

**Village of Woodbury  
Planning Board Meeting  
June 16, 2021**

Minutes of the Planning Board Meeting held on June 16, 2021 at 7:30PM  
(Meeting held via Zoom)

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

Representing for the Village of Woodbury Planning Board:

Richard Golden, Attorney  
Natalie D. Barber, Engineer  
Max Stah, Planner

Board Member(s) Absent: None

Also Present: Timothy Egan, Mayor

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. **Resolution:**

**WC/Ralph Lauren Coffee Truck** – Review decision for 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. Property is located 283 Red Apple Ct., CV SBL 225-1-70.2.

Memos were not distributed. Chairman Gerver began to read the Special Conditions.

Specific Conditions

1. All applicable conditions attached to the Site Plan, Special Permit, and Architectural Review Board approvals from 1997 to the present for Premium Outlet Partners" L.P./Chelsea GCA Realty Partnership, L.P. / CPG Partners, L.P. (also referred to in the same as Woodbury Common Premium Outlets), and any subsequent amendments thereto, are hereby incorporated into this Resolution and are to remain in full force and effect, and this approval is subject to, and conditioned upon, satisfaction of those conditions as if, they were set forth at length herein.

2. During construction, safety shall be the sole responsibility of Premium Outlet Partners, L.P and their contractors with all appropriate safety measures provided. These features shall also be to the satisfaction of the Village Building Department for public safety.

3. The truck and related benches, garbage, cans, stands, awnings and other extensions shall not encroach into the twenty (20) foot emergency, service access passage in the Common Area.

4. Proposed signage shall be in accordance with the approved plan and "Tenant Sign Criteria".

5. Proposed outdoor dining area shall be kept in a neat and orderly condition. Trash/refuse receptacles shall be emptied as required for a neat orderly site with adequate available capacity for refuse and, at a minimum, at the end of every business day. Chairs, and tables, umbrellas and any other equipment or furniture not bolted down shall be securely positioned when not in use and after hours to prevent displacement due to poor weather conditions that may result in property damage or injury.

6. The Applicant relinquishes the 2020 Planning Board approval for the Ralph's Coffee Truck to be located in the Polo Ralph Lauren Courtyard and Red Apple Court and no Building Permit will be issued for the same.

7. If, in the opinion of the Village Building Inspector, it becomes necessary to control pedestrian queuing for the "coffee truck", he may require ropes, cones, signage or other similar method to be utilized by the Applicant.

8. The Applicant shall comply with the requirements of the memorandum of the Village Engineer dated May 28, 2021, to the satisfaction of the Village Engineer.

9. Prior to plan signing" the applicant shall submit an amended "Kiosk, RMU, and Food Truck Plan" that demonstrates the approved (including alternate) kiosk, RMU, and food truck locations per this and prior approvals.

10. Prior to plan signing, an amended GLA Tally and Plan demonstrating the approved location of Ralph's Coffee Truck shall be submitted

A motion was offered by Chairman Gerver, seconded by T. Deluca, to accept the Resolution of Approval. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 5

Chairperson Gerver, R. Anzalone, R. Cataggio, S. Capriglione, T. Deluca

NOES 0

#### 4. Regular Agenda:

- A. **Freidman** - Review and discuss documents submitted for conversion of an existing 1,000 sq. ft. addition of a single-family home to be used as a Place of Worship. Said property is located at 32 Blueberry Lane in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 217 Block 2 Lot 4.2.

**Background** – This was last considered in February 2021, at which time the Board requested additional information warranting the request for waiver under substantial burden criteria. At that time, the Board requested clarification on the number of worshippers (provided – 12 men + 15 children) and a response to your consultant memoranda (was not provided).

Engineer Alfred Fusco began by saying they have done some additional review; also items were added to the plan for more clarification and noted there are items that need to be addressed as per the consultant's memorandum(s).

Engineer Natalie Barber began by saying that there are some items that are repeated onto the memorandum dated June 11, 2021. She said there are threshold issues relating to the required waivers for the bulk criteria, parking, water and sewer, along with proof of substantial burden.

H2M Memo dated June 11, 2021:

*Review of Submitted Materials – Some of the comments below are repeated from prior memoranda where still relevant.*

*1. Zoning –*

*a) Use – In the R-2A zone a Shul is a permitted Special Permit Use with Site Plan approval (Zone references R-3A; SP Use #15 – Place of Worship). (Informational)*

*b) Bulk/Area Regulations – For this application, the zoning requirements for the proposed Shul are regulated by the R-3A zoning district, SP Use #15. Similar applications have been considered by the Planning Board and the Building Inspector previously opined that these two principal uses are permitted on a single lot provided the lot meets the zoning regulations for each use. We believe the following summarizes the required bulk criteria for this application, but the same should be shown on the plan (setbacks and dimensions to the structure):*

	<i>Lot Area (acres)</i>	<i>Lot Width (ft)</i>	<i>Front Yard (ft)</i>	<i>Side Yard (ft)</i>	<i>Both Yards (ft)</i>	<i>Rear Yard (ft)</i>	<i>Maximum Coverage (%)</i>	<i>Building Height (ft)</i>
<i>Single-Family Home R-2A Row 1 of Zoning Table</i>	2	175	40	30	60	50	20	35
<i>Shul R-3A Special Permit Use #15</i>	1	125	50	30	60	50	10	35
<b>Required Bulk Criteria</b>	<b>3</b>	<b>175</b>	<b>50</b>	<b>30</b>	<b>60</b>	<b>50</b>	<b>10</b>	<b>35</b>
<b>Provided</b>	<b>1.49*</b>	<b>158</b>	<b>47.1*</b>	<b>&gt;30</b>	<b>&gt;60</b>	<b>81</b>	<b>20*</b>	<b>25</b>

*\* Waiver Required*

*• Lot Area – 3-acres required, 1.49-acres provided; waiver requested. The applicant’s plan should be updated to reflect the total acreage required (3-acres) to demonstrate the extent of the waiver requested.*

*• Lot Width – 175-ft required, 158-ft provided; waiver requested. The existing lot width is non-conforming to the bulk criteria for a single-family home (175-ft required). The Shul requires 125-ft. Although a waiver is requested, the condition appears to be an existing non-conformity. We recommend you consider this with Counsel if further relief is needed.*

*• Front Yard – 50-ft required, 47.1-ft provided; waiver required. Applicant’s bulk table and narrative should be updated.*

*• Coverage – 10% permitted, 20% proposed; waiver requested. We defer to Counsel’s advice on the waiver request and proof of substantial burden. If substantial burden proof is not met, these issues will require ZBA action.*

*c) Parking – The Code (§310-40) requires a residential dwelling have two (2) spaces per dwelling unit and a place of worship have one (1) parking space/200 square feet of gross floor area or one (1) space/three (3) seats whichever is greater. At their last appearance the applicant was advised the congregation area should be clarified for confirmation of required parking. Although the application is listed as a 1,000-SF conversion of an addition in a single-family home to Shul, the floor plans submitted show 2,763-SF of area will be designated for the Shul. Parking required based on worshippers (12-adults and 15-children expected) requires 9 spaces. We understand it would be expected children are not going to drive, but parking calculations do not discriminate based on adult/children occupants. However, you could consider this in the parking waiver request. Parking required based on Shul floor area (2,763-SF) is 14 spaces. Based on this assessment it appears 16 off-street parking spaces are required. The area reserved for the Shul should be clarified by the applicant and the parking demand calculation updated. Eight<sup>3</sup> (8) off-street spaces are shown on the plan.*

*In addition to the number of spaces required, we believe the following issues related to parking should be clarified:*

*[§310-42.C.(2)] Applicant should confirm the screening requirements for parking spaces adjacent to residence districts are met. Landscaping between the retaining wall is now shown. We defer to your Planner for acceptability.*

*• [§310-40.C.] The Code allows the Planning Board to reduce the Code required number of parking spaces up to 25% if a use or combination of uses on a single lot will generate parking needs less than the Code*

requires. Furthermore, in the case of “places of worship” your code allows for non-compliance if the parking requirement would “place a substantial burden on the religious exercise of a person, religious assembly or institution”. In such cases, the Planning Board has discretion to determine the appropriate amount of parking.

- [§310-40.A.(2)] The applicant should show the dimensions of the parking stalls on the plan. The Code minimum (9’ X 18’) should be confirmed where the spaces are not uniform on the plan.

- At least one handicap space is required for the Shul per ADA Standards (208.24).

- We recommend your traffic consultant review the parking arrangement proposed and whether access to the spaces is adequate. Furthermore, we recommend you consider with the applicant whether it would be appropriate to square off the parking area to make the spaces more uniform. This may result in an increased waiver for impervious coverage, but you might consider the benefits of both.

Engineer Fusco said they asked for waivers due to the front measuring 79 ft. and side yard 37 ft. but believes it should be given to them. Engineer Barber said because the lot was so unique the Building Inspector issued an opinion indicating the location of the front and side yard. She pointed out on the plans; the front yard stretched from the front of the home to all the lot moving forward. The 49.1 ft was pointed out on the plan. Engineer Fusco said if that’s the determination then he doesn’t have any issue with it, they will continue to ask for a waiver. He said he agrees with Engineer Barber assessment on the lot width as per her memo. Engineer Fusco referred to parking spaces there is one handicap space, and they are submitting for 7 spaces, but would like to ask for a waiver. As per the plan on screen, Engine Fusco indicated the spaces being 9x18 parking spaces rectangle spaces. Regarding the substantial burden, he feels they have demonstrated but will revisit.

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

Designer Larry Hartman began by referencing his latest submission to the Board and as per his submission he said it demonstrates the home in question is not visible from the designated view corridors and therefore would like the Board to remove the lot from the ridge preservation restriction. He references the site plan and the pictures that were taken for the Board to see the home is not visible except for a particular area. He said he taken pictures from the home to the view corridor and vice versa to demonstrate non visibility as well. He also had taken google shots and had included in the submission as well. He continued to discuss page per page of his submission to the Board.

R. Anzalone asked if the house is visible during the winter season when the trees have no leaves or is the result the same as the pictures. Designer Hartman said he believes so, since the school and Woodbury Commons is not visible. He referred to page #14 where he indicates where the roof of the house will be. He said you still can’t see Woodbury Commons. Chairman Gerver said it seems the house is on a downward slope toward the water tank. He said on page 5 and 7, pictures #5 and #13 gives a good indication of how low it is by the water tower.

Planner Stah provided a memo dated June 9, 2021. He said they did a site investigation and have provided photos as well

#### *Ridge Preservation*

*1. The site is in the Ridge Preservation area at approximately 986 feet in elevation, subject to the standards of the Zoning Code §310-13. We offer the following comments with respect to the following subsections of §310-13.B: a. Section 1: The Applicant submitted proof that the Subject Property is not visible from the Ridge Preservation View Corridor. After a site investigation, we agree that the site is in fact not visible from the View Corridor. Therefore, the Planning Board may waive all or parts of the ridge preservation standards at its discretion upon reviewing this evidence, pursuant to §310-13.B(7). Appendix A includes site investigation photos taken by NPV staff. b. Section 2: On the ARB application, the applicant has proposed a “nova white” color for the stucco facade. This section requires that “In order to satisfactorily blend the structure into the natural environment and mitigate visual impacts, a structure shall be constructed of natural materials (wood, brick or stone) and shall be of a natural color.” Unless a waiver is granted per comment 1a above, the Planning Board should discuss with the applicant which colors other than “nova white” may be acceptable, as white is not a “natural color”.*

- C. **Introductory Local Law #7 of 2021** - Review referral by the Village Board of Trustees of Introductory Local Law #7 of 2021 entitled "A Local Law Amending Chapter 310 ("Zoning") of the Code of the Village of Woodbury to Provide Regulations for Gathering Places.

**General** – The Village Board is considering adoption of Local Law No. 7 to modify Chapter 310 ("Zoning") of the Village Code to provide regulations for gathering places as accessory uses that will be permitted primarily in zoning districts that permit residential dwellings. Per the procedures of the Code (§310-52), zoning modifications are to be referred to the Planning Board for a report and recommendation to the Village Board. Counsel can advise the Board on any legal requirements to form and process of the Board's report.

It was decided at first to go point by point of the law but after some time and consideration, Chairman Gerver suggested the Village Board of Trustees and the Planning Board members along with consultants should meet and go over this law together. He finds it to be a complicated law to decipher without the Village Board of Trustees. Mayor Tim Egan agreed by writing so in the chat room. Chairman Gerver along with the Board members decided to table this application.

- D. **Introductory Local Law #8 of 2021** - Review referral by the Village Board of Trustees of Introductory Local Law #8 of 2021 entitled "A Local Law Amending Chapter 310 ("Zoning") of the Code of the Village of Woodbury Amending the Sign Regulations.

Attorney Golden said this local law was brought up to the Village Board of Trustees due to the reoccurring issue of applicants having multi-color signs. This law is restrictive on how many colors one can have on a sign and the Planning Board has faced several problems with applicants coming to the Planning Board with small signs in bigger signs or signs with more than what the law allows.

Planner Stah suggests for the applicant to put together a sign plan consisting the range of colors, graphics and styles regarding their sign. Provide a signage package as a whole is his suggestion.

Chairman Gerver said he's noticed when it comes to signage it tends to slow down the applicant from going forward by sending them to the ZBA for approval just because they may have more than 3 colors to then have the applicant appear before the Planning Board again. T. Deluca asked if the branding of a name can be added. Attorney Golden said there's no need due to the way the law is drafted, the Board can modified the restriction on the numbers if the proposed colors are not distracting to drivers; giving the Board some flexibility. Planner Stah asked what would be defined as distracting. Attorney Golden said it's a broad language in a stature that can mean more than one thing; and gave an example.

Engineer Barber had some comments, but the Board and Attorney Golden already covered her comments. S. Capriglione asked about those applications that were denied. Attorney Golden said it would allow for those applications to come back to the Board if they would like to make changes to their signs. Chairman Gerver asked if the Board understood on the modification in the code in reference to color only. All said yes.

**Adjournment:**

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

**ADOPTED**

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

Claudia Valoy-Romanisin, Planning Board Secretary