

**Village of Woodbury  
Planning Board Meeting  
June 2, 2021**

Minutes of the Planning Board Meeting held on June 2, 2021, at 7:30PM  
(Meeting held via Zoom)

Board Members Present: Christopher Gerver, Chairman  
Robert Anzalone  
Sandra Capriglione

Representing for the Village of Woodbury Planning Board:  
Richard Golden, Attorney  
Natalie D. Barber, Engineer  
Jonathan Lockman, Planner  
Philip Grealy, Traffic Consultant

Board Member(s) Absent: Richard Cataggio  
Thomas Deluca

Chairman Gerver opened the meeting with Pledge of Allegiance.

1. **Executive Session:** No Executive Session was necessary.
2. **Public Comment:** No member of the public had comments.
3. **Regular Agenda:**

- A. **Hartman/Hudson Pointe ARB** – Public Hearing for ARB review 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.

Village Planner Jonathan Lockman had some comments so he began to go over his memorandum dated May 27, 2021, on this application.

*NPV Memo:*

*Ridge Preservation*

*1. The site is located at approximately 980 feet in elevation and therefore subject to the Ridge Preservation standards of the Zoning Code §310-13. The code now incorporates the provisions of Local Law 2 of 2021, adopted January 14, 2021. We offer the following comments with respect to the following subsections of §310-13.B:*

*a. Section 1: The house is existing on this developed site, which will be visible from designated ridge preservation view corridors. The Board should determine if the addition structure blends into the hillside to the maximum practical extent.*

*b. Regarding sections 2 and 3, the Board found the color for the roof shingles (Harvard slate) and the siding (natural clay) as meeting these standards.*

*c. Section 4: The applicant has added a note to the revised front elevations plan stating that “all windows to be non-glare windows.” We are not aware of a “non-glare window.” Applicant should provide details, or alternatively, we suggest instead that the note be revised to read, “Anti-reflection window film will be applied to any low-e windows installed with southerly exposures.”*

*d. Section 5: The applicant has added a note to the Survey Plan indicating that “no vegetation to be removed”. This is note 14 of the general notes, and it is also labeled on the Survey Plan in the rear yard of the site.*

*Architectural Review*

*2. The project is subject to the Architectural Review process of Chapter 8 of the Woodbury Code, and particularly the standards of §8-5 and §8.8. The code now incorporates the provisions of Local Law 1 of 2021,*

adopted January 14, 2021. To evaluate these standards, the Planning Board requires submittal of information on the sizes, heights, and styles of homes adjacent to and/or near the subject property of the applicant. Pursuant to §8.5.A, the Planning Board may deny an application by reason of:

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

*The applicant has provided photos and floor plans for comparable homes in the neighborhood of the subject property of the applicant. The Planning Board should review the sizes, heights, and styles of these comparable homes to determine the proposed project's level of similarity or dissimilarity as described in the code above.*

#### *Other Zoning and Planning Issues*

#### *3. Bulk Requirements*

*a. The property is zoned Residential, One-Acre district (R-1A) and is in the Conservation Cluster Development Overlay district (CCDOD). Both the Planning Board application and site plan should be updated to reflect that the property is also zoned CCDOD. Please add notes to the site plan and submit a corrected application page.*

*b. Building square footage labels. The site plan was not updated to show the square footage of the existing dwelling. Although a square footage schedule for the house was provided, the site plan should be updated with a square footage label for the existing home.*

*c. Existing and proposed lot coverage has been added to the site plan. Per Section 310-31.1.D(4), the maximum lot coverage is governed by R-0.25 standards. Lot coverage for buildings and impervious surfaces shall not exceed 35 percent of the lot area, and 26.8% lot coverage is proposed.*

*d. Building Height. Please update the site plan to show building height. Although proposed and existing height is provided in the bulk requirements table, the table only indicates that the height is <35 feet, rather than indicating a specific height. Per Section 310-7, the building height shall not exceed 35 feet.*

*4. The "Projected Water and Sewer Demand" form submitted last month indicates no increase in water or sewer usage, as no new units or bedrooms are proposed. The addition is for a great room, roughly 44 by 30 feet (approximately 1300 sf) with two gallery sitting areas above, two bathrooms, a warming kitchen, and a library. The Board should ask the applicant to confirm these proposed uses to determine if any additional water or sewage usage should be modeled.*

*5. The great room shows seating for 26 persons, with additional area for more seating within the great room as well in elevated galleries and warming kitchen is included adjacent. We question whether assembly by more than 50 people is anticipated for the addition, and if so, we defer to the Building Inspector on whether this space requires treatment as a different occupancy class under Building and Fire codes.*

*6. We still question the use of this space as accessory to the home, insofar as it does not appear that this area is consistent with traditional residential use, particularly having an upstairs gallery sitting area to view the great room below, and a warming kitchen, and other non-traditional spaces, such as an indoor basement pool. At the May 4, 2021, meeting, the applicant indicated that this addition will be used only as accessory space to the residence, and not as an assembly area. We defer to counsel and the Building Inspector on whether this use can be considered "residential" in nature as it appears to be designed for assembly of a significant number of presumably non-resident persons.*

#### *SEQRA/Procedure*

*7. If this space is determined to be for residential use, we recommend that the Planning Board classify this action as Type II, requiring no further environmental review under SEQRA, as it is renovation of an existing single-family home on an approved subdivision lot. See 617.5(c)(11). We may adjust our recommendation based on the applicant's responses to our comments 5 and 6 above.*

*8. We are not aware of any resources located within 500 feet of this site that would trigger a requirement for GML 239-m review by the Orange County Department of Planning, if this space is determined to be for residential use.*

S. Capriglione had a question regarding the square footage described on Planner Lockman's memo (last page). Planner Lockman's admitted it was phrased incorrectly. His measurements were in reference to the great room. Attorney Richard Golden asked if there was a total square footage for all the additions. Planner Lockman said 2,248 sq. ft. for the basement, 2,248 for the first floor, 729 sq. ft. for the second floor that's above the gallery. That would bring it to 5,229 sq. ft. for all three levels. S. Capriglione noted, adding 5,229 sq. ft. to the existing house will take it over 12,000 sq. ft. Planner Lockman agreed, noting the home will be quite large. Chairman Gerver noted it will be 27% larger than the largest home located on 7 Alleghany Cross. Planner Lockman agreed.

S. Capriglione asked if the basement in the current home is unfinished. Architect Larry Hartman said it's not. S. Capriglione asked if there were plans for a basement pool. Designer Hartman said there are plans in the future for a basement pool. The foundation will be lowered to place the pool, he added by saying its underground making it impossible to place a window. He clarified the height of the building is stated on page 8 of the plans.

Planner Lockman referred to sheet A201 the dotted lines on the plans and Designer Hartman said they represent the basement; the dark line is the grade 27 ft. 11.5 above grade. The basement is completely underground. Planner Lockman did not understand why there were two windows below grade. Designer Hartman explained in the front there will be two window wells.

Chairman Gerver asked if the old and new basements will be connected and the height of the basement ceiling. Designer Hartman said basements will not be connected and the basement ceiling will be 10 ft. in height.

R. Anzalone asked if the addition will have vinyl and what color it will be. Designer Hartman said there will be vinyl and stone as the existing home. He referred to the picture showing the existing home and the renderings added the addition, showing the color beige.

Chairman Gerver asked about landscaping buffering between the two properties. Designer Hartman said currently there is no landscaping. He said if that is something the Planning Board requests, he's sure the applicant won't have a problem adding landscaping to the plan.

R. Anzalone asked Attorney Golden on the approval of vinyl and ridge preservation. Attorney Golden went on to explain the unique situation which can affect other applications. The Board will have to decide whether the construction is in accordance with the code, because it must be natural materials and vinyl is not included. If they are not in accordance, then the applicant will have to appear before the Zoning Board of Appeals (ZBA). The ZBA will be judging from a different standard than the Planning Board. Another option is instead of vinyl using wood, brick, or stone for siding. Attorney Golden advised the Board on the strict construction of the code so they may have a better understanding.

S. Capriglione mentioned the section of the projected water and sewer demand. Regarding the connection to the municipal system the lot is incorrect. She believes it should be lot 2. Planner Lockman clarified the section block and lot for lot 2 should be 255-1-2.

Chairman Gerver open the floor for public to speak, he asks for the person to state their name and speak on the Hartman/Hudson Pointe ARB application. The Board waited and there was no response

A 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 3                      Chairperson Gerver, R. Anzalone, S. Capriglione,  
NOES 0

Chairman Gerver acknowledges that he is not comfortable with the 27% increase of the home. S. Capriglione thought there was an agreement to a percentage on the increase of a home (s) and recalls it being a home in Apple Hill. The Board began

discussing the idea of removing the basement to bring the percentage down. They found themselves presented with two issues, the vinyl siding and look of the building from the street level. Chairman Gerver spoke of the neighbors and Designer Hartman said did not come to the public hearing because they have no issues. Regarding materials, Designer Hartman referred to some minutes to prior application(s) where the siding and stucco was approved but not the color white. He asked the Board to consider the fact that they are not changing anything from the existing. He also mentioned other homes in the area having siding. R. Anzalone asked if any of those homes were approved by the current Planning Board. Designer Hartman said according to the minutes yes, it was approved by the Board. S. Capriglione said driving through the area she's noticed plenty of homes with siding and feels it would be a burden if an existing house with siding is then told they cannot have matching siding and is forced to redo the entire home in wood, stone, or brick. Attorney Golden said its best to have information showing what was approved, since there is the possibility these other homes with siding was not approved.

The Board is faced with some difficulties and Planner Lockman volunteer to go over the minutes along with H2M notes to see what was approved on other homes. Chairman Gerver asked the Board for their opinion on the visual of the home. R. Anzalone believes the home is quite large and would like it to scale down. S. Capriglione agrees. She said she has no problem with the front of the house, but the windows are different. Chairman Gerver admits the basement is an issue for him. R. Anzalone asked if the Board can hold off till further information. Chairman Gerver noted they will wait for Planner Lockman and Engineer Barber's report. S. Capriglione noted all those homes did not present themselves in front of the Planning Board. They may have gone to the Building Inspector Gary Thomasberger for a permit and Attorney Golden agreed.

Chairman Gerver clarified to Designer Hartman the Board is not just referencing to this application. They are looking at this in general going forward. He does not want the applicant to feel single out. Chairman Gerver asked if screening is a possibility. To be fair to Designer Hartman, Chairman Gerver wants to give him and the applicant some guidance as to what to do. R. Anzalone suggested using evergreens to use as screening and Chairman Gerver agreed.

Chairman Gerver asked how long the new addition is and Designer Hartman said its 78 sq. ft. Designer Hartman said in order to compensate the numbers he can remove the basement entirely and the change will only be 1-2%. He said it wouldn't be an issue to add a condition to put all year round trees. He's sure the client will understand. Chairman Gerver stated the Board can't decide tonight.

There are 3 doors leading into the addition, S. Capriglione asked are there so many doors. Designer Hartman said the front door is for the mudroom, the one in the back leads to the great room to the backyard and the other is on the side door, near the stairs. She asked if there were windows and a door on the wall that connecting to the existing house. Designer Hartman said there are no windows or door on that wall.

Designer Hartman said he will make some revisions and provide the minutes he's collected on the siding of the homes in the area. Planner Lockman asked Designer Hartman to provide him and Engineer Barber copies of those minutes/approvals he's collected on any construction over the years about the use of natural materials. Attorney Golden reminded Designer Hartman to make all his submissions directly to the Building Department.

**B. Feldman/Southfield Falls ARB – Public Hearing for ARB review of proposed addition to an existing single-family dwelling. Said property is located 77 Southfield Falls and is known on the Village of Woodbury Tax Maps as Section 255 Block 4 Lot 2.**

Village Planner Jonathan Lockman gave a summary of his memorandum dated May 27, 2021, on this application.

*NPV Memo:*

*Submission Comments*

*1. Per comment 1 of our previous memorandum, sheet A-2 has been updated to show the floor plan for the second level. This also confirms that no bedrooms will be added for the proposed addition.*

*2. Sheets A-6 and A-7 include the follow note: "windows are selected by other." Please clarify. See comment 4d regarding Ridge Preservation standards, below.*

*General Zoning Comments*

*3. Bulk requirements*

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

b. *Lot Coverage. Existing and proposed lot coverage has been added to the site plan. The proposed action would increase the lot coverage from 13.8% to 17.8%, which would comply with the maximum lot coverage requirement of 35%, per Section 310-31.1.D(4).*

c. *Lot Area and Yard Requirements. The lot area and yard requirements are stipulated on sheet OP-3 of the final plan for WP3 Subdivision from April of 2007. The subject lot, which is shown on the final plan as FM LOT ME 267, must meet the following standards: 30,000 sf lot area; 40' front yard; 15' side yard; and 35' rear yard. It appears the proposed additions meet these requirements.*

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

e. *Building Height. Building height has been labelled on Sheet A-6. The proposed building height is 33'-4", which is lower than the maximum allowable building height of 35'. The proposed height of 33' 4" should be added to the site plan, sheet S-1. That sheet now shows the height as "<35 feet," which is not specific enough.*

In reference to the ridge preservation Planner Lockman said the Board must determine if the addition structure blends into the hillside.

#### *Ridge Preservation*

4. *The site is located at approximately 800 feet in elevation, subject to the Ridge Preservation standards of the Zoning Code §310-13. The code now incorporates the provisions of Local Law 2 of 2021, adopted January 14, 2021. The applicant still has not submitted any materials regarding how the Ridge Preservation standards will be met. It appears that minimal vegetation removal will be needed, as the additions are proposed over existing lawn areas. We offer the following comments with respect to the following subsections of §310-13.B:*

a. *Section 1: The house is existing on this developed site, which will be visible from designated ridge preservation view corridors. The Board should determine if the addition structure blends into the hillside to the maximum practical extent.*

b. *Section 2: Per the ARB application, the applicant has proposed "classic cream" color for the vinyl siding. 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." Vinyl siding does not qualify as a natural material. Additionally, it is our recommendation that the "classic cream" color is not a natural color that will satisfactorily blend the structure into the natural environment. An alternative siding and material should be proposed, or a variance sought.*

c. *Section 3: This section requires that roof slopes also be of natural color. Per the ARB application, it appears that the "Barkwood" shingles meet this standard.*

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

e. *Section 5: The applicant still needs to 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. If no clearing is proposed, a note should be added to the site plan stating this.*

Planner Lockman continued with the architectural review and said the applicant submitted a google maps aerial photograph with the subject home and the proposed additions superimposed, showing its surroundings. He said he still would like to see photographs of nearby homes and view from the street and or floor plans to compare. He continued saying under SEQRA it appears to be Type II action as it's a renovation of a single-family home on an approved lot. As for a GML review, there are not aware of any resources that would require to be sent to the County for GML review.

Chairman Gerver said there would be no talk about siding since this application is very similar to the previous application in tonight's meeting.

As per the plans S. Capriglione noticed the driveway was not moved towards the garage. Planner Lockman said that is a question for the applicant to answer. He would like to see the change on the site plan s1 on how the drive would be redesigned to serve the new garage. Designer Gedalya Feldman said the driveway has been created to serve the new garage; it has been widened. He said he will fix the plan to reflect it better.

Chairman Gerver asked if the building of the Sukka room replace the need of putting an awning on the deck in the back yard. Designer Feldman said correct. S. Capriglione was confused on the driveway figurations and Planner Lockman asked if the applicant had kept the original pavement and just widens it. Designer Feldman said yes. Chairman Gerver shared the Google pic on the screen for a better view. S. Capriglione asked if there was a code that referenced asphalt. Planner Lockman said there's a lot of area in front of the new garage that's beyond the front yard line. The applicant can pave legally but widening the driveway within the first 25 ft. of the yard line is not allowed. Though he said he needs to check the codes. He continues to say that Designer Feldman can design something that can work, updating the site plan. Planner Lockman stated the applicant lot coverage is at 17.8% and the applicant can go up to 35%, so there won't be lot coverage limitation. Attorney Golden said this is an element that is excessively dissimilar from the neighborhood with respect to driveways, paving such a large area.

Chairman Gerver asked the Board how they felt on the visual impact of this home. He continues to say that he is concerned with the garage addition that's heading toward the property listed as the Zhang property. As per the site plan it seems the addition will be right up on the setback limit, where there's no landscaping that would separates either neighbor. He's okay with the rear, the front looks boxy. Planner Lockman clarified side setback is 10, making it 5ft from the setback. Chairman Gerver finds it too close. He likes the addition of the Suka room. R. Anzalone agreed with Chairman Gerver. Overall R. Anzalone finds the front of the home attractive and agrees with S. Capriglione on the driveway. He has a concern with the roof line; he wants to make sure it's the same as the existing one. Looking at the renderings on the screen, S. Capriglione noted a comment on the windows, stating it read "...windows selected by other". Designer Feldman said he was waiting for the interior designer to decide the look of the windows. Chairman Gerver said for the Planning Board to approve the application, everything needs to be stated on the plan. He continues to say he like to see some privacy screening where the garage addition comes close to the neighbor.

The Board/counsel listed the items that need to be taken care of by the applicant, which are the type of windows that will be used, some screening (right hand side of the addition that's close to the setback), and the rendering of the redesigned driveway. Attorney Golden asked if the applicant took note of the conversation with the previous application on siding. Chairman Gerver asked if Designer Feldman was present during the discussion with Designer Hartman and if he understood of the research that will take place regarding siding. Since both applications have similar issues regarding siding. Designer Feldman said yes, he understood.

Chairman Gerver opened the floor for the public to speak and asked that the person state their name, where they live and speak on the Feldman/Southfield Falls ARB application. The Board waited and there was no response.

A motion was offered by Chairman Gerver, seconded by R. Anzalone, to close the public hearing. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES	3	Chairperson Gerver, R. Anzalone, S. Capriglione,
NOES	0	

Designer Feldman was clear as to what he needed to do prior to their next meet.

- C. **WC/Ralph Lauren Coffee Truck** – Public Hearing proposed Amended Site Plan, Special Permit for the relocation of Ralph's Coffee kiosk and interior renovation of Polo Ralph Lauren retail store for associated "back of house" to support said kiosk. Said property is located within Woodbury Common at 283 Red Apple Court in Central Valley and is known on the Village of Woodbury Tax Maps as Section 225-1-70.2.

Engineer Barber said in the applicant's last meet the Board reconfirmed SEQRA. The discussion regarding kiosk operation raised important questions in relation to the operation and enforcement of those locations. Due to the proposed coffee truck as per her memo in the history section there were more than 8 approved kiosks locations. Only 8 are allowed to operate at one time. Pending the reinstatement of the Niagara location, she said it would be helpful to clarify questions she had listed in her memo.

*Zoning –*

- a) *Use – The coffee “truck” kiosk is permitted. However, as indicated above, the proposed location is an area that was relinquished as part of a prior approval. The applicant seeks to reinstate the Niagara Court kiosk location.*

*The applicant submitted a kiosk, RMU, and food truck plan identifying the approved 2 locations for these structures as part of prior approvals. The subject of the application is the Niagara Court and Ralph Lauren Kiosk locations, but we think this demonstration is helpful to consider the alternate locations that are available for Woodbury Common to develop subject to compliance with GLA and your prior approvals. The 1999 approval permits up to 8 kiosks to operate at any one time. The 2018 approval allowed one location to double in size, as long as the Niagara Court location was relinquished. We believe the rationale behind this was intended to be only 7 kiosk locations could operate as long as the “double” kiosk was in operation. At that time, the information booth was authorized for conversion to GLA, but not specifically identified as a kiosk. The recent coffee truck approval authorized one additional kiosk location and another operable kiosk. If you choose to act on the application, we believe the following should be addressed:*

- 1. Is the Ralph Lauren location to be abandoned or permitted as an approved alternate kiosk location?*

Engineer Barber said if it's abandoned the applicant would have to reapply to the Board when they decide to occupy that location. If it's an approved alternate, then the Board should decide if only the coffee truck or another kiosk could be permitted at the Polo location.

- 2. Should the operation of kiosks be defined based on number of operating structures or GLA?*

*In consultation with the Building Department, we believe the cleanest way to review the kiosk operation is through GLA. Now that the comprehensive tally has been prepared by Woodbury Common, if the operation of kiosks were to remain transient, this can easily be tracked and limited to the 2,195 SF noted below.*

- 3. Is the information booth that was converted to leasable area in 2018 considered a kiosk and should it be included in the number/GLA of permitted operating kiosks?*

*We note based on the tally provided below and in discussion with the Building Department it has been understood that this booth is a kiosk, however, the applicant's overall plan notes this as “leasable area” which is why this requires clarification.*

She said the applicant had advised that it's not considered kiosks, but they list that information booth as a kiosk in the GLA tally. When tracking kiosks or GLA it doesn't matter as long as the booth is accounted in the tally. If it's chosen to track the kiosks based on operating structures, then more questions are asked.

- 4. Can the coffee truck be located anywhere or only the approved Polo and potentially Niagara Court locations?*

Engineer Barber said in her opinion the coffee truck is tied to the back of the house operations at Polo and due to that unique relation to the ARB she asked the Board if it would be appropriate to limit it to those approved locations. She also let the Board know that H2M has asked that Woodbury Commons provide a revised GLA tally for any future application involving the GLA prior to the Board's potential action. She continued to say that since the Niagara and Polo locations have been previously reviewed by the ESO and afterwards approved by the Board. She suggests the application to be referred to the ESO and if there are any comments it can be handled as a condition of your action. Engineer Barber also noted in the last submission of the overall kiosk and food truck plan were some discrepancies from prior approvals and if the Board agrees she is willing to work with the applicant to revise it during the plan signing process.

Chairman Gerver suggests that H2M and the Building Department keep tally on the GLA since the Board relies on them if the applicant is compliant with the GLA or the number of kiosks. Before asking the rest of the Board, it was suggested by Attorney

Golden that the Chairman and the Board answer the questions Engineer Barber posted in her memo in order to clearly draft the Resolution of Approval.

1. *Is the Ralph Lauren location to be abandoned or permitted as an approved alternate kiosk location?* Chairman Gerver interpretation is the Board is not approving two separate locations at the same time, so the Ralph Lauren is to be abandoned. If the applicant wishes to use the Ralph Lauren spot they are to appear before the Board to get an approval.

2. *Should the operation of kiosks be defined based on number of operating structures or GLA?* The Board agreed on GLA as well as the applicant.

3. *Is the information booth that was converted to leasable area in 2018 considered a kiosk and should it be included in the number/GLA of permitted operating kiosks?* The Board agreed on GLA.

4. *Can the coffee truck be located anywhere or only the approved Polo and potentially Niagara Court locations?* Only in Niagara Court locations and the applicant agreed.

S. Capriglione was confused with page C13, as its noted alternate are in use and alternate kiosk. She asked what alternates are. She asked if those were sites that were approved but not used and Engineer Barber said yes. She asked if the alternates were counted on the GLA. Planner Lockman said no, alternates, kiosks locations and RMU are not counted in the GLA. Engineer Barber explained, when tracking the GLA they will be able to refer to the plan with the GLA tally and see which locations are operational. Engineer Barber gave an example so S. Capriglione can have a better understanding. S. Capriglione stated that as of tonight and going forward she prefers that there be no more alternates and Chairman Gerver and R. Anzalone agreed.

Planner Lockman said his memo was given late, though he notes that a momentary directory sign is in the middle of the area and on the site plan for the Niagara seating area, where the Ralph Lauren Coffee Truck will go. He references the plan with the tally of the kiosks, saying it's still confusing. Therefore, he like the applicant to provide a plan that clearly states approved locations, the ones that area alternate to then add them up to the number of approvals that are on record.

To be clear Engineer Barber said they will work on overall kiosks, RMU and modify the food truck plan due to discrepancies from prior approvals. Going forward instead of number of kiosks it will be the Woodbury Commons has been allocated 2,195 sq. ft. GLA and operational kiosk will have to be within that limit.

S. Capriglione noted there was a late email regarding the sign. Planner Lockman said he did see the email but hasn't had the chance to review it. The applicant confirmed sending the email stating its 16 ft. away from where the kiosk will be.

Chairman Gerver open the floor for public to speak, he asks for the person to state their name and speak on the Ralph Lauren Coffee Truck application. The Board waited and there was no response.

A 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 3           Chairperson Gerver, R. Anzalone, S. Capriglione,  
NOES 0

A motion was offered by Chairman Gerver, seconded by R. Anzalone, for counsel to draft the Resolution of Approval with the conditions that were addressed in the last two meetings. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**  
AYES 3           Chairperson Gerver, R. Anzalone, S. Capriglione,  
NOES 0

Engineer Barber asked if the Board would like to refer the application to the ESO to have their comments incorporated. The applicant said they previously had spoken to the Building Inspector Thomasberger and was told he would run it by the ESO. As of now they are waiting to hear back from him.

- D. **Highland Mills Center Group** – Review referral of zoning petition from the Village Board requesting a zoning amendment to designate parcels within the Senior housing Overlay District.

Highland Mills Center Group LLC and Lakeside Affiliates LLC have submitted a zoning petition to the Village Board of Trustees to create a 15.23-acre new Senior Housing (S-H) zoning district, to pursue an application for a Senior Housing project with 84 units (which would be enabled by the zoning change).

Representing the applicant, Attorney George Lithico began to give a brief history on the senior housing that was proposed back in 2017. He mentioned issues that were brought up with the Village Board of Trustees. They were eliminating the need for a traffic signal at the intersection of Timber Ridge, a proposed driveway on Rt. 32. He said Traffic Consultant Kenneth Wersted developed an alternate driveway, located near the mortgage office. Another was the avenue pump station, there was a filtration issue, and it was addressed by Timber Ridge last year and he believes its completed. Addressing those issues, a modified plan was developed for the 96 units. He said a public hearing was held in January and February of 2020 as a result the Village Board of Trustees decided to not proceed with that project. They then started over and went back to the original proposal, talked to the representatives of the Board regarding the need for a senior housing. He said the applicant went back to an 84-unit concept along with other modifications to location, parking, and access. Engineer Caleb Pawelski will explain the layout as well as the square footage within the requirements of the code of a 2-bedroom unit. Attorney Lithico introduced Engineer Barry Terach who will show the layout on the building(s) and apartment(s). Attorney Lithico is hoping the Board can start the process SEQRA and declaring their intent to be lead agency. He acknowledged receiving comments from the Planning Board Engineer and Planner, hoping to have them answered by June 23<sup>rd</sup> to then be on the agenda possibly by July 17<sup>th</sup> meeting.

Engineer Terach began to go over the layout of the building. He noted that there was an oversight on his part on the minimum square footage required in the Village of Woodbury Zoning Code. Engineer Terach said there is a demand for what's called swing spaces, which are bedrooms, dens, offices, or other type of additional spaces. Since there are so many people working remotely, so the developer felt he needed to add that additional space to be competitive in the market. Therefore, he redesigned some of the units. There are 1-to-2-bedroom units ranging from 985 sq. ft. to 1300 sq. ft. They all have amenities for instance closets, multiple bathrooms, and decks stepping out from the living room. Referring to the plan on the screen, Engineer Terach made note of the locations of the units in the U-shape building extending the ends of the use. He said there are six 1-bedroom units on one floor and the rest are all 2-bedroom units.

S. Capriglione asked if each unit has 2 bathrooms and if there are washers and dryers. Engineer Terach said no, unit F and units near the entry currently have 1 shared bathroom and they will have washer and dryer and every unit is fully ADA accessible. Chairman Gerver asked if there will be 3 floors of 2-bedroom apartments, also will there be an activity/meeting area. Engineer Terach said yes and pointed out there will be a game/activity/meeting/party room, the entry on the main floor will have mailboxes. He noted the elevator missing from the plan, but pointed out where it would be located on the plan. Chairman Gerver asked if the basement will be only storage and Engineer Terach said its not final, but it may be partly storage and something else. Engineer Barber asked if there were kitchens in the units and Engineer Terach said yes. S. Capriglione asked if there were be a super on site and Engineer Terach did not have an answer to that question. R. Anzalone asked if there were 3 stairways in total and if so, how many units are directed to each one. Engineer Terach pointed them out on the plan, a public stairway at the entry and one on either side that will exit to outside the building. The stairways on each side of the building, half of the units will go to the right stairway and the other half to the left stairway and the stairs are capable to handle the capacity.

Traffic Consultant Wersted said originally the plan was a driveway coming in opposite Timber Trail and it presented challenges with the four-way alignment, as the project progressed, they relocated it north of the mortgage company. He pointed it out on the plan. He said they looked at trip generation in two different ways and it seem the buildings fit into a certain land use called senior housing attached meaning the apartments are attached. Traffic Consultant John Collins suggested a detached version due to traffic, which Traffic Consultant Wersted said it would generate somewhat more traffic. For 84 units in the am peak hours 17 to 36 trips in the morning and 22-42 trips in the afternoon. It was discussed carrying out a sidewalk from the

project to Route 32 connecting to the existing sidewalk that carries down south into the Village. He said it was discussed with DOT (Department of Transportation) that if Timber Trail intersection was ever signalized, they would look to modify the site. As for parking, they know a code must be met but, in a senior house not everybody will own a car. Therefore, for 84-units they are looking at 50-60 vehicles being parked. Traffic Consultant Wersted said Traffic Consultant Collins suggested there be enough parking for the first building and as the units are sold/occupied to monitor the parking availability for one of the buildings meeting code. If there is sufficient parking to handle the future building, then maybe it won't be necessary to build additional parking spaces and land bank it.

R. Anzalone asked if the DOT responded to the traffic signal. Traffic Consultant Wersted said the DOT comments are based on their responses from 2018. He said they provided information back then with a detailed signal analysis, and more responses to the DOT in November 2018. When the project shifted bumping up the units to 96 but that was not formally reviewed. R. Anzalone asked if there was a way to deal with the issue of pedestrians crossing Route 32 especially during rush hour. Traffic Consultant Wersted said there are different methods to enhance pedestrian crossing for instance flashing beacons, and or improved signings. R. Anzalone noted that other communities have caution flashing lights at intersections and asked if its possible to have one. Traffic Consultant Wersted said that would be up to the DOT and partially to accident findings. Planner Lockman noted his familiarity with flashing beacons and how it so helpful for pedestrians.

Engineer Barber noted the previous application was withdrawn, so this current application will be view as of SEQRA is new although understanding that issues have already been reviewed and unchanged from prior action on the 84-unit proposal. She said there have been changes to codes and to the application, so she wanted to touch on some of those issues as she went over her memo. The issues were regarding the wetland disturbance, the institution of the water quality protection overlay, access to the site, the building locations, and there is an increase in the projected water and sewer demands. Engineer Barber began going over her memo dated May 28, 2021, regarding the listed issues.

Regarding the water protection overlay she reviewed the mapping noting there are two water bodies regulated under the overlay district located outside the applicant's property and as per her review the property is not within the 100 ft buffer. Therefore, the applicant should confirm compliance with the regulated activities in the overlay district specified in code 310-31 4e, which includes storage requirements for salt, fertilizers, petroleum products, and other things that may be used. There are two wetland areas on the property regulated by the Army Corps of Engineers, she believes it needs to be delineated and the boundaries confirmed by the Army Corps. Engineer Barber noted that at the start of the application the boundaries of the wetlands have changed on the plan, so its important to understand the disturbances required for construction of the project as well as the effects on the net lot area. In addition to the requirements of the Army Corps the applicant will have to apply for a permit since the wetlands are regulated under a code. Also, the applicant should demonstrate there's no alternatives that can be proposed to minimize disturbances or eliminate.

She noted the increase in the project regarding the water and sewer demand, showing approximately 2,700 gallons a day and in her memo Engineer Barber asked for clarification on those calculations and asked the applicant for confirmation that the wetland towards the south properties and its border lots won't be disturbed. She noted Attorney Lithico comment regarding improvements to Timber Ridge development, and so she would like the applicant to confirm those improvements.

Engineer Pawelski began giving a brief explanation regarding wetlands going back to early 2019. He said they prepared a wetland delineation map, coordinating with North Country Ecological services. He said plans were submitted to Army Corps in hopes of obtaining a jurisdictional letter which they have yet to hear back from and he believes that this is due to Army Corps being back up. He noted that they will continue to push for this letter in hopes they would receive it soon.

Engineer Pawelski continued by talking about the layout. He said moving the building layouts to accommodate the Planning Board an idea presented back in 2018 restricted the space for the location of the pond. He mentioned a couple of places that were suggested but it was not feasible. As per water and sewer, the calculations in terms of the amount of flow was based on a similar senior housing project located in New Windsor with somewhat of a similar size. He said meter readings were required and as per the readings it was approximately 45 gallons per day per bedroom, so they had used a conservative estimate of 75 gallons per day per bedroom.

Engineer Barber recalled that in her memo there was a question as to how that senior housing complex operates. She wanted to know if those units have a kitchen, and if they have their own laundry facilities. In their next submission she would like that information included. As per the wetlands disturbance she suggested an underground infiltration system underneath

one of the parking areas. She said it would help avoid constructing a pond. Engineer Pawelski said he would investigate it, but he is concern when a project like this is in an area with wetlands, it will most likely indicate the soil may be poor.

Chairman Gerver asked Engineer Barber can you place a storm water pond in a fema flood zone. Engineer wasn't too sure due to the applicant's plan; she suggests the applicant to have the SWPPP to confirm size of the pond (this is noted in her memo for the applicant).

*10. A SWPPP that includes post-construction stormwater management practices is required for this activity and should be submitted by the applicant as part of the Planning Board review process. The post-development impacts on the drainageway receiving discharge from the 48-inch RCP culvert under Route 32, on- and offsite wetlands, as well as adjacent or otherwise impacted properties should be identified.*

Chairman Gerver expressed concerns with putting a flood retention or water retention point in that area since residents in that area almost always experience flood issues during heavy rain. He noted there may be pictures to support that.

Traffic Consultant Wersted confirmed Engineer Barber comment, the potential location for the stormwater pond is outside the limit of flood plan elevation but relatively close. He also confirmed SWPPT was not provided for this project.

Conversation on the floodplain elevation continued while a flood map was displayed on screen. Planner Lockman added that placement of the edges of zones is related to the heights and topographic information on the site plan. He said what really determines is the height of the spot and gave an example of a base flood elevation being at 467 and if the pond site is at 470 is out. Engineer Barber added the Village has a code section on floodplain development, if there's any impact it should be reviewed.

R. Anzalone mentioned a comment from the consultants regarding the building of one unit and see how it goes prior to building the second with the possibility that it may not work. Chairman Gerver said he like that approached and mentioned a property in Cornwall as an example. Engineer Barber doesn't recall making that comment but remembers the proposal of phase one including the first building with all the infrastructure improvements and storm water management facilities. Then phase two was the second building and if the parking was warranted it would be built.

R. Anzalone asked if there was a study in Woodbury that the Board can look up showing a need for senior housing/apartments. Attorney Lithico said he can provide a study; he said the study was done with the original proposal and it was then updated recently. Attorney Lithico commented on the phasing, he said it was developed that way because of the concern whether there was a need and the applicant agreed proceeding with construction of one building as it's leased up to about 80% to then start construction on the second building. That was to ensure the Village there is a need for those apartments, giving the opportunity to evaluate parking. Attorney Lithico said he will provide the study. As per Attorney Lithico's comment Attorney Golden added saying under the code 310-36 A1 *there is a need in the Village of Woodbury for housing located and designated to meet the special needs and habits of senior citizens*. R. Anzalone asked if 20% must be low-income people like in housing developments. Attorney Golden said he doesn't think so, but he would have to investigate. Attorney Lithico said there is no low-income requirement, but there is a preference primarily to Village residents, Village employees and then it can be extended to residents in surrounding towns in Orange County. Planner Lockman said there is no income guidelines in section 36 in his review. In his memo he references two sections.

*NPV Memo dated May 27, 2021:*

*f. 84 two-bedroom units are proposed. Per §310-36.C.(2).(h), for two-bedroom units, the maximum density is limited to 8 dwelling units per net acre. We find that with 10.56 net acres, the maximum yield is 84.48 units, so this standard has been met. This standard should be added to the Bulk Requirements notes, when the application moves forward to the Planning Board.*

*g. Bulk standards of §310-36.D.(1).(b) appear to be met, with the exception that four parking spaces appear within 50 feet of the street line, which does not comply with §310-36.D.(1).(b).(3). See comment 4 below.*

He said in the parking requirements he noticed the applicant did not include parking for staff, which is a requirement as per code. He asked for it to be included being a requirement. Planner Lockman continued to say there was some confusion while reviewing the mapping. He said there's one map that line up the SH zone with the new edge 103 and then another that lined

up with the old edge of 103 and that needs to be straightened out. There's also a dotted line going down to the creek and it's unclear and last all the subdivision plan sheets need to show all the wetlands and floodplains.

Traffic Consultant Grealy said all the consultants have covered all the items that were raised previously and current application except for the following items. He said it was recommended what's called an RRFB (Rectangular Rapid Flashing Beacon) which is what Traffic Consultant Wersted mentioned earlier, a pole with a light along with a small solar panel, push button activated warning to drivers on the road which he feels is very effective and thinks it should be pursued and the warrant analysis demonstrated that a full signal is not warranted. He addressed a previous comment on the emergency connection and asked Engineer Pawelski if he had a proposed plan. Engineer Pawelski said currently for the emergency access drives they just have gravel listed. Traffic Consultant Grealy said it would be great to get input from the Fire Department and Emergency Services on that connection.

Attorney Golden said there are two issues, one the report and recommendation on the petition zone change and with that he asks that the Board review the code for section 310-36 and use it as a guide to address things that are listed with respect to the location, zone change and other things that are critical to whether any project location should be designated as a senior housing. The second is regarding SEQRA as it was implicated before. Because the zone change involves a specific project, he recommends the Board to look at it just as if they had that subdivision and site application. Although it's not time to act on it as such, he advised the applicant to make those subdivision, site plan and special permit applications because not only is it part of SEQRA all those must be reviewed by the Planning Board. Attorney Golden then suggested the Board to type the action as unlisted and agree to circulate a notice of intent to assume lead agency.

Planner Lockman said he reviewed section 36 and mentions it in his memo dated May 27, 2021.

*Comments on Zoning Petition and S-H District Map*

*1. We offer the following comments on compliance of the petitioned Senior Housing District with the standards of the Village Code in §310-36:*

*a. Sections §310-36.B.(1) and §310-36.A.(6) of the Code require a minimum site size of 10 acres and a maximum site size of 20 acres. This standard has been met as the S-H District proposed contains 15.23 gross acres, and 10.56 net acres).*

*b. Central water supply, central sewage disposal, and fire protection services are available in the location of the proposed SH District, in compliance with §310-36.B.(1).*

*c. The hamlet location of the proposed zoning district would provide future residents with reasonable access to public transportation, medical services, shopping, banking, drugstores, personal services, and cultural facilities, in compliance with §310-36.B.(2).*

*d. Rental apartments are proposed, which complies with §310-36.C.(1).*

*e. Residency requirements and maximum number of bedrooms per unit (2) will be met, pursuant to §310-36.C.(2). Wetlands are not being disturbed or filled.*

*f. 84 two-bedroom units are proposed. Per §310-36.C.(2)(h), for two-bedroom units, the maximum density is limited to 8 dwelling units per net acre. We find that with 10.56 net acres, the maximum yield is 84.48 units, so this standard has been met. This standard should be added to the Bulk Requirements notes, when the application moves forward to the Planning Board.*

*g. Bulk standards of §310-36.D.(1)(b) appear to be met, with the exception that four parking spaces appear within 50 feet of the street line, which does not comply with §310-36.D.(1)(b)(3). See comment 4 below.*

*h. Parking requirements are 1.75 spaces per unit, 0.50 spaces per unit for visitors, 0.5 spaces per staff person, and two for the superintendent, pursuant to §310-36.D.(1)(b)(8)(a). It appears that staff parking has not been provided in the Parking Calculations on the Overall Sketch Site Plan. Additional parking spaces should be provided for staff, at the rate of one additional space for every 2 staffers*

A motion was offered by Chairman Gerver, seconded by S. Capriglione to type this as an unlisted action and declare the Board's intent to be Lead Agency. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 3 Chairperson Gerver, R. Anzalone, S. Capriglione,  
NOES 0

S. Capriglione said she read each point of section 36 and was quite disturb by it. She said the petition relies on the comprehensive plan which she believes was started back in 2004. She continues to say the petition relied on 1500 surveys that were sent out and 560 people responded to it and out of the 560 surveys 51% spoke on senior housing. From the comprehensive plan among the respondents there was minimal interest in rental housing. She doesn't understand where the idea is coming from that there is a need for this. She also said the code clearly states that senior housing should be in an area that provides medical services and shopping, which the area does not. There is no grocery store in the area except for Jays Deli and that's not considered a supermarket like Shoprite or Walmart. After affordability was established the second major interest for seniors was healthcare in the area, which is not provided in the area.

Chairman Gerver said he would like to see the updated surveys and see how the data has changed, since this was questioned in the last meeting. S. Capriglione said the petition number 12 states 2002 Senior Housing Survey, which was almost 20 years ago and the demographic of our Town and Village has changed and with the rate of houses being sold and turned over seniors are moving out of the area. S. Capriglione is seriously questioning it looking at the current study.

Attorney Lithico said there is a current study that was provided to the Village Board of Trustees, and it will be provided to the Planning Board. He said looking at that study a difference in population is noted, and that information is taken from the Census. He feels that Board can act based on that study and that's recent than the study S. Capriglione mentioned. Therefore, the Census shows the increase of people who are eligible for this type of housing in the Village, who are now occupying single-family homes. Attorney Lithico continues to say there are doctor offices across the street. S. Capriglione argued those are not primary care doctor offices. Attorney Lithico continue to say the Village doesn't state in order to have senior housing there must be a hospital within the proximity of the senior housing location in order to be approved.

Attorney Golden said the code requires that the specific location that is asking to be designated have some context to what is needed by the senior housing, which is what the Board is expecting the applicant to demonstrate.

Attorney Lithico asked if the next step is to respond to comments from the consultants and issues that have been raised in this meeting, then make a submission. Also, if all is met by the cutoff date for July's meeting hopefully, they can be on that agenda. Chairman Gerver said there are other applications he needs to review prior to this application. Once he meets with Engineer Barber and the Building Department to go over the agenda, he will then let the applicant know when their next meeting with the Board will be.

- E. **Village of Woodbury/2 lot subdivision** – Review and discuss 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.

This application is for a 2-lot subdivision of Village property. H2M defer to Counsel for a summary on the background of the proposed subdivision. The general arrangement of the lots was agreed upon by the Village and Town. If the Board chooses to act on the application, H2M recommend a closure calculation be submitted with the plat for verification by their office to demonstrate the courses and bearings are accurate. Otherwise, H2M believe the plat is satisfactory for filing with the Orange County Clerk and have no other comments.

Chairman Gerver began by saying..."Regarding my review of this application, I have consulted with this Board's attorney as to whether it is a conflict of interest for me to do so, given that my wife is a Village Trustee which is considering changing the zoning for this project. He has confirmed that it is not a conflict of interest under Village State Law. I can review this application in a fair and impartial manner."

Attorney Golden said this is from a settlement of a lawsuit with the Town of Woodbury vs Village of Woodbury. This is not for the Board since they are aware, but for the record in 2017 the Village of Woodbury and Town of Woodbury agreed to a land swap of certain properties. The Town transferred parcels to the Village used by the Highway Department whose function

had been transferred from the Town to the Village in 2016. The Village Earl Reservoir property transferred to the Town that had oversight the property as a Town Park and another parcel containing a Village Water Department pump station, all this transferred by deed. It was previously transferred to the Village by Operation of Law with respect to the Water Department parcel, incorporated by the Village by 2006. The Highway Department parcel from the Town to the Village included lot 20, a portion contained by the Town's Senior Center and parking lot. It was intended that lot 20 transfer excluded the Senior Center and parking lot. After the 2017 election, months after the land transfers were passed the Town sued the Village to undo the land transfers. After three years the Town agreed to withdraw the lawsuit upon terms that included an agreement that the Village subdivide that portion of the Highway Department parcel which is .71-acre parcel back to the Town. All done by a settlement agreement approved by the court. Attorney Golden said now we're simply following up on what has been agreed to by both parties and the court.

Proposed Lot 2 (0.71- acre) is going to the Town, the rest stays with the Village and so the Village is making its application as so ordered. A court ordered stipulation, asking for a two-lot subdivision. Attorney Golden continue to say that site plans and zoning code issues can be exempted, but subdivision is one that cannot be exempt. Therefore, the Village Board needs to make this application and get an approval from the Planning Board so it can be filed as a subdivision map as required by the stipulation settlement.

(Map was shown on screen) S. Capriglione pointed out a road that is public access and used by the Highway Department. Hypothetically speaking what would happen if a roadblock is placed. Attorney Golden said that was not discussed in the settlement and it's not part of the settlement to exempt it. He said even though it has not been stated, the Highway Department has been the one that has maintained that road. Chairman Gerver pointed out that it's used for the Highway Department to get to their Salt Shed for the Winter. S. Capriglione and Chairman Gerver said they be comfortable if a language was placed to protect the Highway Department. Attorney Golden said it can be, but if the Town doesn't like the amendment/language then the Town can go back to court saying the subdivision violates the stipulation settlement. Chairman Gerver said he rather add the language that the Village of Woodbury Highway Department will always have access. Chairman Gerver, S. Capriglione and R. Anzalone agreed on adding a condition.

Engineer Barber said this plan was review previously and found acceptable for filing with the Orange County Clerk. She did request that the closure calculation be submitted for the new parcel.

Attorney Golden said SEQRA needs to be completed before doing a subdivision. He said the Board cannot have a public hearing prior to SEQRA being completed.

A motion was offered by Chairman Gerver, seconded by R. Anzalone to type this as an Unlisted Action and declare the Board's intent to be Lead Agency. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 3           Chairperson Gerver, R. Anzalone, S. Capriglione,  
NOES 0

Chairman Gerver asked Engineer Barber to help process the GML 239.

**Adjournment:**

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by S. Capriglione, to adjourn the meeting at 10:42 PM.

**ADOPTED**

AYES 3           Chairperson Gerver, R. Anzalone, S. Capriglione  
NOES 0

Claudia Valoy-Romanisin, Planning Board Secretary