

**Village of Woodbury  
Planning Board Meeting  
August 18, 2021**

Minutes of the Planning Board Meeting held on August 18, 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  
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:**

Chairman Gerver announced there are a few public hearings scheduled for tonight's meeting. He advised the public when they reach the podium to speak into the microphone, provide their full name and where they are from prior to speaking on any of the applications. Questions and or comments are to be directed to the Planning Board.

- A. Gluck/Summit Properties ARB – Public Hearing** for ARB preview 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, 1.23 ,4.21, 4.241, 4.243

Architect Eric Osborn representing the applicant gave a summary on the proposed lots and provided the Board, counsel and the public with renderings, color chips, roofing, siding, fulfilled requests from the Board, and other details that were required for an ARB per lot.

Chairman Gerver asked if anyone present wish to speak on this application and there were no speakers.

Motion was offered by Chairman Gerver, seconded by S. Capriglione, to close the public hearing for Gluck/Summit Properties. 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

Chairman Gerver read the Specific Conditions on the draft Resolution of Approval for Mordy Gluck.

*Specific Conditions*

1. *No building permit shall issue authorizing construction of structures inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board as part of this approval, nor shall any Certificate of Occupancy issue for any structures constructed except in conformance with such renderings. Any deviation from such renderings will require further Planning Board review.*

2. *Prior to the signing of the plan by the Chairman, the Applicant shall:*
  - a. *Comply with Specific Condition No. 16 of the 2008 Resolution of Approval stating: "Prior to the expiration of this conditional final approval or the issuance of a building permit, whichever first occurs, Applicant shall secure a SPDES permit from the New York State Department of Environmental Conservation ("DEC"), to the extent that such a permit is required by the DEC." The Applicant shall provide proof of coverage under the SPDES General Permit for stormwater discharges from construction activities to the satisfaction of the Village Engineer.*
  - b. *Revise the plans to comply with the memorandum of the Village Engineer dated July 30, 2021, including extending the conservation easement on Lot 4.*
  - c. *Revise Sheets L-701 and L-702 to include a key to the landscaping plan symbols.*
  - d. *Revise the plans to remove the note stating that Lot 2 is a vacant lot.*
  - e. *Provide proof of the filing with the Orange County Clerk's Office of a deed restriction in such a form as is satisfactory to the Planning Board Attorney prohibiting the removal of the trees planted as mitigation to the view corridor.*
3. *Prior to the issuance of a building permit:*
  - a. *The Applicant shall comply with Specific Condition No. 11 of the 2008 Resolution of Approval stating: "Applicant is required to make improvements to Summit Ave. so as to have it collect and convey stormwater in an appropriate fashion, all to the satisfaction of the Village Engineer and the Town Highway Superintendent, including, but not limited to, the proper sizing of the driveway culvert pipes in accordance with the Village Engineer's memorandum No. 43-08-043, dated July 28, 2008...." Specifically, the flared end section with RCP pipe and rip rap discharge along the southern lot line of Lot 8 shall be installed or located in the field for inspection and acceptance by the Village Engineer and Highway Department.*
  - b. *The Applicant shall comply with Specific Condition No. 12 of the 2008 Resolution of Approval stating: "Applicant is required to make improvements to the Oak Concourse road property so as to have it convey stormwater in an appropriate fashion, all to the satisfaction of the Village Engineer and the Town Highway Superintendent, including, but not limited to, the proposed concrete swales in accordance with the Village Engineer's memorandum No. 43-08-043, dated July 28, 2008... No improvements to the Oak Concourse road may proceed unless and until Applicant posts a cash bond or irrevocable letter of credit to ensure the successful completion of such work, including a one-year guarantee period. The cash bond or irrevocable letter of credit shall be in such amount as hereafter determined by the Village Engineer at the time such improvements are intended to be undertaken to ensure that the estimate is reasonable related to the costs of materials and labor applicable at such time. Any irrevocable letter of credit shall be in such form as is acceptable to the Attorney for the Village." Specifically, the swales shown along Oak Concourse shall be constructed per the approved plan. Where swales were previously constructed, they shall be cleaned for inspection and confirmed adequate by the Village Engineer.*
  - c. *The Applicant shall strictly adhere to the limits of disturbance shown on the plan. Prior to the issuance of a building permit for a particular lot, the limits shall be staked in the field by a licensed land surveyor and confirmed by the Building Department. The limit demarcation shall be protected by the construction fences until disturbance is complete and the area stabilized.*
4. *Prior to the issuance of a Certificate of Occupancy for any of the approved dwellings herein, the Applicant shall provide as-built drawings of the on-site stormwater management facilities. These drawings shall be filed with the Building Department and Village Engineer.*
5. *All new windows shall be constructed of non-reflective material.*

Chairman Gerver reference Town Highway Superintendent in sentence 4 section 3(a) “...all to the satisfaction of the Village Engineer and the Town Highway Superintendent,” He asked counsel if it should state Village. Planning Board Attorney Richard Golden said no because the resolution conditions from 2008 are carried forward. Though he suggests placing in parenthesis now Village.

Planning Board Planner Jonathan Lockman asked that number 5 be amended to read “All new windows shall be constructed or coated of non-reflective material”. Architect Osborn was fine with the adjustment.

Motion was offered by Chairman Gerver, seconded by T. Deluca, to accept the draft Resolution of Approval for Mordy Gluck, with the modifications discussed at tonight’s meeting. 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. Hartman/Hudson Pointe ARB** – Review draft resolution 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.

Chairman Gerver read the Specific Conditions on the draft Resolution of Approval for Joseph Kaufman (9 Hudson Pointe).

*SPECIFIC CONDITIONS*

1. *This is being approved for a single-family use only, and no other additional, accessory or related use is being approved hereby.*
2. *All new windows shall be constructed of non-reflective material and prior to plan signing the plan notes shall be modified for consistency with this requirement to the satisfaction of the Village Planner*
3. *All new plantings shown on the plans, or as required or authorized by this Resolution of Approval, shall be planted in a timely manner consistent with planting seasons and maintained in a healthy and vibrant condition in perpetuity.*
4. *Prior to the signing of the plans, the Applicant shall comply with the memorandum of the Village Planner dated July 29, 2021 to the satisfaction of the Village Planner.*

Planner Lockman asked that number 2 be amended to read “All new windows shall be constructed or coated of non-reflective material”.

Motion was offered by Chairman Gerver, seconded by S. Capriglione, to accept the draft Resolution of Approval for Joseph Kaufman (9 Hudson Pointe) with the modifications discussed at tonight’s meeting. 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. Christensen/Ferriera ARB** – **Public Hearing** for ARB application to erect solar panels on a single-family home located at 5 Pleasant Drive in Highland Mills. Said property is known on the Village of Woodbury Tax Maps as Section 211, Block 1, Lot 61.

Ed Gallagher from Momentum Solar representing the applicant spoke of the solar panel project. It’s a 19-module system with 6.46 Kilowatts and the conduit for the system will run through the roof into the attic. Each panel has a rating of approximately 340 watts.

S. Capriglione asked if the panels will be on one side of the roof. Mr. Gallagher indicated the page on the design plans for the Board to see the location of the panels. He offered pictures of the home for the Board to view and due to the acceptance of the pictures, the Board asked Mr. Gallagher to submit them to the Building Department.

Chairman Gerver asked if anyone wish to speak on the Christensen/Ferriera application. There was no comment(s).

Motion was offered by Chairman Gerver, seconded by T. Deluca, to close the public hearing for Christensen/Ferriera application. 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

Chairman Gerver explained the GML 239 was referred to the Orange County of Planning on August 11, 2021. OC Planning will then take up to 30 days to issues any comments on the application. If there are no comments on the application a Resolution of Approval will be drafted by the Planning Board Attorney(s). The application will then be placed on the Planning Board agenda for the Board to vote. Action cannot be taken until the OC Planning contacts the Planning Board or until the expiration date September 10, 2021. The Building Department will then notify the applicant. Chairman Gerver said the application may be placed on the agenda for September 15, 2021, if there are no issues or the expiration of the referral.

- D. Mitchell Sunpower Corp/Mera ARB – Public Hearing** for ARB application to erect solar panels on a single-family home located at 6 College Drive in Highland Mills. Said property is known on the Village of Woodbury Tax Maps as Section 245, Block 2, Lot 8.

Melissa Mitchell from Sun Power Corporation representing the applicant. They are to install a 7.85-Kilowatt Solar System on the roof. It will be grid tied and mounted on the roof of the applicant’s home with 18 panels on the front of the house and 6 panels on the back of the house and each panel is 327 watts. The conduits will be running from the roof into the attic. She concluded by saying she submitted photos to the Building Department and will be happy to submit any other information/documentation the Board may require.

Chairman Gerver asked if anyone wish to speak on the Mitchell Sunpower Corp/Mera application. There was no comment(s).

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

Chairman Gerver explained to Ms. Mitchell same as the previous application. The GML 239 was referred to the OC Planning on August 11, 2021. As the previous application a draft Resolution of Approval will be read after receiving OC Planning comments or the expiration date of the referral.

- E. Kazlauskas/Justino ARB** – Review documents submitted for ARB and Ridge Preservation review of the proposed exterior renovation to existing rear addition for the replacement of patio doors with windows and siding. Said property is located at 29 Mountainview Drive in highland Mills and is known on the Village of Woodbury Tax Maps as Section 219 Block 9 Lot 14.

Jerome Kazlauskas the applicant, resides at 29 Mountainview Drive. Mr. Kazlauskas would like to make some repairs to his home due to water damage. When it rains the water comes off the roofs of the upper house, coming down the hill to then convert into streams behind his home as well as his neighbors. He presented the Board with pictures of the surrounding area from his cellular phone to explain the situation. Chairman Gerver asked that Mr. Kazlauskas present those digital pictures to the Building Department the next day. Mr. Kazlauskas will be installing new windows, stairs, and a door to an existing patio. He is not proposing changes to the existing footprint of the home.

S. Capriglione asked if anything is being done to stop or lessen the water from going downhill. Mr. Kazlauskas said a French drain is being put in place to cut the water off, so it won't go against the house.

Planner Lockman had a few questions, he wanted to know if the applicant will be placing lights on the outside or cut down any vegetation. Mr. Kazlauskas said they will only be replacing the old fixers with new ones. As per his contractor they will be framing out the build putting in plywood, put Tyveks and match the siding of the existing house. Planner Lockman explained the process of the architectural review, so the applicant can be ready for the public hearing.

Chairman Gerver explained what the applicant is to present in a public hearing (swatches, colors, materials used to do the repair.) This is for the public to see, make any comments or ask questions. After confirming with Mr. Kazlauskas receipt of Planner Lockman's memo, Chairman Gerver asked that a section on the application be corrected, which was the section block lot number along with the sample of the siding.

Motion was offered by Chairman Gerver, seconded by T. Deluca, to schedule a public hearing on September 15, 2021, for Kazlauskas/Justino application. 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

Motion was offered by Chairman Gerver, seconded by T. Deluca, to have a Type II Action under SEQR, for Kazlauskas/Justino application. 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

Motion was offered by Chairman Gerver, seconded by T. Deluca, to have counsel draft a Resolution of Approval, for Kazlauskas/Justino application. 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

Mr. Kazlauskas asked how long before he can start work on the project. Chairman Gerver clarified that no work can be done prior to September 15, 2021. He explained on the day of public hearing providing all goes well the Board will vote, and council will then send a paper copy of the Resolution of Approval to the Chairman to sign. It will then be given to the Building Department; they will then issue the Building Permit.

Attorney Golden reminded the Chairman that for the prior applications along with Mr. Kazlauskas application are exempt from the Town's moratorium, which is why the Board can act.

- F. **Eastgate Management 152 Seven Springs ARB** – Review documents submitted for ARB and Ridge preservation of proposed single-family dwelling and removal of existing dwelling. Said property is located at 152 Seven Springs Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 213 Block 1 Lot 13.12.

This applicant did not attend the meeting, therefore the Planning Board decided to not act on the issue.

- G. **Mayer ARB** – Review documents submitted for ARB and Ridge Preservation for an addition on an existing single-family dwelling. Said property is located 95 Schunnemunk Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 204 Block 1 Lot 101.2.

Shlome Mayer the applican is applying for Architectural Review and Ridge Preservation Review for an addition to his family home at 95 Schunnemunk Road.

Planner Lockman began to go over his comments on his memo.

*NPM Memo August 11, 2021:*

*Submission Comments:*

*1. A Short EAF Part 1 should be submitted. According to the NYSDEC Environmental Mapper, the project site is located in the vicinity of endangered or threatened animals (Northern Long-eared bat, Timber Rattlesnake), in addition to being within the vicinity of rare plants and/or significant natural communities (chestnut oak forest).*

*2. The Site Plan on Sheet A2 should be updated to show zoning compliance in addition to more details regarding the existing conditions of the site. We encourage the applicant to review §310-45 of the zoning law, which outlines information required on site plan sets. In the area where the addition is proposed, the applicant should update their Site Plan sheet to include the below information:*

*a. The required zoning setback envelope, and labels showing what setbacks the applicant is proposing from the corners of the proposed structures to the nearest property line. A zoning bulk requirements table should also be provided with required and proposed bulk and area dimensions.*

*b. Existing trees of 8" + caliper, trees to be removed, and trees to be preserved should be labelled on the plans.*

*c. The proposed limits of disturbance should be labeled on the plans; the total square footage of this area should also be provided.*

Mr. Mayer said this was noted on the plans. Attorney Golden asked if limits of disturbance are on the plans and Mr. Mayer said yes.

*d. Any proposed lighting features with lighting intensity indicated on the plans.*

*e. Contour intervals should be provided in the area where work is being performed with areas of steep slopes (15% grade or greater) highlighted.*

Mr. Mayer said nothing will be greater.

#### ***General Zoning and Planning Comments***

*3. Zoning Bulk Requirements. It appears that the new addition complies with zoning bulk requirements (setbacks, lot coverage, and building height), however, zoning compliance should be shown on the site plan. Please see comment 2a above.*

*4. Landscaping. Based on aerial imagery, there appears to be existing vegetation in the area where the addition is proposed. Please see comment 2b above.*

*5. Lighting. Does the applicant propose any exterior lighting? Per §310-45(D)(8), "all outdoor lighting is of such nature and so arranged as to preclude glare onto adjoining properties and streets."*

Mr. Mayer responded by saying there are no views from neighboring properties, its 9 acres.

*6. The ARB application notes that the succah room would be 660 square feet. What is the total square footage of the addition, including improvements to the basement?*

Mr. Mayer responded its 660 sq. ft. exactly for that room only.

*Ridge Preservation:*

*7. The site is located at approximately 910 feet in elevation, subject to the Ridge Preservation standards of the Zoning Code §310-13. We offer the following comments with respect to the following subsections of §310-13. B.:*

*a. Section 1: The applicant should determine if the project will be visible from 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.*

Mr. Mayer said no one can see his home, the home is 600 ft. above the road from one side and 2,000 ft. from the other.

*b. Section 2: 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 proposed roof utilizes Tanko "Heritage" shingles in "green-grey" in color. The proposed siding listed is Royal Crest or Certain Teed, which would be grey in color. The proposed colors appear to meet the standards of the Ridge Preservation. The applicant should discuss whether the building materials proposed for the siding are "natural materials" and whether they match or contrast with materials on the existing building.*

*c. Section 3: This section requires that roof slopes also be of natural color. Green-grey is an adequate natural color. The roofing material should be clarified.*

*d. Section 4: The applicant should add a note to read, "Anti-reflection window film will be applied to any new low-e windows installed."*

*e. Section 5: As mentioned in comment 2b, 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.*

Planner Lockman suggest that Mr. Mayer take his memo and provide an answer for each comment and submit it to the Building Department. It may be easier for the applicant, and helpful for the Board and counsel.

Mr. Mayer did not understand why he wasn't able to address Planner Lockman's comments prior to the meeting via email, but instead have him come to a meeting to address comments and or questions. Attorney Golden explained it's the process of the Planning Board and it's the procedure for every applicant. He asked Mr. Mayer if he understood Planner Lockman's last comment; to respond to each one of the comments. It would be helpful for the Board in their deliberations.

Chairman Gerver asked Mr. Mayer to take photos from his house on all four sides to show what's around and send those pictures in to the Building Department.

S. Capriglione noted the address on the plans is incorrect, it shows 23 Eagle St. She asks that it be corrected. Looking at the plan, she noted the addition will have a basement with a door and window. Mr. Mayer said yes. It was noted that there is a steep slope, so the addition looks lower than the existing house. Mr. Mayer showed S. Capriglione pictures from his cellular phone for a better understanding.

Planner Lockman showed Mr. Mayer the site plan on his computer. Showing Mr. Mayer, the blank areas that need to be filled out by the applicant. Answering Planner Lockman's comments will help and update the site plan. Chairman Gerver noted its up to the applicant to show the Board that the home is not viewable from review corridor(s). He said there's a view corridor map on the Village of Woodbury website that can be downloaded. The applicant is to take a picture from one or a few of the view corridors listed. If the home can't be seen then the Board will move past that part of the application, if you can see the home then the Board will talk about mitigation.

Attorney Golden noted the application states the property to be one acre while the Orange County's website states it to be 8.7 acres. Mr. Mayer said he didn't have the application at hand, but he verified that it's close to 9 acres.

It was asked if the moratorium would apply in this application and Chairman Gerver said it doesn't apply to the ARB because the applicant is adding to an existing structure. Therefore, this application is exempt from the moratorium.

Motion was offered by Chairman Gerver, seconded by S. Capriglione, to have a Type II Action under SEQR, for Mayer application. 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

**Adjournment:**

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by T. Deluca, to adjourn the meeting at 8:30 PM.

**ADOPTED**

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

Claudia Valoy-Romanisin, Planning Board Secretary