

**Village of Woodbury  
Planning Board Meeting  
November 3, 2021**

Minutes of the Planning Board Meeting held on November 3, 2021, at 7:30PM  
(Meeting held via Zoom)

Board Members Present: Christopher Gerver, Chairman  
Richard Cataggio  
Sandra Capriglione  
Thomas DeLuca  
Evan Yan

Representing for the Village of Woodbury Planning Board:

Richard Golden, Attorney  
Natalie D. Barber, Engineer  
Jonathan Lockman, Planner  
Rich D’Andrea, Traffic Consultant

Chairman Gerver opened the meeting with Pledge of Allegiance.

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

- A. **HV Realty Services/Gold ARB** – Review draft resolution for ARB and Ridge Preservation of 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

Public hearing was held and closed, GML 239 referral was determined, SEQRA was declared as a Type II Action as well. The Board reviewed of the draft Resolution of Approval ARB for BRIAN & PAIGE GOLD. Chairman Gerver began to read the Specific Conditions.

*SPECIFIC CONDITIONS*

1. *Prior to the signing of the plans, the Applicant shall comply with the memorandum of the Village Planner dated October 14, 2021, to the satisfaction of the Village Planner.*

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 5 Chairperson Gerver, R. Cataggio, S. Capriglione, T. DeLuca, E. Yan  
NOES 0

- B. **Hartman/Hirsch ARB** – Review draft resolution for ARB and Ridge Preservation of 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.

Planning Board Attorney Richard Golden asked for the applicant to confirm the square footage on the addition. He also referred to a section in the draft Resolution of Approval. Page 3 under “*Findings*”, a determination by the Planning Board was made regarding Ridge Preservation. The Planning Board determined that the residence is not visible from the view corridors therefore Ridge Preservation was waived. No one had any comments.

Planning Board Planner Jonathan Lockman confirmed the footage to be 953 sq. ft. for the addition. Attorney Golden noted he will make the adjustments on the final draft.

A public hearing was held and closed, GML 239 referral was determined, SEQRA was declared as a Type II Action as well. The Board reviewed the draft Resolution of Approval ARB for BAILA HIRSCH. Chairman Gerver began to read the Specific Conditions.

*SPECIFIC CONDITIONS*

1. *All new plantings shown on the plans and the existing three (3) trees on site shall be (i) planted in a timely manner consistent with planting seasons and (ii) maintained in a healthy, and vibrant condition in perpetuity. Should said plantings and/or trees die or become diseased, they shall be promptly removed and replanted with the same plantings by the Applicant, subject to availability.*
2. *Prior to the signing of the plans, the Applicant shall comply with the memorandum of the Village Planner dated October 14, 2021, to the satisfaction of the Village Planner.*

A motion was offered by Chairperson Gerver, seconded by R. Cataggio, to accept counsel's draft Resolution of Approval with the updated square footage for BAILA HIRSCH. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairperson Gerver, R. Cataggio, S. Capriglione, T. DeLuca, E. Yan  
NOES 0

- C. **Woodbury Common/Space 256-262** – Review draft resolution for Site Plan, Special Permit and ARB of 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.

A public hearing was held and closed, GML 239 referral was determined, and SEQRA as well. The Board reviewed the draft Resolution of Approval ARB for PREMIUM OUTLET PARTNERS, L.P., C/O PREMIUM OUTLETS/SIMON PROPERTY GROUP INC. (WOODBURY COMMON PREMIUM OUTLETS) (RECONSTRUCTION OF SPACE 258-264). Chairman Gerver proceeded to read the Specific 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. *All signage shall be in accordance with the previously approved signage plan for Woodbury Common and approved amendments thereto.*
4. *A 20-ft wide clearance among permanent structures (buildings, planters, seating areas, kiosks, et. al.) shall be*

*maintained for Emergency Service Organization (ESO) access and passage as demonstrated on the ESO plan provided.*

5. *ESO's – The ESO's shall be involved with the construction phase to coordinate any temporary rerouting of the ESO access route based on temporary construction obstructions.*
6. *Utility placements shall be in accordance with the requirements of the Village Water and Sewer Department and prior approvals. Existing drainage and sanitary utility pipes under building(s) shall be removed where possible. If abandonment in place is necessary, they should be removed to the maximum extent practicable, capped, and filled with flowable fill (k-crete or similar). Drains and sanitary lines may not be located directly above active water lines. Any areas found to produce ponding shall be addressed by the Applicant with additional drainage facilities, as determined necessary by the Building Inspector.*
7. *Suite 318 shall be vacated prior to issuance of a Certificate of Occupancy for any space that is part of the 258-264 reconstruction, and shall remain vacant until additional GLA is available.*
8. *Prior to plan signing, the Applicant shall:*
  - a. *Comply with the memorandum of the Village Engineer, dated October 15, 2021, to the satisfaction of the Village Engineer.*
  - b. *Comply with the memorandum of the Village Planner, dated October 14, 2021, to the satisfaction of the Village Planner.*
  - c. *Submit an updated GLA Plan (AutoCAD and PDF format) and GLA Tally (PDF and Excel format) consistent with this approval to the satisfaction of the Village Engineer.*
9. *Prior to the issuance of a Building Permit, the Applicant shall provide confirmation to the satisfaction of the Building Inspector that a second egress to proposed Space 258 is not required.*
10. *Prior to the issuance of a Certificate of Occupancy, the Applicant shall confirm the as-built area of the proposed Spaces 258-264 by survey, certified by a New York State licensed land surveyor, submitted to the Building Department. If needed, the GLA Plan and Tally shall be updated to the satisfaction of the Building Inspector, to reflect the as-built area. If revised, a copy of the revised GLA Plan and Tally shall be submitted to the Planning Board and Village Engineer.*
11. *This approval amends the following prior approvals, insofar as the decommital of space for adequate GLA has been sufficiently demonstrated to allow the occupancy of the following spaces:*
  - a. *2019 Michael Kors Action – Condition No. 6 – Suite 324 may be occupied.*
  - b. *2020 Suite 315 Action – Condition No. 8 – Suite 946 may be occupied.*

A motion was offered by Chairman Gerver, seconded by S. Capriglione, to accept counsel’s draft Resolution of Approval for PREMIUM OUTLET PARTNERS, L.P., C/O PREMIUM OUTLETS/SIMON PROPERTY GROUP INC. (WOODBURY COMMON PREMIUM OUTLETS) (RECONSTRUCTION OF SPACE 258-264). Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairperson Gerver, R. Cataggio, S. Capriglione, T. DeLuca, E. Yan  
NOES 0

- D. **Stein/Ideal Design 66 Southfield Falls ARB** – Review application submitted for ARB and Ridge Preservation of proposed addition to an existing single-family dwelling. Said property is located within the Woodbury Villas subdivision at 66 Southfield Falls and is known on the Village of Woodbury Tax Maps as Section 255 Block 1 Lot 36.

Representing the applicant Joel Jeremiah began saying the project is addition measuring 800 sq. ft. on post.

Planner Lockman referred to his NPV memo dated October 26, 2021. He said the applicant should revise the site plan to include a grading plan with existing and proposed contours, stormwater management features, and a landscaping plan with existing and proposed trees and plantings. Also, existing trees that will be removed from the area where the addition will be, should be shown with an “X,” if applicable. A bulk requirement table should be on the site plan as well, showing proof of whether it affects the Ridge Preservation requirements. The applicant has chosen Georgia-Pacific Grey vinyl siding which happens to match the existing siding but suggests that the Board may want to discuss whether is acceptable. For roof slopes, the applicant has chosen Charcoal GAF shingles that meet the standard. Planner Lockman asks that the applicant make a note on the site plan the adding of anti-reflection window film to all new windows installed. Planner Lockman said photos were received of neighboring homes to determine whether the house fits in the surrounding neighborhood.

Chairman Gerver ask Mr. Jeremiah to take pictures from the view corridor (Rt. 32 by the High School) and provide all the necessary information mentioned in Planner Lockman’s memo. Mr. Jeremiah said he has taken those photos just hasn’t had time to submit them. As for the site plan, he is waiting on his engineer to update the plan. He said there is no grading because everything will be on post. It was explained that Planner Lockman is looking for existing grading, changes to drainage, anything that may impact a neighbor. Mr. Jeremiah said he will have everything updated and sent to the Planning Board in a few days.

Chairman Gerver said he would like to keep this application moving forward but if Mr. Jeremiah doesn’t provide all the necessary items in a timely matter, then the public hearing can be placed on hold.

A motion was offered by Chairperson Gerver, seconded by S. Capriglione, to schedule a public hearing for Yitzchok Stein/Ideal Design 66 Southfield Falls on November 17, 2021. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairperson Gerver, R. Cataggio, S. Capriglione, T. DeLuca, E. Yan  
NOES 0

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

The applicant Shlome Mayer said he like to build a 660 sq. ft. space onto his existing home that’s on a 9-acre parcel.

Planner Lockman referred to his NPV memo dated October 26, 2021. He began saying that question 15 of the Short EAF Part 1 should be “yes”. The project site is in the vicinity of endangered or threatened animals (Northern Long-eared bat, Timber

Rattlesnake), in addition to being within the vicinity of rare plants and/or significant natural communities (chestnut oak forest). He continues by saying the 8-inch or greater caliber trees are labeled on the plan. The applicant has confirmed in an email dated September 6, 2021, that there will be no exterior lighting. The bulk requirements were added as requested. Planner Lockman asked that the contour intervals be provided in the area where work is being performed, with areas of steep slopes (15% grade or greater). As such the applicant has indicated that there are no areas of steep slope on-site, however, Planner Lockman commented that this should be confirmed by including contour intervals on the site plan.

For Landscaping there appears to be existing vegetation in the area where the addition was proposed. Planner Lockman said the Board needs confirmation that there will be no vegetation clearing or removal of the two trees on the site plan and the applicant should clarify how those trees will be protected during construction. He continued saying the applicant noted on the site plan the anti-reflection window film will be applied to the new windows. As for roof slopes, Planner Lockman said Green-Grey is an adequate natural color. Noted in the September 6, 2021, email the applicant states that they intend to use roofing materials to match the existing house and that samples will be brought to the upcoming Planning Board meeting.

In reference to Ridge Preservation Planner Lockman agrees that the house is not visible from the view corridors, so the Board may want to waive all the compliances with Ridge Preservation. New material was submitted, and Planner Lockman said his comments may not reflect on what was submitted. He confirmed receiving yesterday the new site plan and photos and he will need some time to review them. If the Board has received those photos, they may be able to determine whether the house fits in the surrounding neighborhood.

Chairman Gerver confirmed there was an email sent from the Building Department consisting of four photos that the applicant submitted. The photos show the houses that are directly around the applicant's home, and he agrees with NPV the house is not visible from the view corridor. Chairman Gerver asked the Board if they agree the applicant is exempt from the Ridge Preservation requirements based on the information submitted. The Board agreed. Attorney Golden said it will be noted in "Findings" in the draft Resolution of Approval.

Chairman Gerver also confirmed the applicant submitted to the Building Department colors of siding and roofing materials that they intend to use. He said once NPV sees the updated site plan Planner Lockman should find most or all of his comments addressed.

A motion was offered by Chairperson Gerver, seconded by T. DeLuca to schedule a public hearing for Shlome Mayer on November 17, 2021. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairperson Gerver, R. Cataggio, S. Capriglione, T. DeLuca, E. Yan  
NOES 0

The applicant asked what the following steps after the public hearing and Chairman Gerver explained the process.

A motion was offered by Chairperson Gerver, seconded by R. Cataggio, for counsel to draft the Resolution of Approval for Shlome Mayer. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairperson Gerver, R. Cataggio, S. Capriglione, T. DeLuca, E. Yan  
NOES 0

S. Capriglione asked if the addition would be on pillars and if there will be a basement under the addition. Applicant Mayer said yes. It was confirmed that it was noted on the original building plan, but not on the new submission. Attorney Golden explained for the purpose of the Planning Board all is considered the site plan, because that is what gets approved. Attorney Golden needs to make sure so that he can reference the proper plan in the Resolution of Approval. Chairman Gerver

confirmed the showing of the basement and relocation of the door is in the original submission while the new submission has the contour line, bulk requirement amongst other items discussed in this meeting.

There were no other questions. Mr. Mayer thanked the Board.

- F. Ostreicher/7 Pheasant Run ARB** - Review application submitted for ARB and Ridge Preservation of proposed addition to an existing single-family dwelling. Said property is located 7 Pheasant Run in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 247 Block 1 Lot 4.

Planner Lockman referred to his NPV memo dated October 26, 2021. He said the application shows Moses Ostreicher is applying on behalf of Jacob Deutsche. He continues to say the short form EAF was submitted yesterday November 2<sup>nd</sup>. He said a floor plan was requested and was submitted yesterday clarifying that the number of bedrooms will stay the same, but as the site plan suggests room and spaces are being moved around. As per zoning compliance, he asks that the bulk requirements table be added to the site plan. He has not received information on whether the home is visible from any of the view corridors. He said the applicant has proposed White Clabbered vinyl siding for the addition and although the Board discourages the color white for the home. The house is already white, and this should be discussed with the Board. The roof is proposed to be Tamco Black, which meets the color standard. He continues asking the applicant to note on the site plan the application of the anti-reflection window film for the new low e-windows as confirmation. Also, the applicant is asked that there be no clearing or removal of 8-inch or greater caliber trees. Planner Lockman confirmed that photos of surrounding homes were submitted to show whether the home will fit in its surroundings.

Chairman Gerver asked Planner Lockman if a public hearing should be scheduled given that there are some items missing. Planner Lockman said it's not a new home, the bulk requirements are missing, we need a discussion on the color and the vegetation clearing. He said it's okay to schedule the public hearing and get these issues can be addressed by the time the public hearing is held.

Chairman Gerver showed on screen the photos the applicant had submitted to the Building Department along with the floor plan. He asked if the Board had any concerns. Attorney Golden asked if there will be a basement underneath the proposed addition. Chairman Gerver said no, the addition is over the garage.

Chairman Gerver asked that Mr. Ostreicher get those outstanding items in as soon as possible.

A motion was offered by Chairman Gerver, seconded by S. Capriglione to schedule a public hearing for Moses Ostreicher/7 Pheasant Run ARB on November 17, 2021. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES	5	Chairperson Gerver, R. Cataggio, S. Capriglione, T. DeLuca, E. Yan
NOES	0	

- G. Woodbury Fresh** – Review and discuss documents for Site Plan, Special Permit and ARB of proposed conversion of two existing retail spaces into a specialty supermarket. Said property is located within the Woodbury Centre at 37 Centre Drive in Central Valley and is known on the Village of Woodbury Tax Maps as Section 235 Block 2 Lot 1.12.

Architect Jason Anderson introduced the team, Engineer Dennis Lynch, and the applicant Mel Firer. He gave a brief description of the project. In the Woodbury Centre, there are two vacant stores (Forever21 and Lenox), and they are looking to put a specialty supermarket store in those vacant lots that measure 30,445 sq. ft. and they are looking to put a 1,783 sq. ft. loading dock in the back which will sum it up to 32,228 sq. ft. He also mentioned the two storage mezzanines inside and they are also looking to put a new sign not only on the storefront but on the monument sign as well.

Engineer Natalie D. Barber referred to her H2M Memo dated October 29, 2021. She began by referencing the Board's request for additional information on deliveries, scheduling, rooftop-mounted equipment, generators, sound-attenuating enclosures, and turning movement analysis. As per the applicant, the scheduling will consist of 2-3 deliveries before 7:00. If the Board

wishes to consider a reasonable condition, it can be included as part of their action for a special permit. As per rooftop mounted equipment, she finds it to be appropriate since it's replacing the existing equipment in the same location. Though the code requires that the Planning Board decide if the new equipment should be screened, and she recommends the Board to go over that with the applicant. In reference to the generators and the sound-attenuating enclosures the applicant will provide a sound attenuating enclosure that would comply with the local ordinances and they believe it can be reviewed by the Building Department if the Board agrees with and a condition can be added. She continues saying comments were provided on turning movement analysis and she liked for the applicant to provide movements of actual trucks in the loading dock station.

In their last meeting, the applicant stated that there will be no eat-in facilities and no overnight trailers would be permitted and a full-time employee would be required to collect carts. She suggests that this also can be set as a condition on the special permit if there is no exemption to those conditions. She continues to say the applicant will be eliminating two parking spaces, which requires a waiver from the Board. A similarity to the ALDI application, she advised the Board to review that past application for information.

For water and sewer that will be the Harriman Water and Orange County Sewer District. In previous applications, the applicant has been recommended to request a Will Serve letter from the utilities. As for materials the applicant is willing to match existing materials, and colors from the Centre and for that, the ARB form needs to be filled out. She recommends adding a condition indicating the use of non-reflective doors and windows. As for signage, the applicant response was the proposed sign is less than the two existing signs (Forever21 and Lenox) put together. Inspector John Hand was the acting code enforcement officer at that time, did not agree. As they reviewed ALDI's approval, there was a condition quoted in her memo. She then said the Board if they choose to can add the same condition for this application.

*H2M Memo dated October 29, 2021:*

Signage-

- *Although we previously consulted with the Building Department in this regard, we note for ALDI's you included a condition of your resolution No. 8 "...This resolution of Approval does not authorize any sign to be erected. The applicant shall submit a sign application to the Building Department to confirm the sign details, including area, mounting, quantity and other features to satisfy the Village Code, the standard Building Department practice and sign requirements for this Centre." If you generally agree to the appearance of the sign, we recommend you consider whether this condition is appropriate for this application.*

She continues to say the ESO should receive a copy of the utility and turn movement plans for comment. She also noted on her memo comments to the standpipe location, there's a question of whether there's going to be adequate access. Engineer Barber said SEQRA was completed, the GML was sent to the county.

Chairman Gerver recalled the Board putting restrictions on delivery time for ALDI's. Engineer Barber said she look it up. The Chairperson expressed concerns with parking, and after speaking with the Chief of the Fire Department concerns with the standpipe location. He continued to say, the rooftop mounted equipment cannot be reviewed by the Building Inspector. To Engineer Barber's understanding, the screening should be reviewed by the Planning Board. Attorney Golden said no, the Planning Board wouldn't be able to authorize the Building Department. Regarding parking reduction, Chairman Gerver expressed his concerns with the curbside pickup. He asked Traffic Consultant Rich D'Andrea how the Board should consider those parking spots that are dedicated to other purposes. Traffic Consultant D'Andrea said from his perspective its whether the site has sufficient parking to accommodate the use. He wouldn't know how to treat those dedicated spaces, which would be something that may need discussion. Chairman Gerver would like for everyone to think of a solution since the parking lot is starting to look fuller especially with ALDI bringing in more customers. He also has concerns with rogue carts ending up in the lot, so he suggests placing a condition that if the Building Inspector finds it to be problematic some sort of action can take place.

Attorney Golden noted that with other special permit applications there's uncertainty with how things would work out. Therefore, a typical provision would be included (unless the Board decides to not include) would state that it must be reviewed by the Building Inspector if there are any complaints or arising issues and that may include shopping carts. If that is the case, then the special permit would not be automatically renewed. The applicant would then have to appear in front of the Planning Board for the Board to address the issue. He also noted that the Traffic Engineers' assumptions and calculations

may change due to the number of people coming to that type of store. For example, if the number of customers increases due to the use of curb-side pickup, or people pulling up to the front while the passenger runs inside the store to pick up their item(s), that may be something for the Traffic Engineers to consider and redo their calculations.

Chairman Gerver asked about deliveries. Will the applicant be store base or will they have a delivery platform like Grubhub or Instacart? Architect Anderson said they are still looking into it but have delivery locations in the rear and the store manager will be managing it. He said they are working with a supermarket consultant and are trying to work out the technical pieces. Chairman Gerver noted that if the applicant is wanting to run their own deliveries, whether third-party vendors. The running of deliveries can make an impact, something that we all should keep in mind.

T. DeLuca asked if the applicant is planning to have designated parking. Architect Anderson said they will have 15-minute parking spots stripped out. Mr. Firer said there won't be any type of curbside pick-up, it will be designed to have deliveries directly from the store and it will be run by the store.

Chairman Gerver mentioned the ESO's concern with the addition of the loading docks in the rear of the building. Once installed it will be very tight for trucks to maneuver.

Engineer Barber noted that in the ALDI's Resolution of Approval there was a provision on truck deliveries. *"The deliveries are required to be scheduled such that only one truck delivery was made at any time as there was only one truck delivery dock available and then there shall be no stacking of delivery trucks waiting for access to the dock."* She said this application has six to seven loading docks. She said the Board may want to consider using this provision and update the language.

Chairman Gerver asked if there are plans to keep the trucks overnight. Mr. Firer said there are no plans at this time to keep trailers overnight. S. Caprigione asked what the store hours are. Mr. Firer said that hasn't been defined at this time, but they will operate from 7:00 am to 9:00 pm, six days a week.

Attorney Golden advised that the Planning Board addresses the impacts whether the store is open or not, for the Board to review the impacts Mr. Firer would need to indicate when the store will be open. Mr. Firer understood.

Engineer Barber stated that the plans have been revised to include store hours of operation and it may be subject to change. She reminded the Board that in past applications the Board has implemented lighting, security, dimming, and hours after the store is closed. Things that should be consistent throughout the approval process.

Chairman Gerver said prior to the public hearing there are a lots of details and questions that need to be taken care of, to be prepared for the public.

Architect Anderson wanted to add that the distance in the rear with the addition is the same as Kohls. They adjusted the striping to account for that. Chairman Gerver asked Engineer Barber to provide the ESO with the current plans, to get their official comments.

E. Yan asked Architect Anderson when the parking was calculated, did he account the use of the inside space versus the retail sales floor and Architect Anderson said there was no adjustment in the parking except for the two parking spaces mentioned previously.

Engineer Barber mentioned that in the ALDI approval there was a comprehensive study of all the existing uses and parking space that should be accounted for. She said if the Board agrees, H2M can send that information over to the Board so that they can modify it and use it. She also suggested supplying the applicant with a copy of that study. The Board agreed and asked Engineer Barger to provide a copy to the applicant.

Chairman Gerver referred to signage and as per Engineer Barber's comments, he asked if she wanted the Building Inspector to opine on this or would it be up to the Planning Board. She said it can be an interpretation from the Building Inspector or it can be set as a condition similar to ALDI's.

*Signage –*

*i. The elevations provided by the applicant depict proposed wall signage. The applicant has responded to our comments as follows, we recommend you review these and confirm they are acceptable.*

*a. (§310-30.B) Wall sign shall not project more than 12-inches from building façade. The applicant advises it will not.*

*b. (§310-30.D(3)) Applicant should confirm compliance with sign illumination and hours of operation. The applicant advises the sign will be backlit and will turn on with a photocell at dusk and turn off by means of a timer when the store closes at midnight.*

*c. The signage table for IB zones limits sign area to a maximum 10% of total wall area with one (1) sign per use and ARB approval, we note the following:*

*• In this case, the Code (§310-30.D(2)(c)[3]) requires “Where a sign consists of individual letters, symbols or characters, its area shall be computed as the area of the smallest rectangle which encloses all of the letters, symbols and characters”. The applicant has confirmed the size of the sign is 151.5-SF.*

*• In prior discussions with the Building Department, the wall area was confirmed as the area where the sign is proposed. The wall area above the entrance scales to approximately 704-SF, between the architectural features (molding, columns, and break in the wall). The applicant has identified the wall area as that above the store front glass line to the top of the building measured along the entire façade of the proposed supermarket that is 2,195-SF. Areas that were included by the applicant would not reasonably accommodate a sign.*

*• The applicant advises the proposed sign is less than the combined total of the two existing signs for Lenox and Forever 21 (152.5-SF). • Although we previously consulted with the Building Department in this regard, we note for ALDI’s you included a condition of your resolution No. 8 “...This resolution of Approval does not authorize any sign to be erected. The applicant shall submit a sign application to the Building Department to confirm the sign details, including area, mounting, quantity and other features to satisfy the Village Code, the standard Building Department practice and sign requirements for this Centre.” If you generally agree to the appearance of the sign, we recommend you consider whether this condition is appropriate for this application.*

*ii. The applicant provided renderings of the proposed panels for the pylon signs. The new panels will replace prior panels and no changes in size are proposed. We recommend you consider if the proposed panels are to your satisfaction and consistent with your prior actions.*

The Board agreed to send it over to the Building Inspector Michael Panella for his interpretation.

Engineer Dennis Lynch asked the Board if a meeting will be set up with the ESO. Chairman Gerver said first the information is sent to the ESO for comment, then if they choose to a meeting will be set up

Planner Lockman referred to his NPV memo dated October 26, 2021. He had provided the applicant with a list of things that should be outlined in the plans and the applicant has been very submissive with providing information. Comments from 1-9 were answered and 11-12 were resolved. The only outstanding question was regarding signage.

*Signs. The applicant proposes two (2) pylon sign panels to be inserted into existing slots (one facing in each direction) and one (1) backlit wall sign on the front façade of the building.*

*a. The applicant has confirmed on sheet A-902 that the two (2) “Woodbury Fresh” pylon sign panels are the exact same dimensions as the sign panels that they are replacing.*

*b. The applicant proposes a backlit wall sign to replace the two (2) Forever 21 and Lenox signs. Wall signs with a maximum area of 10% of the total wall area are permitted in the IB District. After conferring with the Village Engineer, we understand that the Building Inspector has ruled that the code requirement limiting walls signs to 10% of the “wall area” does not refer to the entire building’s façade, but just to the uninterrupted piece of the façade wall where it is located. In this case, that would be above the doors and windows and*

*between the brick pilasters that define this wall portion. It appears therefore, that the maximum of 10% of the wall area standard has been exceeded. The applicant should work with the Building Inspector to create a new wall sign proposal in conformance (approximately 65 square feet) or apply for a variance to the Zoning Board of Appeals. The proposed Woodbury Fresh wall sign is shown as containing 151 square feet on sheet A-301.*

*c. §310-30 (D) requires signs to have no more than two (2) typefaces for each sign, with no more than four (4) colors on any one sign. It appears that both the backlit wall sign and the pylon sign panels comply with these requirements*

Traffic Consultant D'Andrea said Engineer Barber hit most of his points in her memo dated October 27, 2021, except for a couple of items. Trip generation of former uses would generate and compare to proposed supermarket use. He thinks a comparison based on the data would be sufficient. He also would like to request an analysis of the first Internal intersection by the Dunkin Donuts on Centre Drive. He's like to know how I will operate with the additional traffic.

*1. A comparison of the trip generation for a supermarket space versus general retail spaces should be provided to quantify any differences in peak hour traffic generation. These computations should be completed utilizing the Institute of Transportation Engineers publication Trip Generation Handbook, 11th Edition, 2021. This should also include a comparison of truck and delivery vehicles for both*

*4. The intersection of Centre Drive where it intersects with the site Ring Road/Dunkin Donuts access, should be specifically analyzed to determine Levels of Service and identify any recommended improvements for control. Also, based on the trip generation comparison referenced above, an analysis of the NYS Route 17/Woodbury Centre/Shops at Woodbury intersection, especially in light of the recently approved Shops at Woodbury Development should also be undertaken. This information should also be shared with the New York State Department of Transportation (NYSDOT) for any input regarding the operation of the intersection.*

Traffic Consultant D'Andrea said the applicant should look at comment #3 from his memo. The pedestrian travel is based on where the door access would be.

*3. The Applicant should also review the parking layouts and pedestrian travel paths relative to the entrance to the new facility. Appropriate modifications of pedestrian paths and any traffic calming measures for this type of use should be identified.*

Chairman Gerver advised Architect Anderson that whichever travel analysis he provides he should also consider that the UNO restaurant which will be out and become a fast-food restaurant. Also, there is only one intersection coming into Centre Drive. Architect Anderson asked if that application will be having a traffic study and Chairman Gerver said they have submitted a trip generation, though it has not been reviewed at this time. Chairperson continues to say the application is not at the stage to schedule a public hearing. There are a few items that need to be addressed and Architect Anderson said he will take care of them.

#### **4. Additional Item:**

##### **Woodbury Villas – Catch Basins**

Engineer Barber said this is regarding a proposed field change by Woodbury Villas. They would like to install two catch basins and the associated piping that goes along with it to address a ponding issue that was identified in an inspection conducted in July 2021. She said they'd like to get this done before winter so there wouldn't be any icing condition. She continues to say the plan was reviewed and circulated to the Planning Board, along with the Engineer's comments.

On-screen for viewing, pictures provided by the Building Inspector Panella on the ponding issue.

S. Capriglione asked for the location. Engineer Barber tried to indicate the location (road D part of Phase 1). Chairman Gerver said he spoke with Building Inspector Panella, and he agrees with allowing the placement of the new catch basins. Due to the ponding issues, he would like for it to be taken care of since it's a safety concern for the residents in the community. Chairman Gerver said they should allow them to do it since both the Building Inspector Panella and Engineer Barber confirm agrees.

A motion was offered by Chairman Gerver, seconded by E. Yan to allow the installation of the catch basins per Engineer Natalie D. Barber's submission today for Woodbury Villas . Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairperson Gerver, R. Cataggio, S. Capriglione, T. DeLuca, E. Yan  
NOES 0

**Adjournment:**

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by S. Capriglione, to adjourn the meeting at 9:02 PM.

**ADOPTED**

AYES 5 Chairperson Gerver, R. Cattagio, S. Capriglione, T. DeLuca, E. Yan  
NOES 0

Claudia Valoy-Romanisin, Planning Board Secretary