

**Village of Woodbury
Planning Board Meeting
September 1, 2021**

Minutes of the Planning Board Meeting held on September 1, 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 Pledge of Allegiance.

1. **Executive Session:** No Executive Session was necessary.
2. **Public Comment:** No member of the public had comments.
3. **Approval and Acceptance of Previous Minutes:**

Motion was offered by Chairman Gerver, seconded by T. Deluca, to approve and accept the minutes of the meeting held July 21, 2021. 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 R. Cataggio, to approve and accept the minutes of the meeting held August 4, 2021. 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 S. Capriglione, to approve and accept the minutes of the meeting held August 18, 2021. 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

4. Regular Agenda:

- A. **HV Realty Services/Gold ARB** – Review documents submitted for ARB and Ridge Preservation for proposed screened porch located in the rear of an existing single-family dwelling. Said property is located at 3 Rivervale Court in Central Valley and is known on the Village of Woodbury Tax Maps as Section 248 Block 1 Lot 2.2

Representing the applicant Jerry Casesa from HV Realty Services Inc. began to give a brief summary of the application. They approached the Building Department for a reared covered screened in porch in the back of 3 Riverdale Court and they were referred to the Architectural Review Board due to the new zoning regulation. The applicant received a review letter with comments from the Planning Board Engineer. They were asked to further describe the project for the Planning Board. He

handed the Board a packet with pictures of the area along with the adjoining homes and an updated site plan with the bulk table requirement.

Chairman Gerver advised Mr. Casesa picture, updated site plans, etc. will have to be sent to the Building Department to be officially stamped. Mr. Casesa said he will submit them. Mr. Casesa continued to add the house has an existing deck off the back of their house and the applicant just wants to extend it and add a screen covered porch. He showed Google Earth pictures of the cul-de-sac, which was provided to the Board. He pointed out on the picture where exactly deck will be and showed the closest neighbor is number 10, located in middle of the cul-de-sac. On the subdivision map there's a green space showing no one is behind the house, so no one can see the addition except for the neighbor from the rear of their own home. The other Google Earth pictures showed the street view of the cul-de-sac and the rear elevation of the home. Mr. Casesa continued to describe and indicate the details of the addition covered porch. They submitted other documentation regarding water use, which will be no additional use with this application. He provided information on certain materials, for instance for roofing the applicant will be using a GAF all potential roof shingle. Its weathered wood that would match the existing roof, the exterior wall is Hardie (a cementitious clapboard, 8 in. clapboard) that comes primed and painted. Mr. Casesa said one of the comments was to provide the color of the house, as of now he doesn't have that information. He will take a piece of the siding and get a color match at the paint store. He said there won't be any windows, just screens and the trim will be Hardie and painted white. The Bulk table for the R1A zone says a 50 ft. rear yard is required, but when the subdivision approved reduced yards of 40 ft. and it was confirmed by the Building Department. Mr. Casesa said the Lot area supposed to be 125 its 291, the front yard supposed to be 40 and its at 40.6 ft. and the rear yard is 50.2 ft. He noted for the Greens of Woodbury subdivision 40 ft. setback is approved, so the rear setback is at 41.7 and the sides approved are 30 ft. and 60 ft. and they're at 40 ft. and 214 ft. having plenty of a side yard. The height of the build is 29 ft. and he's not planning on changing that. The coverage allowed is up to 20 ft. Mr. Casesa ended his summarization by asking for an approval to build the covered porch.

Village Planner Jonathan Lockman began to go over his memo.

NPV Memo dated August 26, 2021:

Submission Comments – General

- 1. The SBL number should be corrected to "248-1-2.2" on all application materials.*
- 2. A Bulk Requirements Table for the R-1A District should be provided, on the site plan, with required standards and proposed dimensions. The proposed screened in deck is set at 41.7 feet from the rear property line. The rear yard required in R-1A today is 50 feet. However, this requirement was reduced to 40 feet as part of the original subdivision approval for the Greens that included this lot. We have requested an opinion from the Building Inspector, and he has ruled that the 40- foot rear yard requirement applies in this case, and that a variance will not be needed.*
- 3. The maximum lot coverage in the R-1A District is 20%. Existing and proposed lot coverage, lot area, lot width and height should be shown in the Bulk Requirements Table, as well as the existing and proposed sizes of yards and setbacks. Architectural Review/Planning*
- 4. 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. 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.”

This house is existing, and a roofed screened-in porch is proposed. The applicant should submit photographs of nearby homes, showing the relationship of the proposed project to the homes surrounding it, with their existing styles, sizes, heights, and configurations, in adequate detail for the Planning Board to determine the proposed project’s level of similarity or dissimilarity as described in the code above.

5. A cross-section of the screened-in porch is shown. A rendering or elevation view of the house with the added screened in porch should be provided, simulating the appearance of the home and addition, with the exterior materials as specified. The color of the exterior walls is specified to “match house.” However, the color of the existing house has not been provided.

Comments – SEQRA/Procedure

6. We recommend that the Planning Board classify this action as Type II, requiring no further environmental review under SEQRA, as it is an addition to an existing single-family home on an approved subdivision lot. See 617.5(c)(11).

7. 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.

Looking at a picture S. Capriglione had a question for Mr. Casesa regarding the length of the deck. Mr. Casesa approached the Board and indicated the length and width of the deck using the pictures. She wanted to know how far out from the existing deck and Mr. Casesa said it will be a total of 20 ft. altogether and stairs will be added. Chairman Gerver asked if the peak of the roof will be below the second-floor window. Mr. Casesa said yes. It was confirmed porch will be extending from the edge of the home about 4 ft., making the screen visible from the front of the house. R. Cataggio said he wasn’t sure that was within the code. Since he’s never seen a deck go past the end of the home.

Planning Board Attorney Richard Golden said he is not able to comment on what was presented in tonight’s meeting, but he wanted it to be noted that what may be before the Board for approval has to have sufficient detail and measurements so it can be enforced by the Building Inspector on the field. He continued to say that more than 30 days has passed for the 239 and he has not received a response, but that will not prevent the Board from deciding. Attorney Golden said this is a Type II SEQRA and it will require, a public hearing, specific paint chips or colors, materials for the public to see and feel.

S. Capriglione noted the application was incomplete, there was no ARB sheet. Planner Lockman said there was a sheet, but its incomplete, it only says “match house”. Mr. Casesa said he will go to the paint store with a chip of the siding and get a match, it won’t give a paint color just a code/number because it’s a custom paint color. Mr. Casesa was reminded that information will have to be provided in enough time so the Board and public can view it. Chairman Gerver said it’s not different from when you represent commercial properties the Board must be given information so that the public can see what materials and or colors that will be used. He said it is part of the ARB review and it’s required a 3-D rendering(s) of what it may look like when it’s done. Mr. Casesa said he will have to hire an architect to provide the rendering since its required.

Motion was offered by Chairman Gerver seconded by S. Capriglione to have HV Realty Services/Gold application as a Type II SEQRA Action. 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 S. Capriglione to schedule a public hearing for HV Realty Services/Gold on October 6, 2021. 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 reminded Mr. Casesa the items shown in tonight's meeting to be submitted to the Building Department as soon as possible.

- B. **Hartman Design/Jacob ARB** - Review documents submitted for ARB and Ridge Preservation for proposed single-family dwelling. Said property is located within the subdivision known as Woodbury Villas at 5 Alleghany Cross and is known on the Village of Woodbury Tax Maps as Section 255 Block 1 Lot 6.

Designer Larry Hartman representing the applicant said he had provided the Board with a booklet with 5 sheets. He recalled at the last meeting the requirement for ridge preservation was waived, since the house was not visible from any of the view corridors. Although the ARB was not completely satisfactory since the property was not similar to the surrounding properties. He continued saying there was a concern in the last meeting, the building had stucco, it looked too modern, there were no decks, porches, or columns. Therefore, the Board did not feel it fit in the criteria of the surrounding area. Designer Hartman made changes to the exterior of the home by removing the stucco entirely and added mix of stones to the front of the house and added columns. The book he provided to the Board shows the renderings of the before and after. He also included the new list of color names and materials.

Planner Lockman went over his memo dated August 26, 2021. He confirmed the applicant is not subject to ridge preservation. He continued saying the applicant modified the application with a new front elevation with different materials and asked the Board to review it and see if it changes or fixes the issues identified in the last meeting. Planner Lockman said there were other issues that were not address in the previous memo, assuming the applicant is waiting for the Board's response to the new design. He said a revised floor plan is needed with all the rooms labeled. He continued saying there are other issues that are listed in his memo.

NPV Memo:

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, which was confirmed in a site inspection by the Village Planner. At its June 15, 2021 meeting, the Planning Board made a finding that the proposed home would not be visible from any Ridge Preservation Corridor and therefore would not be subject to Ridge Preservation standards.

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. 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."

At its June 16, 2021 meeting, the Planning Board requested modifications to the façade to break the vertical lines and soften the modern look that is out of character from neighboring homes. In response, the applicant has provided a new front elevation and a new 3D rendering. The façade is now specified as “Eldorado Stone” with “Portsmouth Shake” shingles in “Linen” color.

The Board should review this newest proposal and determine whether it meets the ARB standards. Previously, the applicant submitted photographs, tables, and floorplans for comparable homes in the neighborhood of the subject property of the applicant, for the Board’s review.

3. Per our memorandum of June 9, 2021, a revised floor plan should be submitted. On sheet A-102, the two rooms to the left of the garage are not labeled.

Zoning and Planning

4. Bulk Requirements

a. Per our memorandum of June 9, 2021, the Planning Board application and the Plot Plan C-1 still need to be updated to indicate that the property is zoned Residential, One-Acre district (R-1A) and is in the Conservation Cluster Development Overlay District (CCDOD).

b. The required and proposed lot coverage still needs to be shown on the site plan sheet C-1. 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.

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 approved plat as HE 27, must meet the following standards: 30,000 sf lot area; 40’ front yard; 15’ side yard; and 35’ rear yard. It appears the proposed home meets 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 therefore meets lot width requirements.

e. Building Height. The specific building height still needs to be labelled on the elevations, and the required and proposed height shown on the Bulk Requirements Table of the Site Plan sheet C-1. Per Section 310-7, the building height shall not exceed 35 feet.

5. Site Plan review

a. Per our memorandum of June 9, 2021, the site plan still needs to show the proposed grading. The site plan only indicates proposed grading on the east and south side of the proposed house, but it appears that additional grading will be needed on the north and west sides.

b. Per our memorandum of June 9, 2021, a landscape plan still needs to be submitted. No proposed landscaping of any kind is shown on the site plan. A front landscaped area 25 feet in width is required, with one shade tree for every 40 feet of road frontage. See §310-27.C.

c. A revised plan that addresses our questions regarding the driveway still needs to be submitted. The proposed driveway does not have any turnaround area, and no grading is shown. Will a culvert be required where it meets the street?

SEQRA/Procedure

6. We defer to advice of counsel, but believe that this action qualifies as Type II, requiring no further environmental review under SEQRA, as it is for:

Construction or expansion of a single-family residence on an approved lot (6NYCRR617.5(c)(11))

7. 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.

Chairman Gerver commented on the new rendering saying the front wasn't carried over to the back of the house. He said the back looked like it was lap siding. Designer Hartman went over the rendering and pointed out an area towards the back of the home and said the applicant went with a less expensive siding.

S. Capriglione had questions regarding the placement of stone and Designer Hartman pointed out where the stone will be placed in the front, near the garage and towards the rear. She asked if there would be more than one floor and Designer Hartman said there's a basement, but no other floors. Chairman Gerver confirmed with Designer Hartman the square footage to be 7,797.

Attorney Golden asked what was the type of siding towards the back that was just discussed and confirmed it's a new structure. Designer Hartman said it was vinyl siding and yes new structure. Attorney Golden said this application is a Type II SEQRA Action, no GML 239 required, and a public hearing is required. Attorney Golden noted the owner of the property is listed on the plans as Woodbury Villas LLC and he believes it needs to be updated to Rachel Jacob. Designer Hartman agreed, it's an individual owner and he will update the documents.

Chairman Gerver noted the Board is missing an updated ARB to match the new packet the applicant provided. He asks that when the ARB is updated to include the type of siding and color. S. Capriglione asked if the color of the siding on the new attachment will match the house because the rendering shows a different color. Designer Hartman said yes, it looks different on the rendering, but they will try matching it exactly.

Motion was offered by Chairman Gerver seconded by R. Cataggio to schedule a public hearing for Hartman Design/Jacob on October 6, 2021. 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 S. Capriglione to have Hartman Design/Jacob application as a Type II SEQRA Action. 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

Designer Hartman asked if there is an actual need for a turnaround parking. Planner Lockman said yes, it can be small, but there's a requirement where you shouldn't have to back out all the way onto the driveway. Just enough room to come out of the garage and turn and come out frontways. Designer Hartman said he will add it. As for landscaping Designer Hartman asked if there's a particular plan that they should follow and if there is a need to add shrubs. Planner Lockman said there are few specifics that are required and for a single-family home, one street tree for every 40 ft is one of them and yes shrubs to have some foundation plantings.

Designer Hartman said he'll have everything in before the 2 weeks deadline.

- C. Hartman Design/Vista Pearl LLC ARB** - Review documents submitted for ARB and Ridge Preservation for a proposed single-family dwelling. Said property is located at 19 Seven Springs Rd in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 215 Block 1 Lot 5.

Designer Larry Hartman representing the applicant, said this is a single-family home on a 2-acre property. There is currently an existing house on the property. The owner purchased the property about over a year ago and at that time an ARB was not required. Due to the zoning laws an ARB is required, and it lands under the ridge preservation requirements. Designer Hartman continues saying the single-family home is one story. The existing house will have an attic space with windows. He

previously provided a booklet with rendering to the Board for review. It shows the owner proposing a round driveway in the front, a basement with the biggest portion exposed from the rear. The front will have a walk-in for the 1st floor, front elevation showing a height of 27.6, page #8 in the booklet shows the different materials along with the style and name of the company. Page #9 shows the site on a tax map, the rest of the pages show the different houses in the surrounding area.

Planner Lockman provided a memo dated August 26, 2021. He said the existing house is being removed and the driveway will change. He said he would like to see how the house will be demolished and where everything is now to see what will change. He continues to say trees that are to be preserved should be circled, trees that will be removed should be shown on the plans with an "X". He noted there may have to remove a maple tree at the corner of the lot. He said the county approval will be needed for the new driveway, floor plan for the different levels, a short EAF part 1 short form should be submitted, SBL number should be corrected, a simulation of the new roof and windows from the view corridor is required and if the house can be seen, he noted in his ridge preservation that the color proposed will be off-white color vinyl and he feels it's too bright and suggests more of an earth tone. He added by saying the windows should be treated with non-reflective film, which is standard in ARB. Planner Lockman asked if the applicant can provide estimates of gross floor area of different houses to then compare it to the applicant's home. He continued to speak on the driveway and asked for a landscape plan as he did in the previous application.

NPV Memo:

Site Plan/Application Comments

- 1. Existing Conditions. After review of the Orange County GIS Parcel Viewer, it appears that several features exist on-site, including a house, several mature trees, and a driveway. The applicant should provide an existing conditions sheet that shows these features. In addition, the site plan should show the existing driveway in comparison to the proposed driveway.*
- 2. All trees to be preserved should be circled, and all tree proposed for removal should be labelled with a "X". Please also review the Ridge Preservation standards in comment 1e below.*
- 3. Demolition Plan. The applicant should provide details regarding the demolition of the existing house. In addition, information regarding the phases of construction should be provided.*
- 4. County Approval. The property is located on Seven Springs Road, which is a County-maintained roadway. County approval will be required for the proposed driveway entrance.*
- 5. A floor plan for the second floor should be submitted. The total square footage of the proposed house should be provided.*
- 6. A Short EAF Part 1 must be submitted.*
- 7. The application forms list 515-1-5 as the SBL. The correct SBL is 215-1-5, and this should be changed on all application materials.*
- 8. Please provide a better resolution pdf for the electronic version of the site plan set. Several features on the site plan pdf are illegible.*

Ridge Preservation

- 1. The site is located at approximately 885 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.*
 - 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. "Linen Portsmouth Shake and Shingles" is an off-white,*

colored vinyl and the Board should opine whether this is acceptable in a Ridge Preservation area. Eldorado Stone is also specified for parts of the facade.

c. Section 3: This section requires that roof slopes also be of natural color. The proposed “Regal Stone” appears to be a natural color.

d. Section 4: A note should be added that all windows will be treated with non-reflective film.

e. Section 5: This section specifies the following regarding tree preservation:

“To the greatest extent practical, every attempt shall be made to limit the amount of cutting and removal of trees as to maintain natural site vegetation especially on those properties which may be visible from the ridge preservation view corridor. Any healthy tree with an eight-inch-or-greater caliper at breast height shall not be removed unless such removal is essential to the location of the structure, or the safety of the structure as determined by the Code Enforcement Officer.”

Based on Google Street View, it appears the driveway will require the removal of at least one mature maple tree. In addition, the house construction may also require tree removal. The applicant should confirm all trees existing, proposed for removal, and proposed to be preserved. The Board should discuss and determine compliance with Section 5. See comment 3 under Site Plan issues below.

Architectural Review

1. 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. 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 of comparable homes in the neighborhood of the subject property of the applicant. The applicant should provide floor plans and gross floor area of these nearby homes for comparison. 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 Site Plan Issues

1. Bulk Requirements. The proposed plan appears to comply with the bulk requirements of the R-2A district. The subject property legal non-conforming status with regards to minimum lot area, as part of the original subdivision approval.

2. Sight distances. We are concerned that the proposed “U” driveway may create sight distance issues, especially the access point nearest to SBL 215-1-1. Per §310-14(C), driveways must maintain a “minimum sight triangle”. The minimum sight triangle is defined as

“the triangle formed by the center line of the adjacent road, the center line of the driveway and points in the center line of the roadway 100 feet distant in each direction from the intersection of the driveway center line and the roadway center line, drawn to a point in the center line on the driveway 30 feet distant from the point of intersection.”

The applicant should submit details on the sight distance provided, showing compliance with §310-14(C).

3. A landscape plan still needs to be submitted. No proposed landscaping of any kind is shown on the site plan. A front landscaped area 25 feet in width is required, with one shade tree for every 40 feet of road frontage. See §310-27.C.

Chairman Gerver asked Designer Hartman if the basement will be converted into a guest suite, a mother-in-law suite or a place for a family member to stay. Designer Hartman said it will be a luxury home that would have a guest suite with a refrigerator/sink, there will be no eating area or cooking devices. It will be designated for weekend guests. Chairman Gerver noted the basement has its own entrance into the backyard and Designer Hartman said yes, for those guests who are not comfortable using the front entrance to then track downstairs with their belongings. Chairman Gerver counted 10 beds and a one car garage. He asked if there will be only one driver and Designer Hartman said yes, the applicant prefers it that way.

S. Capriglione said the plans were hard to read, the print was too small in order to read the label for each room. Designer Hartman went over the plan and told them the use of the rooms.

Attorney Golden said a Type II SEQRA Action is required, the GML 239 referral was made but it has yet been 30 days, a public hearing is required, and this application is not exempt from the moratorium. He also added that he neglected to say the application Hartman Design/Jacob ARB is also not exempt from the moratorium. The Board can go through with all the procedures, but the Board cannot make a decision until the moratorium is lifted. Designer Hartman asked would it matter if the application was in place prior to the moratorium taking place. Attorney Golden said no, there are certain exemptions in the moratorium and neither application qualify. Attorney Golden explained what those exemptions would be and used tonight's first application presented in tonight's meeting as one of those who are exempt. The moratorium covers most building commercial and residential thought out the Village.

Chairman Gerver believes one more submission is needed before a public hearing. All parties discussed a possible date(s) and availability.

S. Capriglione asked Designer Hartman to provide a rendering of the rear of the house for the next submission.

Motion was offered by Chairman Gerver seconded by T. Deluca to have Hartman Design/Vista Pearl LLC application as a Type II SEQRA Action. 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 R. Cataggio to schedule a public hearing for Hartman Design/Vista Pearl LLC on October 20, 2021. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

- D. **Hartman/Hirsch ARB** – Review documents submitted for ARB and Ridge Preservation for proposed addition to an existing single-family dwelling. Said property is located within the Woodbury Villas subdivision at 64 Southfield Falls and is known on the Village of Woodbury Tax Maps as Section 255 Block 1 Lot 37.

Designer Larry Hartman representing the applicant who would like to add an addition to the left side of the home. Designer Hartman continue to explain and show the Board the applicant's ideas on the plans. The owner wants to add more bedrooms on the second floor. He showed what's existing and what the owner is adding. The booklet provided previously shows the site plan, renderings, added doorway and garage, playroom, bedroom with walk-in closet, also a page consisting of the colors and materials required by the ARB, as well as a picture of the existing home.

Planner Lockman began to review his memo dated August 26, 2021. He began to list the items that needs to be addressed by the applicant. It was noted that a floor plan was needed for the basement level, there was a question regarding Water/Sewer demand since it stated new addition will not include bedroom and it needs to be confirmed with a floor plan. He continued to say on the first floor there is a very large bedroom labeled unfinished storage, which he finds questionable. Planner Lockman is also asking for the square footage of the existing dwelling, the existing topography and proposed grading,

stormwater management, drainage features and landscaping. He said the ridge preservation on the site is approximately 770 ft. Applicant should submit evidence whether the proposed home addition will be visible from the view corridors. Planner Lockman suggest the Board to discuss further the color/materials submitted in the ARB.

NPV Memo:

Submission Comments

- 1. Floors plan for the basement level should be included.*
- 2. The "Projected Water and Sewer Demand for Connection to the Municipal System" form indicates "the new addition will not include bedrooms." This should be confirmed by submissions of floor plans for all levels per Comment 1 above. We note that on the first floor the large room proposed next to the garage will be the largest room in the expanded home, and it is labeled "unfinished storage." This is unusual for first floor space and should be explained.*
- 3. The square footage of the existing dwelling and the proposed addition (including all levels) should be indicated on the site plan.*
- 4. Existing topography, and proposed topography and grading are not shown on the site plan.*
- 5. Stormwater management features are not shown on the site plan.*
- 6. Landscaping is not shown on the site plan. A landscape plan should be submitted. A front landscaped area 25 feet in width is required, with one shade tree for every 40 feet of road frontage. See §310-27.C*

Bulk Requirements Comments

- 7. Bulk Table Required. A bulk requirements table should be included on the Site Plan. The following details should be included*
 - a. The property is zoned Residential, One-Acre district (R-1A) and is in the Conservation Cluster Development Overlay district (CCDOD). The Bulk table on the Site Plan as well as the Planning Board application should be updated to indicate that the property is in the CCDOD as well as R-1A.*
 - b. 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. Existing and proposed lot coverage should be shown in the bulk table.*
 - c. Lot Area and Yard Requirements. The lot area and yard requirements are stipulated on sheet OP-9 of the final plan for WP3 Subdivision from April of 2007. The subject lot, which is shown on the final plan as ME 308, must meet the following standards: 18,000 sf lot area; 25' front yard; 10' side yard; and 30' rear yard. The Bulk table should show these standards with numbers for both required and proposed dimensions.*
 - d. Lot Width. Review Sheet OP-3 of the final subdivision plans from April of 2007 show the lot size is unchanged and therefore we presume it meets lot width requirements. Required and Existing Lot Width should be shown on the bulk table.*
 - e. Building Height. The building height is labelled as 33 ft. 9.75 in. on sheet A-103, Front Elevation. Per Section 310-7, the building height shall not exceed 35 feet. The applicant should confirm with the Building Inspector that the bottom of the front elevation as shown is equal to the "average grade level" as found in the definition of "Building Height" in §310-2, and that the maximum height standard is met. The height requirement and proposed height should be shown on the bulk table*

Chairman Gerver wanted to clarify if there was going to be new bedrooms. Designer Hartman said he was confused with the other application. He said looking at the plans there won't be any additional bedrooms or bathrooms. T. Deluca asked to verify if bedrooms will be added on the second floor. Designer Hartman said no additional bedroom, just a playroom and the pre-existing bedrooms #3 and #4. He will verify and submit the original plans in order to compare.

There was some confusion regarding the existing garage. Designer Hartman will submit plans showing the new garage and storage. Planner Lockman would appreciate it if Designer provides that submission, since it will help answer so many questions especially questions regarding water and sewer.

S. Capriglione asked if the black top will be on the side of the new addition. Designer Hartman said the existing driveway will not change. The new garage will cover most of the blacktop.

R. Cataggio asked Designer Hartman to clarify the changes to the second floor. Designer Hartman there's a new playroom and there are pre-existing rooms. He said he will make submissions to be clear.

Attorney Golden said since this is a modification to a pre-existing home the structure is exempt from the moratorium. He said it's a Type II SEQRA Action, GML 239 was referred recently there is still time, and a public hearing is required.

Motion was offered by Chairman Gerver seconded by S. Capriglione to have Hartman/Hirsch application as a Type II SEQRA Action. 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

Designer Hartman asked the Board to change the date of the public hearing for Hartman Design/Jacob ARB for a later date.

Motion was offered by Chairman Gerver seconded by T. Deluca to schedule a public hearing for Hartman/Hirsch on October 6, 2021. 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 S. Capriglione to modify the date of the public hearing for Hartman Design/Jacob ARB for October 20, 2021. 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

- E. **Fogel ARB** - Review documents submitted for ARB and Ridge Preservation for proposed single-family dwelling Said property is located at 62 First Ave. in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 214 Block 1 Lot 1.

The applicant Israel Fogel said his home was destroyed by a fire on April 30, 2019. He said he had previously spoken to the former Building Inspector Gary Thomasberger and was told he needed to present himself in front of the ZBA and he needed to have a septic system designed and an engineer. To speed up the process with the ZBA, he hired AFR Engineering to do the septic design and he said AFR deceived him and took advantage. He hired a new person Engineer Mike Lacelle and was finally able to come up with plans. Mr. Fogel then went to submit those plans to the Building Department and was told he was to present himself to the Planning Board for an approval to rebuild. Mr. Fogel pleaded with the Board for an approval so that he can rebuild his home since it's been two and half years since he hasn't been able to move back in. He's having a difficult time and he is willing to work with the Planning Board in order for him to move back into his home.

Planner Lockman began to review his memo dated August 26, 2021. Planner Lockman said he's looking for floor plans for the different levels of the house to show the square footage that way the Board can determine if its compatible with the neighborhood. He will also be able to confirm the three bedrooms once the plans are received. Mr. Fogel said he did submit the plans to the Building Department as well as other documentation. S. Capriglione confirmed the Board did not receive

floor plans for this application. Planner Lockman continued to go over his memo. He said Mr. Fogel will have to let the Board know if there will be additional landscaping, and a bulk table. Planner Lockman said he wasn't involved in getting a variance(s) he just knows that the owner can build on a non-conforming lot. The site is at 770 ft. in elevation therefore the Board and counsel will need to know whether its visible from any view corridors. Planner Lockman mentioned the colors/materials that were proposed by Mr. Fogel and advised him when the windows go up to add an anti-reflection film. Planner Lockman asked Mr. Fogel to provide photographs of the surrounding houses in the neighborhood, so the Board can make their ARB determination.

NPV Memo:

Submission Comments

- 1. Floors plan for all levels should be submitted. Gross square footage for the entire home should be indicated with a breakout for each level including the basement. The information will be used by the Planning Board when determining compatibility of the proposed design with surrounding homes*
- 2. The "Projected Water and Sewer Demand for Connection to the Municipal System" form indicates the home will have three bedrooms. This should be confirmed by submissions of floor plans for all levels per Comment 1 above.*
- 3. The total square footage of the existing dwelling should be indicated on the site plan sheet Z003.00.*
- 4. Existing topography, and proposed topography and grading are not shown on the site plan.*
- 5. Stormwater management features are not shown on the site plan.*
- 6. Existing trees are shown on the site plan. A landscape plan should be submitted. A front landscaped area 25 feet in width is required, with one shade tree for every 40 feet of road frontage. See §310-27.C*

Bulk Requirements Comments

- 7. Bulk Table Required. A bulk requirements table should be included on the Site Plan. The following details should be included*
 - a. The property is zoned Residential, Two-Acre district (R-2A). The bulk table on the Site Plan should indicate that the required standards for this district, and the dimensions proposed.*
 - b. The maximum lot coverage is governed by R-2A standards. Lot coverage for buildings and impervious surfaces shall not exceed 20 percent of the lot area. Existing and proposed lot coverage should be shown in the bulk table.*
 - c. Lot Area and Yard Requirements. The lot area and yard requirements for R-2A are as follows: 2 acres minimum lot area; 40' front yard; 30' side yard; and 50' rear yard. The bulk table should show these standards with numbers for both required and proposed dimensions. The proposed setbacks should be shown on the site plan, as well as listed in the bulk table. The lot appears to be existing, nonconforming, with 0.33 acres in this zoning district with a 2-acre minimum lot size. Nonconforming lots of record may be built upon pursuant to §310-43.1, if current required setbacks are met.*
 - d. Building Height. The building height is labelled as 33 ft. 7 in. on sheet Z-002.00 for the front elevation. Per Section 310-7, the building height shall not exceed 35 feet. The applicant should confirm with the Building Inspector that the "average grade level" shown as the starting point for the height measurement meets the definition of "Building Height" in §310- 2, and that the maximum height standard is met. The height requirement and proposed height should be shown on the bulk table.*

Ridge Preservation

- 8. The site is located at approximately 770 feet in elevation, subject to the Ridge Preservation standards of the Zoning Code §310-13. The applicant has not submitted any materials regarding how the Ridge Preservation standards will be met. We offer the following comments with respect to the following subsections of §310-13.B:*
 - a. Section 1: The applicant should submit evidence regarding whether or not the proposed home addition will be visible from any designated view corridors. If the proposed addition is visible, the Board*

should determine if the addition structure blends into the hillside to the maximum practical extent. b. Section

2: On pages 3 and 7, the applicant has proposed "Savannah Wicker" colored CertainTeed vinyl siding for the rebuilt home. 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 Planning Board should discuss with the applicant if this standard has been met for this replacement home.

c. Section 3: This section requires that roof slopes also be of natural color. It appears that the "Rustic Cedar" Tamko Heritage shingles specified on the ARB application meets this standard.

d. Section 4: A note should be included on the elevations sheet that anti-reflection window film will be applied to all new windows.

e. Section 5: 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.

Architectural Review/Planning

9. 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. 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."

This site had an existing house destroyed by fire, and it is planned to be replaced. The applicant should submit photographs of nearby homes, showing the relationship of the proposed project to the homes surrounding it, with their existing styles, sizes, heights, and configurations, in adequate detail for the Planning Board to determine the proposed project's level of similarity or dissimilarity as described in the code above.

Comments – SEQRA/Procedure

10. We recommend that the Planning Board classify this action as Type II, requiring no further environmental review under SEQRA, as it is for an addition to an existing single-family home on an approved subdivision lot. See 6 CRR-NY 617.5(c)(11).

11. The site is located on Seven Springs Road. We defer to the Planning Board attorney whether this would trigger a requirement for GML 239-m review by the Orange County Department of Planning, given that ARB review is required.

S. Capriglione asked Mr. Fogel to clarify what he previously said, saying he obtained a variance. Mr. Fogel said he obtained a variance from the ZBA, and he has proof. She asked what the variance was for, and Mr. Fogel said the original house fell outside of the bulk table. Planner Lockman said he wasn't sure as to why he would receive a variance since his lot is smaller than what is required. Attorney Golden asked if he had a copy of that variance and he did not have it on him. He began to explain the situation for Mr. Fogel could understand. He said to his understanding Mr. Fogel was rebuilding his home to be a larger home with a second story and that's why Mr. Fogel thinks he received variances. Mr. Fogel said he received variance for the setbacks. Attorney Golden explained to Mr. Fogel that if he was building something different and bigger then he won't be exempt from the moratorium, but if he was to build his home to the exact same dimensions of the original home Mr. Fogel will be exempt. Mr. Fogel is building a larger home therefore he is not exempt from the moratorium and the Board will be able to proceed with reviewing the application but won't be able to give an approval until the moratorium is lifted.

Attorney Golden said this would be a Type II SEQRA Action, the GML 239 was referred on August 20, 2021, and a public hearing will be required. He said the Board will check with the Building Department and get the necessary documents and if need be so you will be advised as to what documents need to be handed in.

Chairman Gerver said the Board will have to do some work from their end on this application as well as Mr. Fogel. He will not schedule a public hearing as of now just in case Mr. Fogel needs to appear in front of the ZBA for variance(s).

Motion was offered by Chairman Gerver seconded by S. Capriglione to have Fogel ARB application as a Type II SEQRA Action. 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 9:00 PM. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

Claudia Valoy-Romanisin, Planning Board Secretary