

R. Cataggio asked how many students attend the 7,800 sq. ft building and how many will attend the proposed 4,000 sq. ft. Designer Hutton said to his knowledge there will be no students in the 4,000 sq. ft. building.

Planner Lockman refer to the parking analysis table, saying when the proposed addition is done, adding the 7,800 sq. ft. it will be 19,600 sq. ft. in total. Planner Lockman tried to add the square footage and it didn't seem right, Designer Hutton said he will verify the previous numbers of the buildings and of the proposed additions, plus the existing buildings and updated the charts on the plan. He clarified the square footage on the addition (4,000 sq. ft. with a footprint of 2,000 sq. ft.). Chairman Gerver asked for a chart with all the information to be placed on the plan.

Planner Lockman began to go over his memo. He said the plan that expired consisted of six sheets, but only one sheet was given with the re-application. He believes all 6 sheets should be re-done or if they are the same to be attached to the top sheet. Designer Hutton did not see the relevancy in providing the six sheets since they are part of the record, and those sheets include the layout of the septic fields for building 2. Which they received approval already from the DOH. Planner Lockman again explained the plans expired and they are recorded as expired plans. Chairman Gerver said all plans whether it's the same must have a current date on it. To go forward, plans with the current date are the ones that will be signed. As per Designer Hutton those sheets detail the septic system, pump chambers and tanks that are already in place. Engineer Barber said it's relevant to have those sheets. There are some details that are associated with the stormwater detention system for the proposed addition and to any site improvements along with current or future construction.

Planner Lockman continued saying all six sheets should be submitted so it is clear what new construction is proposed at this time and that all construction proposed for after the approval is also identified since Designer Hutton constructed some things that were on the expired plan.

Discussion on the relevancy of the plans being submitted and stamped was brought up by Designer Hutton. Engineer Barber gave examples as to why those details are important and beneficial.

Attorney Golden advised that this application won't be quickly approved due to the moratorium. This application is not exempt from the moratorium, so he suggests submitting revised plans and have Engineer Barber and Planner Lockman review properly. He said the Board will not be able to give an approval until the moratorium is lifted.

Planner Lockman continued with his memo noting the DOH setting the limit of 4,500 gallons per day to then see on the newest plan 5,352 is proposed for building 2 and 4 concerns him. Designer Hutton said they will clarify.

Planner Lockman asked if the elevations or architectural details were submitted since he hadn't seen them. Designer Hutton said those details were part of the original approval. Planner Lockman explained that in order to get approved for an ARB, elevations and architectural details are required. Joel Mann from Brach and Mann Associates representing the applicant missed prior meetings and said he was just placed into this project. He said they will provide renderings of the proposed 4,000 sq. ft. addition and asked since this application was previously approved will the Board be able to provide a quick approval. He continues to ask, if the applicant decided to change the square footage by enlarging it to 6,000 sq. ft instead of 4,000 sq. ft. will there be anything that will restrict them from making those changes. Attorney Golden said the SEQR will be affected. He said if its under 10,000 sq. ft. the SEQR does not change, if its over it will affect the SEQR. Attorney Golden explained there are other factors that may take place upon the Board's review. Mr. Mann said he will convert with management and will come back with a decision and with the necessary adjustments. Attorney Golden advised to take in consideration the memos from the consultants.

Regarding the moratorium, Mr. Mann asked if the Village Board of Trustees have the power to waive the moratorium. Attorney Golden said he will have to take a closer look and see if there is a waiver provision. Though there are specific exemptions, but this application does not fall within.

Since Mr. Mann has been before the Board on other applications, Chairman Gerver advised him to do what is traditionally required for an ARB. Which are drawings with dimensions, renderings, whether it's a commercial or residential building. Mr. Mann said they will be able to provide what's needed.

Engineer Barber advised that if the applicant chooses to expand the square footage there are other site plan implications that will need to be addressed in the consultant's memos and should consider it as a new application. The impact on parking and drainage amongst other things.

Chairman Gerver said if there are no additional students proposed for the new addition, what is the reason for the expansion. Mr. Mann said he didn't go into details, to his understanding there will be additional students. Chairman Gerver said those details need to be known since parking and traffic may have an impact. He appreciates it if that information can be provided.

In respect to SEQR, Attorney Golden said as of now it's a Type II Action because it deals with educational institutions and the expansion of those existing facilities by less than 10,000 sq. ft. including basements and gross floor area. Mr. Mann and Designer Hutton understood.

E. Eastgate Mgmt. 300 Forest Rd ARB – Review and discuss documents submitted for proposed addition to existing single-family dwelling. Said property is located at 300 Forest Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 213 Block 1 Lot 63.

The applicant did not attend the meeting, Attorney Jay R. Marrow sent a letter addressing tonight's Planning Board meeting. Therefore, the Planning Board will not act on the issue.

Re: Eastgate Mgmt, 300 Forest Road ARB application

Dear Chairman Gerver:

I represent the above-named application. Based on my conversation with Barry Terach regarding the items to be addressed in the technical comments provided to the Board, I am requesting that the matter be taken off tonight's agenda for further submission to address the comments. Please confirm. Thank you for your courtesies

*cc: Eastgate Management
Barry Terach
Michael Sandor*

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by S. Capriglione to adjourn the meeting at 8:36 PM.

ADOPTED

AYES

4 Chairperson Gerver, R. Cattagio, S. Capriglione, T. Deluca

NOES 0

Claudia Valoy-Romanisin, Planning Board Secretary