

**Village of Woodbury
Planning Board Meeting
September 15, 2021**

Minutes of the Planning Board Meeting held on September 15, 2021, at 7:30 PM
(Meeting held via Zoom)

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

Representing for the Village of Woodbury Planning Board:
Richard Golden, Attorney
Natalie D. Barber, Engineer
Max Stach, Planner

Board Member(s) Absent: None

Chairman Gerver opened the meeting with the Pledge of Allegiance.

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

A motion was offered by Chairman Gerver, seconded by T. Deluca to approve, and accept the minutes of the meeting held on September 15, 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. **Christensen/Ferriera ARB** – Review draft resolution for ARB application to erect solar panels on a single-family home located at 5 Pleasant Drive in Highland Mills. Said property is known on the Village of Woodbury Tax Maps as Section 211, Block 1, Lot 61.

Chairman Gerver said there was approval with the GML 239 and noted the Board reviewed the draft Resolution of Approval and began to read the Specific Conditions in the draft for CAMERON CHRISTENSEN (MOMENTUM SOLAR) O/B/O KATERYN FERREIRA (5 PLEASANT DRIVE).

SPECIFIC CONDITIONS

1. *Prior to the signing of the plans, the Applicant shall provide a properly executed Application to Appear before Planning Board and Entity Disclosure Form, to the satisfaction of the Planning Board Attorney.*
2. *Pursuant to Village Code § 310-39.5(F):*
 - a) *All solar collector installations must be performed by a qualified solar installer.*
 - b) *Prior to operation, electrical connections must be inspected by an electrical underwriter, Village Code Enforcement Officer, and/or by an appropriate electrical inspection person or agency, as determined by the Village.*
 - c) *Any connection to the public utility grid must be inspected by the appropriate public utility.*
 - d) *Solar energy systems shall be maintained in good working order.*

- e) *Rooftop and building-mounted solar collectors shall meet New York's Uniform Fire Prevention and Building Code standards.*
- f) *If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Village and other applicable laws and regulations.*
- g) *If a solar collector ceases to perform its originally intended function due to damage for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the twelve-month period, unless the equipment poses a safety hazard or is an eyesore, in which circumstance removal must be performed within 30 days.*

Planning Board Attorney Richard Golden noted the GML 239 referral on the draft resolution was incomplete. He did not receive a copy of the approval. S. Capriglione confirmed the GML 239 was received from the county on September 2, 2021, and it was a local determination.

A motion was offered by Chairman Gerver, seconded by S. Capriglione to accept counsel's draft Resolution of Approval. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

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

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

Chairman Gerver said the GML 239 approval was received on September 2, 2021, and it was local determination. He noted the Board reviewed the draft Resolution of Approval and began to read the Specific Conditions in the draft for MELISSA MITCHELL (SUNPOWER CORP.) O/B/O MARIUS MERA (6 COLLEGE DRIVE).

SPECIFIC CONDITIONS

- 3. *Prior to the signing of the plans, the Applicant shall provide a properly executed Application to Appear before Planning Board and Entity Disclosure Form, to the satisfaction of the Planning Board Attorney.*
- 4. *Pursuant to Village Code § 310-39.5(F):*
 - a) *All solar collector installations must be performed by a qualified solar installer.*
 - b) *Prior to operation, electrical connections must be inspected by an electrical underwriter, Village Code Enforcement Officer, and/or by an appropriate electrical inspection person or agency, as determined by the Village.*
 - c) *Any connection to the public utility grid must be inspected by the appropriate public utility.*
 - d) *Solar energy systems shall be maintained in good working order.*
 - e) *Rooftop and building-mounted solar collectors shall meet New York's Uniform Fire Prevention and Building Code standards.*
 - f) *If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Village and other applicable laws and regulations.*
 - g) *If a solar collector ceases to perform its originally intended function due to damage for more than 12*

consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the twelve-month period, unless the equipment poses a safety hazard or is an eyesore, in which circumstance removal must be performed within 30 days.

A motion was offered by Chairman Gerver, seconded by T. Deluca to accept counsel's draft Resolution of Approval. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

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

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

Chairman Gerver noted the applicant had submitted pictures, color chips, and a map as requested by the Board. He shared the color board the applicant provided on screen. The Board had no additional comments; therefore, he opened the floor for public comments for 29 Mountainview Drive in Highland Mills.

There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by R. Cattagio to close the public hearing for Kazlauskas/Jusino. 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

Village Planner Max Stach said there were two items from NPV's previous memorandum that were not addressed, and they were the following.

Ridge Preservation

3. Regarding our comment on ridge preservation from our previous memorandum, a condition of approval should be added that "Anti-reflection window film will be applied to any new Low-E windows installed."

Architectural Review/Planning

4. This house is existing. The applicant has submitted photographs of the home and surroundings, showing the relationship of the proposed window and door replacement project to the homes surrounding it. The Planning Board should determine if the proposed project's level of similarity or dissimilarity meets the standard of the ARB code.

Attorney Golden noted the issues referred by Village Planner Stach are addressed in the draft Resolution of Approval in condition #1 under "Specific Conditions" and under "Findings" 3rd paragraph. Attorney Golden referred to the bold language under "Findings", it is not on record, and would like the Chairman to read it out loud and vote on it. He also, asked if the GML 239 approval was received by the Board. The Board said no approval was received, though the 30 days deadline has passed so it will be considered as a "no response" from the county.

The Board had no additional comments; therefore, the Chairman began to read the highlighted language under "Findings":

FINDINGS

The Planning Board has determined that approval of this Application will substantially serve the purpose and policy of the Ridge Preservation provisions of the Village of Woodbury Code § 310-13, and, subject to compliance in full with the conditions hereinafter imposed, the residence shall not be

visible from any designated ridge preservation view corridor or will blend into the hillside. The Planning Board hereby approves the above-noted plans, illustrations, and materials submitted by the Applicant. **In connection with this Finding, the Planning Board has determined, in accordance with Village Code § 310-13(B)(7)(b), that the requirement of Village Code § 310-13 (Ridge Preservation) for the applicant to submit a photo-simulation is hereby waived, as the structure affected will not be visible from a designated view corridor. Additionally, the Planning Board has approved the CertainTeed vinyl siding for the renovations, as the existing dwelling is constructed with vinyl siding.**

The Planning Board has further determined, in its capacity as Architectural Review Board, that the design, elevations, colors and materials shown and listed in the documents and plans filed with the Village Building Department and noted above result in an architecturally appropriate project and will thereby blend into the existing character of the neighborhood. Said design, elevations, colors, and materials are hereby approved. No Building Permit or Certificate of Occupancy shall be issued except for structures consistent with these renderings and listed materials.

In accordance with Chapters 8 and A314 of the Village Code, the Architectural Review Board is required to consider in its review and analysis the similarity, dissimilarity, and appropriateness of the proposed building to itself and buildings in the same or surrounding neighborhood, including neighboring developments, specifically with respect to the (1) exterior façade, including, but not limited to, building materials, mass, roofline, 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, and (3) footprint and gross floor area. In its capacity as Architectural Review Board, the Planning Board has determined, upon a review of these elements, that considering the location of the property, that the structure as proposed is not excessively similar or dissimilar from other structures in the neighborhood, nor is the proposed design inappropriate.

A motion was offered by Chairman Gerver, seconded by S. Capriglione to accept the language **“In connection with this Finding, the Planning Board has determined, in accordance with Village Code § 310-13(B)(7)(b), that the requirement of Village Code § 310-13 (Ridge Preservation) for the applicant to submit a photo-simulation is hereby waived, as the structure affected will not be visible from a designated view corridor. Additionally, the Planning Board has approved the CertainTeed vinyl siding for the renovations, as the existing dwelling is constructed with vinyl siding.** Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

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

Chairman Gerver read the “Specific Conditions”.

SPECIFIC CONDITIONS

1. All new windows shall be constructed of non-reflective material.
2. Before the signing of the plans, the Applicant shall comply with the memorandum of the Village Planner dated August 11, 2021, to the satisfaction of the Village Planner.

A motion was offered by Chairman Gerver, seconded by S. Capriglione to accept counsel's draft Resolution of Approval. 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 and Attorney Golden explained the next steps that would follow and advised the applicant to not start construction until they have contacted the Building Department for the necessary permits. The applicant understood.

- D. **Highland Mills Center Group** – Review documents submitted for Site Plan, Special Permit and SEQRA for proposed 84-unit senior housing project located on the east side of Route near the intersection of Ford Avenue in Highland Mills. Said property is known on the Village of Woodbury Tax Maps as Section 218 Block 2 Lots 7, 9, 10, 11 and 13.

Highland Mills Center Group had requested to be removed from tonight’s agenda due to the holiday.

- E. **Woodbury Common/Space 256-262** – Review documents submitted for Site Plan, Special Permit and ARB for proposed demolition of existing space (6596 sq ft) with rebuild of a new 9869 sq ft building at the same location. Said property located within Woodbury Common shopping center on Route 32 in Central Valley and known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lot 70.2 and Section 226 Block 1 Lot 1., Section 226 Block 1 Lot 1.

General – The proposed application is for a demolition of existing space 256-262 (formerly known as 258-264) that is 6,596 SF and construction of a new building with 9,869 SF footprint in the same location. The applicant’s narrative describes the additional area will extend into the service court and towards Building B.

Background – In 2018, the Board reviewed this space (Building 20) for expansion and reduction. At that time, the Board approved a 956 SF expansion to the rear and 130 SF reduction from the left side of Space 264. H2M recommend the applicant discuss the status of those improvements and any changes to the existing space since that time.

VP of Construction – Simon Property Group Bill Pendergast representing the applicant began by saying they would like to upgrade space 256-262, like the project that was done a year ago (with space 315). They intend to tear down about 6,800 sq. ft. and build back 9,000 sq. ft. He said it’s part of a 2012 renovation plan to a building that was partially demolished in 2017-2018 and it was left as is and now it’s at the point where the plan is to be realized. Mr. Pendergast said they will increase the interior height and expand most of the building to the rear service court as per the site plan. He said the utilities located in the back will be moved outside of the footprint of the new building. There will be more room in the main corridor, and it will not go out any further towards the access point between Hudson Valley and Derby Lane. Mr. Pendergast said it won’t block any of the access of the tenants and there will be an interior-rated hallway that will be added to the service. He added that an ARB was submitted, compliant with the colors and materials on Hudson Valley district.

Engineer Barber noted there were errors on her memo dated September 10, 2021. She said the numbers of square footage in certain parts of her memo were incorrect and would provide a revised memo superseding the previous one, reflecting those changes. She continued by briefly going over the submitted materials in her memo.

H2M Revised Memo dated September 15, 2021:

Review of Submitted Materials –

Zoning –

a) Use – Retail spaces, as part of a commercial center, are permitted uses within the IB district.

b) Gross Leasable Area (GLA) – As noted above, the applicant’s narrative describes the demolition of the existing space 256-262 that is 6,596 SF, and the construction of new space that is 9,869 SF resulting in a net increase of 3,273 SF of GLA. We note the following:

i. An updated GLA tally and plan are required.

ii. We note the most recent GLA tally (revised 6/22/2021) indicates the two existing spaces (258 – 4,711 SF and 262 – 2,291 SF) total 7,002 SF. We understand there may have been changes to space 264 during the removal of the old food court that were not accounted for in the current GLA plan; the applicant should describe the area differences (6,596 SF vs. 7,002 SF) to your satisfaction.

iii. Regardless of the discrepancy in existing area, the proposal appears to exceed available GLA by 1,684 SF which could require a new SEQRA review subject to clarification of the items listed below. Prior approvals required WC to relinquish certain space in order to permit development in other areas. The current GLA tally includes these spaces as if they are occupied and indicates an excess of available GLA. The following is our understanding of space relinquished until evidence of available GLA was

demonstrated. The applicant should advise the status of these spaces. NOTE - If Suite 324 is intended to remain vacated, there could be sufficient GLA for this proposed action:

a. 2019 Michael Kors – Vacate Suite 324 (2,023 SF)

b. 2020 Suite 315 – Decommit Suite 946 (1,077 SF)

c. 2021 Coffee Truck – Relinquish Building 20/Suite 264 Expansion (956 SF) approved in 2018 – this is moot since this is the subject building.

iv. If you approve this action, we recommend you identify which spaces are required to remain vacant and which could be occupied to clarify the status of prior actions for the Building Department. This should be noted in the new GLA tally summary.

v. Additionally, if the modification to this space is approved, we recommend a condition of your action require confirmation of the as-built area by survey.

Site Plan –

a) Pedestrian Circulation and Safety – The proposed work will be in an active area of pedestrian movement. We recommend your action include a requirement all appropriate safety measures be provided to the satisfaction of the Village's Building Department. Although the Village should have the authority to review safety plans, the applicant, contractor and Woodbury Common will oversee the construction procedures and have all responsibility for public safety and worker protection.

b) Site Circulation and Store Operations – The following are comments on the proposed arrangement of the store layout for the applicant to consider:

i. We note the floor plan shows only one means of ingress/egress to Space 256, the applicant should confirm this is sufficient per the requirements of the NYS Building and Fire Code.

ii. Space 256 is not shown with any access to the service courtyard; it is not clear if this is being removed as part of this proposal, applicant to confirm with demonstration on an existing conditions and demolition plan. You may wish to discuss with the applicant how deliveries (time, types of delivery carts, etc. especially for peak weekend and holiday times), storage, and restocking will function for this space.

iii. The infill of the service courtyard extends Space 262 behind existing Space 254 through to existing Space 240 and creates two enclosed service corridors for accessing the back of house operations for three existing stores. The corridors are approximately 8-ft wide, except one location where it is restricted to 5-ft due to what appear to be existing utilities, applicant to confirm. Additionally, there is a proposed handrail enclosing the 5-ft wide ramp and concrete sidewalk leading to the back door access to the new and existing spaces. We recommend the applicant confirm whether this arrangement is functional for deliveries to the existing and proposed users of these spaces. Upon confirmation of the nature of the existing utilities within the corridor, we may recommend these be relocated to the building exterior for easy access and maintenance.

c) Utilities – We recommend all active utilities under the proposed addition be relocated. If any cannot be removed, the board should be advised the reason and, if authorized to remain, they may require special features such as additional valving and/or sleeves for removal/replacement. All modifications to and installation of utilities shall be in accordance with the details approved in your 2012 action. Existing utility pipes under building(s) (drainage and sanitary) which are to be abandoned should be capped as necessary but must also be removed or filled with flowable fill (k-crete or similar). Drains and sanitary lines may not be located directly above existing active water lines. Existing utilities should have reasonable access for maintenance, which should be able to be confirmed on the plan. Confirmation of the relocation of the existing A/C units should be provided and location shown on the plan, there appear to be eleven based on the site plan.

Additionally, where improvements are proposed along the perimeter of the proposed storefronts (concrete band) the plans should show the extent of demolition and reconstruction so that grading can be confirmed.

Drainage improvements are proposed in the service courtyard that eliminate one catch basin and propose three in its stead. Where modifications to stormwater infrastructure are required, the applicant must remove stubs from existing catch-basin(s) and seal the catch basin(s) properly. We recommend the

applicant review the grate elevation of the central inlet and consider whether it should be lowered or shifted slightly to capture flow from the East where the existing spot elevation indicates 529.19. With the changes proposed we assume there will be new paving and surfacing in this location. We recommend the plans show the extent of those operations.

Finally, as is typical with all applications for Woodbury Common, all improvements must not inhibit existing or proposed drainage patterns. All proposed hard surface areas must drain properly without ponding and potential ice problems.

d) ESO Access – We recommend the applicant provide a plan showing the proposed improvements in conjunction with the ESO route through this area. Your prior actions have required a minimum 20-foot unobstructed clear path with adequate turning radii throughout the site and courtyard areas. We assume the plan will be complying, but confirmation to your satisfaction should be provided.

e) ESO Comments – We recommend the Board consider referral to the ESO's for any comments they may have.

f) Signage – The architectural elevations show two blade signs (one for each store). The applicant should confirm if any other signage is proposed. All signage must be compliance with the approved Woodbury Common Tenant Signage plan.

g) ARB – The applicant has provided an ARB form and architectural elevations for the proposed storefronts. Although it appears generally complying, the applicant should provide the approved material board for the Red Apple/Hudson Valley – Market Hall area to confirm consistency with prior actions and general harmony with existing stores. The Board should review the ARB materials and confirm they are to your satisfaction.

h) Landscaping – Although, we primarily defer to NPV for their comments on this issue, it is not clear if the proposed action eliminates existing planters and landscaping beds. We recommend the applicant confirm this and if areas are removed, we recommend you consider whether the removal should be offset elsewhere.

SEORA –

The Board completed a comprehensive SEQRA review in connection with the 2012 renovations. It appears the proposed action could exceed the approved GLA by **1,684 SF**. Although relatively minor, this has implications with respect to the demand for parking, and water and sewer volumes reviewed during SEQRA. We recommend you clarify the status of GLA with the applicant as discussed above prior to taking any action under SEQRA.

Public Hearing –

As is typical for all prior ARB/Site Plan modifications at Woodbury Common, a public hearing is required at the appropriate time.

Miscellaneous –

We recommend you discuss with the applicant whether a redesignation of these spaces from 258-264 to 256-262 is necessary. In our opinion, given the history of the various approvals and modifications to the space, changing the designations could cause confusion in the future.

To clarify what Engineer Barber mentioned in her memo, T. Deluca asked if the applicant has to surrender approximately 1,600 sq. ft. to receive 1,689 sq. ft., not that the applicant wants an additional 1,689 sq. ft. and Engineer Barber said yes. Chairman Gerver said the Disney store just shut down and asked if that would give the applicant additional space. Engineer Barber said it depends on the applicant, because they may have plans for another retail in that space and plan to decommit another space. Attorney Golden said the applicant is looking for 1,684 sq. ft. an overage of GLA, which needs to be addressed. If the applicant doesn't decommission an equal amount of square footage, then the Board will need to address SEQRA and there may be an environmental impact, also it may be subject to the moratorium. If the applicant can decommission the same amount or more square footage, then the SEQRA and the moratorium will go away.

Mr. Pendergast said they plan to decommit. There is a tenant who will vacate the space they are currently in and that would be the space they will decommit. Attorney Golden asked that the applicant submit that information with the next submittal to the Building Department. Mr. Pendergast said yes, and it will be part of the ongoing GLA tally that they are to give to Engineer Barber.

Planner Stah briefly went over the comments in his memo dated September 9, 2021.

NPV Memo:

Submissions

1. Only a grading and utility plan sheet has been provided. A sheet with existing conditions and demolitions/removals should be submitted.

2. It appears that several drawing layers may have been unintentionally included in the grading utility plan, making it difficult to discern the existing conditions and proposed conditions. For example, there appear to be existing doors indicated north of the northeasterly corner of the proposed space that aren't attached to any existing or proposed building. A portion of the existing wall at the south end of existing space 264 seems to be omitted (just north of the a/c condenser and gas meter). Also what appear to be proposed internal demising walls that conflict with each other appear in the area of the proposed new building at the rear (east) of Coach Men's.

3. A site plan with landscaping/hardscaping details should be provided.

4. The key map should be adjusted to show the subject site as a shaded area or darker outline so it can be more easily found.

It appears the fence and gate between proposed unit 262 and existing unit 560 is proposed to be moved forward (north). The map should be drawn to clarify if this is the case as both positions appear to be shaded to the existing conditions lined shading. This would seem to be a sensible change to avoid a deep alley accessible to the public.

5. It is not clear what the multiple circles west of Coach Men's are intended to denote.

Planner Stah noted there was an error in his comments under Zoning/SEQRA. He referred to the first sentence saying instead of "proposed kiosk" it should be *proposed reconstruction*.

Zoning/SEQRA

6. We will defer to the Building Inspector's determination whether the proposed kiosk is within the overall Gross Leasable Area limits (GLA) set for retail floor area at Woodbury Common under its current SEQRA approvals, or whether the rights to other unbuilt floor area should be lowered as an offset...

Planner Stah's last comment was on the site plan. He said there were several AC condensers and gas meters that look like they will have to be relocated, but he couldn't determine where they were located.

S. Capriglione asked why the numbers are changing since it was known as 258-264 and now it will be known as 256-262. Mr. Pendergast said one of the plans they developed has it as four different suites and they had this idea of redividing the tenants in the future, so they tried to reserve some numbers. Also, in that district, it's even numbers not odd numbers and it can be changed on the leases to then be able to add back 264 and 258 into the series. An explanation that Mr. Pendergast can only provide. S. Capriglione found the changing of the numbers to be confusing since there's a tally to keep track off. Engineer Barber agreed that it can be confusing, but it can be noted on the GLA tally and other proper tracking mechanisms can be put in place. Attorney Golden said it would be easier for the Building Department if the numbers stay consistent. He said in the Resolution of Approval the numbers can be indicated and in parenthesis say "known in the lease as..." and do the alternate numbers; that way the Building Department doesn't have to change the lease. Mr. Pendergast agreed.

Attorney Golden noted a GML is required, doesn't think the Board needs to wait for a revised plan since there is enough information for the Board to make their determination, but if the Board chooses to wait that would be okay. This application would also require a public hearing since it's an amended site plan. Chairman Gerver agreed with Attorney Golden on sending the GML 239 referral. Engineer Barber said she'll talk to the Building Department on the referral.

Chairman Gerver noted Mr. Pendergast had made a partial resubmission and said he didn't get a chance to review it. Therefore, he doesn't know how much the partial submission addressed the comments in the memos. Mr. Pendergast said it addresses most of it, but they would have to update some of the drawings.

S. Capriglione asked if it was too early to refer to the ESO. Engineer Barber said it would be helpful to have the revised plans showing the areas that are being demoed. Planner Stah asked Mr. Pendergast if he plans to make changes to the ESO plan. Mr. Pendergast said there is no need to change the ESO plan. The ESO access points did not change. There's one for ambulance and police only, one in the rear service court, and there's no change in the ESO path either. Mr. Pendergast said in the past for teardown and reconstruction they typically speak to the Building Department Inspector, and he will then speak to the ESO and get their input. He said if the ESO has an issue then they are willing to sit with ESO and get their input, which has been done in the past. Engineer Barber said the ESO route hasn't been provided for the space yet but feels it's a straightforward application. Chairman Gerver thinks it can be sent over and will wait and see if it raises any red flags.

Mr. Pendergast asked if a public hearing can be set or will they have to wait until the next submission.

Since Mr. Pendergast said his next submission will be in within two weeks from today Attorney Golden said there is no need to postpone setting the public hearing.

A motion was offered by Chairman Gerver seconded by S. Capriglione to schedule a public hearing for Woodbury Common/Space 256-262 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

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by T. Deluca, to adjourn the meeting at 8:12 PM.

ADOPTED

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

Claudia Valoy-Romanisin, Planning Board Secretary