

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

Minutes of the Planning Board Meeting held on December 1, 2021, at 7:30PM
(Meeting held via Zoom)

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

Representing for the Village of Woodbury Planning Board:

Richard Golden, Attorney
Natalie D. Barber, Engineer
Jonathan Lockman, Planner
Marissa Tarallo, Traffic Consultant
Philip Grealy, 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. **New Business: N/A**
4. **Regular Agenda:**
 - A. **Stein/Ideal Design 66 Southfield Falls 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 66 Southfield Falls and is known on the Village of Woodbury Tax Maps as Section 255 Block 1 Lot 36.

After the Board’s review of several pages of facts and findings Chairman Gerver began to read the Specific Conditions of the draft Resolution of Approval ARB for YITZCHOK STEIN (IDEAL DESIGN) O/B/O JACOB STRULOVIC.

SPECIFIC CONDITIONS

1. *No building permit shall issue authorizing construction of structures inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board as part of this approval, nor shall any Certificate of Occupancy issue for any structures constructed except in conformance with such renderings. Any deviation from such renderings will require further Planning Board review.*
2. *All new windows shall be constructed of or coated with non-reflective material or anti-reflection window film will be applied to any new low-e windows installed.*
3. *Prior to the signing of the plans, the Applicant shall comply with the memorandum of the Village Planner dated November 10, 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 for YITZCHOK STEIN (IDEAL DESIGN) O/B/O JACOB STRULOVIC. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairperson Gerver, R. Cataggio, T. Deluca, E. Yan
NOES 0

- B. Ostreicher/7 Pheasant Run ARB** – Review draft resolution 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.

After the Board’s review of several pages of facts and findings Chairman Gerver began to read the Specific Conditions of the draft Resolution of Approval ARB for MOSES OSTREICHER O/B/O JACOB DEUTSCH.

SPECIFIC CONDITIONS

4. *No building permit shall issue authorizing construction of structures inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board as part of this approval, nor shall any Certificate of Occupancy issue for any structures constructed except in conformance with such renderings. Any deviation from such renderings will require further Planning Board review.*
5. *All new windows shall be constructed of or coated with non-reflective material or anti-reflection window film will be applied to any new low-e windows installed.*
6. *No tree removal is authorized as part of this approval. The trees shown on the survey and located in the vicinity of the proposed construction shall be marked in the field and protected by temporary construction fencing.*
7. *Prior to the signing of the plans, the Applicant shall comply with the memorandum of the Village Planner dated November 10, 2021 to the satisfaction of the Village Planner.*

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to accept counsel’s draft Resolution of Approval for MOSES OSTREICHER O/B/O JACOB DEUTSCH. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairperson Gerver, R. Cataggio, T. Deluca, E. Yan
NOES 0

- C. Hartman Design/Vista Pearl LLC ARB** – Review and discuss 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 gave an overview of the project. A single-family home will be replaced with a new larger building. In the last meeting the Board and consultants were provided a booklet responding to their comments. Ridge Preservation was completed, and he is now before the Board for comments on the exterior of home.

Planning Board Planner Jonathan Lockman referred to his NPV memo dated November 24, 2021. No additional material was submitted, the applicant was put on hold until the new law on Ridge Preservation wording went into effect from the Local Law. Planner Lockman provided the new wording in his memo.

NPV Memo:

Ridge Preservation

6. 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 has provided a view corridor map on page 12 of the site plan set. The project is located on the County Road 44 View corridor. The Board should review the renderings to determine if the structure blends into the surroundings to the maximum practical extent.

b. Section 2: This section contains new language, adopted October 28, 2021, which reads: “In order to satisfactorily blend the structure into the natural environment and mitigate visual impacts, the exterior walls of a structure shall be cladded in wood, brick, stone, stucco, vinyl or fiber cement board or fiber cement siding and shall be non-reflective, non-glossy earth-tone or similar neutral colors. Aluminum cladding and Exterior Insulation and Finish Systems (EIFS) cladding are not permitted. Earth tone or similar neutral colors are colors such as brown, green, grey, terra cotta, and muted autumn colors that, in the opinion of the Planning Board, appropriately and naturally blend in with the tree cover. The use of white and similar bright colors that do not blend in with the tree cover in the opinion of the Planning Board are not acceptable. The Planning Board shall have the discretion to permit the use of non-natural building materials in connection with applications where existing originally approved and constructed structures consist of nonnatural materials, and the application is for an addition that is substantially less in mass and/or appearance than the principal structure.”

“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, given the newest adopted wording. Eldorado Stone is also specified for parts of the facade. See materials list, sheet 13.

He continues to say this interpretation allows the use of vinyl, but a determination still needs to be made. Whether the off-white color vinyl is acceptable in Ridge Preservation. The proposed trees for removal are being shown on the plan. He suggests that the Board review the photographs and determine whether the home is compatible with the styles of the compatible homes in the area. Also, the driveway access is directly under the county road, so the applicant will need a permit from the County for this driveway.

Chairman Gerver asked Designer Hartman if there has been any discussion regarding color with the applicant. Designer Hartman said he has, and the applicant prefers to stay with the existing color, though whatever the Board decides they will comply. Chairman Gerver suggested that the applicant get color samples from the vinyl manufacturer that they will use, and the Board will then select a few according to the revised Ridge Preservation in the Local Law. The applicant will then choose from those selected. Designer Hartman understood the color palette needs to blend with the natural elements surrounding the house.

The Board agreed, the size and the material of the house is consistent with what was provided and suggested and the only matter to resolve is the color. Once that is taken care of the applicant will wait until the moratorium is lifted for the applicant to proceed.

- D. ABDD/Dunkin Donuts** - Review and discuss site plan for proposed expansion of existing paved parking area for the addition of a drive thru window at Dunkin Donuts. Said property is located at 124 State Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 226 Block 1 Lot 80.

After reviewing the consultant’s memos, Chairman Gerver believes its best for the applicant to present themselves first to the Zoning Board of Appeals (ZBA) prior to the Planning Board. Planning Board Attorney Richard Golden advised that it be best for the applicant to present themselves and see if the Board have any comments.

Engineer Jay Samuelson from Engineering Properties representing the applicant gave a summary. The Dunkin Donuts next the convenience store at the Mobile Station off Route 32. It’s located in the LC Zone where convenience store(s) are permitted

while fast food are not. It is the applicant's opinion that the Dunkin Donuts is a convenience store. The idea is to add a drive-thru and think this would be more of a convenience for consumers. They propose to have one lane with a menu board for ordering, the second lane will be only for online or mobile app orders to bypass the menu board. The drive-thru will head towards the back of the building. There will be changes to the eastern side of the parking area and the plan proposed will show an increase of four additional parking spaces. They would also like to add a dumpster enclosure for all the vendors in the building. There is also the issue of whether Dunking Donuts is considered a convenience store or a fast-food restaurant.

Planning Board Engineer Natalie D. Barber referred to her H2M memo dated November 23, 2021.

H2M Memo:

1. Zoning – a. Use – The subject property is in the LC Zone and is currently occupied by the Mobil Gas Station and convenience store, with Dunkin Donuts. Convenience stores with fuel sale are a permitted special permit use (No. 13) in the Code. Restaurants are permitted by special permit (No. 5) in the LC Zone. Fast-food restaurants are not permitted as of right in the LC Zone.

The Code defines a "Convenience Store" as "A retail establishment of up to 5,000 square feet selling primarily food products, household items (not furniture or appliances), sundries, newspapers and magazines, beverages and a limited amount of freshly prepared food such as sandwiches and salads for off-premises consumption. No more than six seats shall be provided."

The Code defines restaurants as "Any premises where food is commercially sold for on-premises consumption to patrons seated at tables or counters where table service and printed menus are provided. Any facility without table service and printed menus and/or making use of carhop or parking lot service to cars or where the food is to be eaten outside of the structure, off the premises, shall not be considered a restaurant for the purpose of this chapter and shall be deemed to be a drive-in or fast-food restaurant."

The Code further defines drive-in or fast-food restaurants as "Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, usually served in paper, plastic or other disposable containers, for consumption within the restaurant building, elsewhere on the premises, or for carry-out, for consumption off the premises."

We are unable to locate files that identify the approval that permits Dunkin Donuts to operate as part of the convenience store and it may have been considered integral to the use as a "convenience store". We recommend you review this with Counsel for advice if it is permitted as of right or considered an existing non-conformity.

The proposed drive-thru appears to elevate the use as a "fast-food restaurant" which is not a permitted use in the LC Zone and, subject to confirmation by Counsel, appears to require a variance from the ZBA.

b. Bulk Table – The applicant's plan provides the bulk requirements for convenience stores with fuel sales. It is not clear if additional consideration is required for the existing Dunkin Donuts and proposed drive-thru. In the past where multiple uses exist on one lot you have required the applicant demonstrate compliance with the more restrictive criteria and cumulative lot area requirements.

If the applicant is required to secure a variance from the ZBA, we recommend you request an interpretation on the appropriate bulk criteria that should be applied for the proposed use as a drive-thru.

Compliance with the criteria for convenience stores with fuel sale appears to be achieved except for front yard. We note the ZBA approval from 1993 grants a variance for the fuel pump station in the front yard. The applicant's plan notes a front yard setback of 13-feet is being requested where 50-ft is required. This dimension should be shown on the plan to confirm if this is associated with the pump station or requires further relief.

The applicant has provided a sketch plan for you to consider, but we recommend the plan be surveyed for you to consider whether there are any other non-conforming setbacks.

We recommend the applicant review the proposed coverage calculations and confirm the percentage listed on the plan is correct.

Finally, in consideration of required lot area, the applicant should review the Code requirements for net-lot-area and account for any necessary deductions (easements or other).

Engineer Barber mentioned how in the past the Board had applied a more restrictive criteria on lot(s) with multiple uses. She noted that although the applicant had submitted a sketch plan additional detail will be required upon the return from the ZBA. Therefore, she held off in going any further.

T. DeLuca asked if the Dunkin Donuts is approved to be in that location. Attorney Golden said according to Engineer Barber's findings they cannot determine if it was permitted, and the applicant must try to demonstrate to the ZBA in order to obtain a variance. T. DeLuca questioned although the applicant had been operating for number of years regardless of any approval, does that take precedence. Attorney Golden said no, the law states that if you are not operating something legally it does not matter whether it is one day or years, they will need approvals for something and if they did not get it then they are not approved. Therefore, have no right to operate the present facility.

Chairman Gerver asked Mr. Samuelson about the U-Haul business and the propane refill on site since the drive-thru is designated to go by that space. Mr. Samuelson said they will remain where they are located, and the additional parking will help to park U-Haul trucks in those spaces. Chairman Gerver along with the Board members gave examples as to how the ZBA may find it hard to achieve. In the morning on Sundays that parking lot is full between people getting gas and people running in and out of Dunkin Donuts. Small groups of High School kids walk towards Dunkin Donuts after school. From box Trucks to 18-wheelers tend to park in front of Dunkin Donuts as well as stationing themselves in the back or on Route 32 causing to slow down or halt traffic. That has led the Town to post signage as an enforcement. T. DeLuca said having traffic from a drive-thru go along the large propane tanks behind the store is alarming. R. Cataggio added that as frequent customer, a tanker usually comes and blocks an exit for at least 45 minutes preventing vehicles usage and that is the location of the potential drive-thru. Chairman Gerver added there are times when delivery trucks park alongside the building to make their drop off as well. He continues to say, not only are these issues current there are new projects that are potential in the works within the area. For instance, the two new hotels, a Beer World, and potential additional work from Woodbury Commons. He expressed that these are concerns the ZBA may have as well and will expect the applicant to address them.

Traffic Consultant Marissa Tarallo said it is a difficult site and it is challenging. There's lack of striping and direction to go in and out of the site. Striping may help improve the area, though when fueling stations are full it would cut off the site from one end to the other creating an issue; and adding a drive-thru may cause an even bigger one. She noted that from the overhang of the fuel station there's 15 ft to the property line, but that would require the applicant to adjust the existing curb/island that is on the paving area of Route 32, which would lead the applicant to contact the New York State Department of Transportation (NYSDOT). Her major concern is vehicle conflict on the site especially with large trucks, it can then become a safety issue. She would like to see a more detailed plan, signage, striping, and circulation pattern that can minimize vehicle conflict. The more the plan is detailed the better it will be evaluated.

Planner Lockman refer to items in his memo that were not covered by the consultants. He referred to his memo from NPV dated November 24, 2021.

NPV Memo:

13. Stormwater retention area. Based on satellite imagery, there appears to be a stormwater retention area in the southwestern portion of the subject property. This area should be labelled on the site plan. Will the approximately 50% proposed increase in lot coverage be able to be handled by the existing stormwater management features on the site? We defer to the Village Engineer on stormwater management issues

He would have addressed other issues, but his major concerns lie on the history of this application. It surprises him those records indicate this goes back to the 1990's, so he like to see those records.

Attorney Golden made suggestions to the Board as to how to proceed. It would be helpful to have the Planning Board's site plan perspective so that the ZBA could take into consideration when they are considering potential conditions on area

variances or use variances as to whether it should be granted or not. There is also the option of simply providing the ZBA the comments from Engineer Barber, Planner Lockman and Traffic Consultant Tarallo. Chairman Gerver agreed that comments from the Board as well as the consultants along with a referral should be sent over to the ZBA.

A motion was offered by Chairman Gerver, seconded by T. DeLuca to refer ABDD/Dunkin Donuts to the Zoning Board of Appeals for the needed variances along with the Board's concerns that have been highlighted in tonight's meeting along with the consultants' reports. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED
AYES 4 Chairperson Gerver, R. Cataggio, T. Deluca, E. Yan
NOES 0

Attorney Golden noted that it is the responsibility of the applicant to seek out whatever variances that are needed and it is their obligation to apply. It's not up to the Planning Board to limit those to the applicant.

A motion was offered by Chairman Gerver, seconded by R. Cataggio to classify it as a type II Action under SEQR. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED
AYES 5 Chairperson Gerver, R. Anzalone, S. Capriglione, T. Deluca, E. Yan
NOES 0

Mr. Samuelson was clear on how they should proceed. He understood the next step is to present themselves in front of the ZBA and sort out the use.

- E. **Popeyes** - Review and discuss demolition of existing Pizzeria Uno building for the proposed construction of a 2,454 square foot Popeye's Restaurant with drive thru. Said property is located at 20 Centre Drive in Central Valley and is known on the Village of Woodbury Tax Maps as Section 225 Block 2 Lot 1.12

General – The applicant proposes to demolish the existing 5,638-SF Uno's restaurant and reconstruct a 2,452-SF Popeye's restaurant with drive-thru. The proposed Popeye's will have forty-eight seats, as opposed to the Uno's restaurant with 184 seats. Other site improvements include modifications to parking and drive aisles, signage, grading, lighting, landscaping, trash enclosure, and utilities. The applicant's correspondence indicates they are seeking a variance for signage (to allow four wall signs, where one is permitted). Additionally, they are requesting relief from the Code (§310- 27.C.3) provision that requires a landscaped area at least five (5) feet wide abutting the front of the building.

Attorney Nicholas Ward representing the applicant gave a summary on the proposed property. They are looking to demolish the UNO Pizzeria and Grill and construct a Popeye's Chicken restaurant. He said the building will be approximately 2,400 sq. ft. with forty-eight seats inside and a drive-thru. The property is in an industrial business zoning district and requires a special use permit, site plan review and ARB review from the Planning Board. He continues to say they are requiring two area variances and potentially a third one based on discussions with the Board, consultants, and the Building Inspector. He noted that the first variance is to allow less than the required 5 ft. front yard building a requirement for landscaping. The second variance is to allow four wall signs when only one is allowed. The third is the allowed percentage size of the sign. There is also the submitted chicken graphic sign which the Building Inspector's opinion will be requested to make a determination. Attorney Ward added that this is a Type II Action under SEQRA. He proceeded to introduce the team. The applicant's representative Ed Baksh, Matthew Bersh from Dynamic Engineering, Kevin Sage from Dynamic Engineering, and their traffic consultant.

Engineer Bersh displayed an aerial map of the ground as well as the surrounding areas, he also presented an aerial background showing the existing conditions and began giving a detailed presentation of the proposed project as well as its surrounding. They propose a Popeye's restaurant with a double drive-thru. A fast-food restaurant is permitted within the zone if it's part of a commercial center. He presented a rendering of a colorized site plan which showed landscaping plan. The drive-thru wraps towards the rear of the building and consists of two lanes for separate ordering stations. There are on-site sidewalks surrounding the building. There are two entrances to the building (the north and south side). There are proposed parking

around the building, landscaping, lighting, and signage. The store hours they are proposing are 10:30 am to midnight seven days a week. They anticipate in having six to eight employees, with eight being the max on a shift and there will be three shifts per day. Engineer Bersh continue to say there will be two deliveries one will deliver all the food while the other will be of supplies. The supplies delivery will come once a week during overnight hours and will be there for two hours, while the food deliver will occur three times a week in the morning hours (which will be non-business hours). The delivery vehicle for supplies is usually a WB-50 truck and the delivery vehicle for food is a box truck or an SU-30 truck. They anticipate trash pick-up to be three times a week, carboard/recycling two times a week and these pick-ups will take place during the day (off peak hours) by a private local hauler. The trash enclosure will remain as it is today by the northeastern portion of the development. Engineer Bersh said they are required to have twenty-nine parking spaces; UNO Pizzeria and Grill has sixty-two parking spaces, and they are removing ten parking spaces. All parking stalls are either 9 x 18 or 9 x 20 (angled spaces). The drive-thru lanes are 10 ft. as the vehicle approaches the ordering station it becomes 12 ft. The bypass lane is also 12 ft. The circulation around the premises exists and will remain. For lighting they are proposing five LED lights mounted fixtures around the Popeye's development. As per one of the consultants' comments on lighting, lighting should be consistent with the rest of the Centre and Engineer Bersh said they will make sure they match the fixtures. As for landscaping they are proposing a combination of shade trees, evergreen shrubs, deciduous shrubs, and ground coverings totaling sixty-eight plantings. Engineer Bersh said they are requiring a variance of a 5 ft. landscaped buffer in front of the building. He mentioned stormwater, saying their grading design is to maintain the existing grading pattern to the existing stormwater infrastructure. They are proposing new water and sewer services, so they are in works with the Village of Woodbury as well as the Village of Harriman. He mentioned the location of a grease trap and indicated that it will be on the south side of the building within the drive-thru lanes, and it will be emptied every six months. If necessary, it can be reduced to three or four months rather than six months. The building is not sprinklered, so they are not proposing any service or additional water line for the building. As for signage, they are proposing four façade signs whereas one is only permitted for a shopping center. The four signs include a Popeye's Louisiana Kitchen sign, two Louisiana Kitchen seals with a chicken symbol, and last the love that chicken graphic. The Popeye's seals are 7.1 sq. ft. whereas 4.2 sq. ft. is only allowed, the Popeye's channel letter is 40.9 sq. ft. whereas 20.2 is only allowed, the graphic is 44.8 sq. ft. whereas 36.9 is what's allowed.

Engineer Bersh said they are not impacting any existing open space areas; it is all within the previously disturbed areas and believes this use will fit nicely into the shopping center.

E. Yan asked where will the WB-50 trucks and SU-30 trucks park while they are delivering. Engineer Bersh said they will use the drive (indicating the front side of the building) and park on the Northwest side of the building.

Chairman Gerver recalls a restriction on the overnight deliveries as he thought of the application with ALDI. Attorney Golden said he would investigate.

Engineer Barber acknowledged that the applicant has identified the necessary variances and most of her comments were addressed during the presentation. In reference to variances and signage, she asked if the applicant should speak with the Building Inspector Michael Panella for an interpretation prior to going to the ZBA. Attorney Golden said it makes more sense for the applicant to make a full submission to the ZBA for what they want.

Planner Lockman added there is an issue on how to define the 10% maximum wall area for signage and if it is the entire façade of the side building or a little section of the wall. The Building Inspector may have addressed this, still he be thinks it may present a problem for the applicant. Engineer Barber said she will work with the Building Inspector Panella on this, although she knows he already has his interpretation, and it has been implemented.

Attorney Golden noted the Building Inspector's interpretation that was given for the Woodbury Centre may be that time has passed for an appeal, so it may be best for the ZBA to interpret the sign area and see if its complying with the code and if not, then the applicant would have to seek a variance. Engineer Barber agreed.

Attorney Ward asked for the Board's permission to have a meeting with Attorney Golden, Engineer Barber and the Building Inspector Panella about these issues prior to going to the ZBA just to make sure they are addressing the issues. Chairman Gerver agreed for those mentioned to meet and sort things out prior to the ZBA.

Chairman Gerver asked if they tend to see foot traffic in project like these in a commercial center. Engineer Bersh said Woodbury Centre has sidewalks but none directly leading to where the location in question is. He does not anticipate people who are shopping to leave their vehicles and walk over, chances are they would drive over towards the drive-thru.

Engineer Barber mentioned the water and sewer comments were addressed but noted that the applicant will not be using a sprinkler system. She is not sure if the site plan identifies the nearest fire hydrant, but fire protection should be noted and suggest the applicant address the issue in the future submission(s). Chairman Gerver asked if there will be an ANSUL System and Engineer Bersh said there will be an ANSUL System not a sprinkler system. Chairman Gerver confirmed there will be an Ambulance System and not a general Fire Suppression System and asked if that was a normal practice for Popeyes. Engineer Bersh said yes, they do not do Sprinkler Systems fire codes are met in other ways. Attorney Golden said whether its required and where is the responsibility of the Building Inspector. Something the applicant would have to address as part of the site plan.

Traffic Consultant Philip Grealy referred to his letter Colliers Engineering & Design dated November 24, 2021. From the nine comments he began with #3. He requested that the applicant provide more information. There is a possibility for younger people who do not have a vehicle to walk from one store to another. Any other information that Popeyes may have on locations where they are in a shopping center would be helpful. He said the applicant generated a comparison and followed standard procedures, since the time of their presentation a new trip generation manual 11th edition has been presented and he wishes for the applicant to use that manual. Many of his points were noted in his letter.

Colliers Letter:

1. The traffic analysis provides a summary of trip generation for the proposed 2,454 s.f. Popeye's with Drive-Thru compared to the existing Unio Pizzeria high turnover sit-down restaurant category, based on the Institute of Transportation Engineers (ITE) Generation categories. The comparison is based on the 10th Edition of the Trip Generation Handbook. ITE has recently published the 11th Edition (September 2021). These volume comparisons should be recalculated utilizing the latest information and to determine if there are any significant differences. In general, the information presented indicates that there would be a net increase of new trips from the new restaurant compared to the previous operation. We would also recommend that the trip generation for the "peak hour of generator" also be provided since for the fast-food category, there tends to be more of a range of trip generation variation compared to that for the roadway peaks. Note that we agree with the use of pass-by as it relates to the external road system, however, it should be noted that the full traffic volumes will be experienced at the internal intersections where the traffic enters the Popeye's site. This could also result in a higher increase compared to the previous use during certain hours of the day. This will also result in additional traffic at the intersection of Centre Drive and the north/south ring road/internal connecting road as well as the internal main intersection of Centre Drive and Dunkin Donuts/primary north-south access drive. See the additional comments on combined traffic impacts below.

2. In consideration of the increased traffic for this use as well as that associated with other proposed changes within the center including the Woodbury Fresh Supermarket and Woodbury Shops at Woodbury Centre, we believe that a comprehensive analysis at the above referenced intersections of Centre Drive at Dunkin Donuts/internal access as well as the Centre Drive and the main access drive to the Popeye's should be evaluated. This would give a better understanding of the need for any modifications at either of those intersections to accommodate the new traffic.

3. With the proposed fast-food use, the Applicant should identify any increased pedestrian activity. Considering the other uses within this center, it may be likely that more pedestrian movements will occur between those uses and this fast food establishment. This information will help the Board determine whether additional pedestrian/sidewalk facilities and/or other related modifications will be necessary to safely accommodate pedestrian movements to and from the site.

4. The Applicant has provided turning track diagrams for the garbage and delivery vehicles. Based upon on a review of these, it appears that these vehicles can generally maneuver on the site, however, the timing of these deliveries should be specified since the movements shown will require utilization of some of the area that is also depicted as stacking for the drive up window. Also, on Drawing 14, the circulation path does not show the large truck accessing the building area. A description of how these deliveries will occur and where they will complete their unloading should be provided. It should also be noted that some of the vehicle paths shown infringe on the exit drive at the intersection with Centre Drive and this should be reviewed in more detail to see if there is an alternate path that would function more efficiently. Also, take note of the presence of the utilities in the east corner of the entry intersection, which could interfere with the vehicle overhang.

5. *The Applicant plans show the dual order board and shows stacking to accommodate approximately 12 to 13 vehicles, which is generally consistent with recommended ITE storage for drive-up windows. Note that since the Covid-19 Pandemic, observations at other facilities have indicated increased drive-thru usage and corresponding stacking increases. Any information from Popeye's regarding this should be provided to ensure that the stacking is adequate. Note that the proposed plan does provide a full by-pass lane.*

6. *The Applicant should demonstrate the movement of vehicles into and out of the angled parking spaces when vehicles are queued in the stacking lane for the drive-thru to ensure that these movements are easily accomplished.*

7. *The pedestrian entrance to the building is in an area where the drive-thru stacking lane is shown. Some additional striping, signing and other treatment should be identified to minimize and address potential pedestrian/vehicle conflicts. Also, as previously noted, the pedestrian/sidewalk situation should be reviewed in more detail to determine if additional travel paths especially to and from the other stores located in the center will require modifications.*

8. *The 29 parking spaces shown for the fast-food restaurant are generally consistent with the ITE recommended average parking ratio for this size building. We also note that there are other parking spaces in proximity to this building that may be used on a shared parking basis during peak periods. Again, the pedestrian connectivity to these adjoining areas should be identified and upgraded as needed.*

9. *The sight distance at each intersection in this vicinity of the site should be reviewed in comparison to current standards. It is likely that some vegetation will need to be either pruned or possibly removed/relocated to ensure adequate sight distances are provided.*

Chairman Gerver noted that down the road there are other fast-food restaurants (Wendy's, KFC, and Panera) and during peak hours especially during the weekend they tend to get backed up out of their drive-thru lanes into the roadways. He urges that something must be done to minimize traffic, because he would not want to see traffic backing up onto Centre Drive. Traffic Consultant Grealy said Popeyes may have data on drive-thru since they experience a higher volume during COVID. Attorney Ward said they can provide that information and noted that their Engineer Sage has spoken to Engineer John Canning from another application as per Traffic Consultant Grealy suggestion.

Engineer Sage said a typical Popeyes design has 8-10 vehicles and yes there was a slight increase during the pandemic, but there has been small decrease as the traffic volume normalizes. He had a chance to speak to the other two traffic consultants for the other two applications and they are in the process of coordinating analysis. He said they will look at the comments on pedestrians and truck turning templates and address those comments.

Chairman Gerver asked if there were any plans for curbside pick-ups and Engineer Sage said at this point there are no curbside pick-up for now, there is an app where people can place their order and then go and pick it up inside. Traffic Consultant Grealy used McDonald as an example of a delay order where there is designated parking to allow the person in the drive-thru to pull to the side and wait for their order. Is that something Popeyes do? Engineer Sage said he is not sure Popeyes has run into issues like that, but there is available parking to pull aside from the drive-thru. Traffic Consultant Grealy noted if that was something to consider there is an area available to make those accommodations. Attorney Ward said they will discuss with the applicant.

R. Cataggio asked on how the garbage will be collected from the dumpster due to its location. Engineer Bersh said it will be a front loader, going on the outside of the drive-thru.

Planner Lockman referred to his memo NPV dated November 24, 2021. Most of his comments have been addressed by the other consultants. He asked why the applicant needs so much signage, since the building is not visible from the highway and all the other business are operating with not as much but one signage. Attorney Ward said he will address that with the applicant. He thinks it's different because it is a standalone building, and the others only have one public facing sign. He said they are trying to catch the attention of people. Planner Lockman said all his other comments on circulation and variances were addressed and noted the Board can use details on what the menu board would look like.

A motion was offered by Chairman Gerver, seconded by R. Cataggio to refer Popeyes to the Zoning Board of Appeals for the needed variances to comply with the site plan. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED
AYES 4 Chairperson Gerver, R. Cataggio, T. Deluca, E. Yan
NOES 0

A motion was offered by Chairman Gerver, seconded by R. Cataggio to consider SEQRA consistent with the prior findings for Woodbury Centre and/or classify it as a type II Action under SEQRA. Chairperson Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED
AYES 4 Chairperson Gerver, R. Cataggio T. Deluca, E. Yan
NOES 0

Chairman Gerver noted a referral for 239 GML will take place.

Attorney Ward asked if they could speak with the Village Engineer regarding the water moratorium. The project receives their water from Village of Harriman not Village of Woodbury and, there will be less water usage than the previous user used. Attorney Golden said is fine to discuss and help them understand the existing conditions of the moratorium.

Attorney Ward mentioned the two other applications that they are coordinating regarding traffic. They are to appear for a public hearing on December 15, 2021. He asked if they can be scheduled for a public hearing on the same date, so that those comments are consistent with theirs and they will have the opportunity to present. Chairman Gerver said there are a number of variances that could potentially change the application, so at this time he would prefer to hold off scheduling a public hearing for this application.

- F. **Woodbury Villas** – Review revised amended site plan submitted for proposed relocation of the community building and parking lot within the Woodbury Villas. Said property is located at 4 Central Valley Line and is known on the Village of Woodbury Tax Maps as Section 254 Block 4 Lot 2.

Earlier in the day Woodbury Villas asked to be removed from the agenda; therefore, no action was taken on this issue.

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by T. DeLuca, to adjourn the meeting at 9:37 PM.

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

Claudia Valoy-Romanisin, Planning Board Secretary