

**Village of Woodbury  
Planning Board Meeting  
April 6, 2022**

Minutes of the Virtual Planning Board Meeting held on April 6, 2022 at 7:30PM

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

Representing the Village of Woodbury Planning Board:

Richard Golden, Attorney  
Natalie D. Barber, Engineer

Chairman Gerver opened the meeting with Pledge of Allegiance.

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

A motion was offered by Chairman Gerver, seconded by M. Pastel, to approve and accept the minutes of the meeting held March 16, 2022, Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan  
NOES 0

4. **Regular Agenda:**

- A. **Woodbury Shops** - Review draft decision for Site Plan, Special Permit and ARB for proposed conversion of a large retail space (formerly Modell's) internally subdivided into multiple boutique stores. Said property is located at 23 Centre Drive in Central Valley and is known on the Village of Woodbury Tax Maps as Section 225 Block 2 Lot 1.12

This application received an exemption from the moratorium.

Confirming to have reviewed the pages on facts and findings in the draft Resolution of Approval for Woodbury Shops, Chairman Gerver began to read the Specific Conditions.

*SPECIFIC CONDITIONS*

1. *All conditions of prior approvals in connection with this property shall continue to be in full force and effect, and this Resolution does not supersede or otherwise modify such prior approvals and conditions except as specifically set forth in this Resolution.*
2. *No building permit shall be issued authorizing the construction or renovation 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 be issued for any structures constructed except in conformance with such renderings. Any deviation from such renderings will require further Planning Board review.*
3. *Site lighting shall be designed with non-glare fixtures, which provide internal shielding to eliminate off-site glare and to limit the foot-candle level at the site perimeter to 0.1 foot-candles. Light fixtures shall not*

*exceed 35 feet to the top of the fixture. Signs shall only be illuminated during operating hours. General lighting shall be reduced to security levels after operating hours.*

4. *Prior to the signing of the plans by the Chairman, the Applicant shall either provide a 'will serve' letter from the Orange County Sewer Department (sewer), or confirmation that such approval is not required.*
5. *All stormwater must flow unrestricted to drains, and no ponding or areas of potential ice development shall be created.*
6. *All new windows and doors shall be constructive of non-reflective material.*
7. *This approval is for fifteen (15) retail spaces. Personal service uses are not proposed as part of this application, and are therefore prohibited, as the potential impacts on parking, water usage and sewer usage have not been considered by the Board. No food service is permitted. Each tenant space shall be lockable for theft prevention.*
8. *The maintenance of the common areas and safety shall be managed by the Property Owner.*
9. *All deliveries shall occur in the rear of the building.*
10. *Storage for each tenant will occur within their respective space. The corridors shall be left unobstructed for free passage by the Emergency Service Organizations and other occupants of the space.*
11. *Where the rear exits are intended for emergency use or employee use only, they shall be denoted as such using appropriate signage.*
12. *The Applicant shall relocate/modify the Fire Department Connection (FDC) as identified on the plan to the satisfaction of the Fire Department prior to the issuance of a Certificate of Occupancy.*
13. *Prior to the signing of the plans by the Chairman, the Applicant shall comply with the memorandum of the Village Engineer dated January 14, 2022, to the satisfaction of the Village Engineer.*
14. *Prior to the signing of the plans by the Chairman, the Applicant shall comply with the memorandum of the Village Traffic Engineer dated January 14, 2022, to the satisfaction of the Village Traffic Engineer.*

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

**ADOPTED**

AYES	5	Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan
NOES	0	

- B. Woodbury Fresh** - Review draft decision for proposed 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 225 Block 2 Lot 1.12.

This application received an exemption from the moratorium.

Confirming to have reviewed the pages on facts and findings in the draft Resolution of Approval for Woodbury Fresh, Chairman Gerver began to read the Specific Conditions.

*SPECIFIC CONDITIONS*

1. *All conditions of prior approvals in connection with this property shall continue to be in full force and effect, and this Resolution does not supersede or otherwise modify such prior approvals and conditions except as specifically set forth in this Resolution.*
2. *No building permit shall be issued authorizing the construction or renovation 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 be issued for any structures constructed except in conformance with such renderings. Any deviation from such renderings will require further Planning Board review.*
3. *Prior to the signing of the plans by the Chairman, the Applicant shall provide a completed ARB form.*
  4. *Site lighting shall be designed with non-glare fixtures, which provide internal shielding to eliminate off-site glare and to limit the foot-candle level at the site perimeter to 0.1 foot-candles. Light fixtures shall not exceed 35 feet to the top of the fixture. Signs shall only be illuminated during operating hours. General lighting shall be reduced to security levels after operating hours.*
  5. *Prior to the signing of the plans by the Chairman, the Applicant shall either provide a 'will serve' letter from the Orange County Sewer Department (sewer), or confirmation that such approval is not required.*
  6. *Prior to the signing of the plans by the Chairman, the Applicant shall provide a letter from the Village of Harriman and Orange County Sewer District No. 1 indicating consent to the plans to be signed with revision date noted in that letter.*
  7. *All stormwater must flow unrestricted to drains, and no ponding or areas of potential ice development shall be created.*
  8. *All new windows and doors shall be constructive of non-reflective material.*
  9. *Delivery vans are permitted to be stored on-site in the locations identified on the plan.*
  10. *Only sprinter vans may dock in the southernmost loading area (to be specifically designated on the plans submitted for signature by the Chairperson) to maintain two-way traffic around the building.*
  11. *The conference room in the mezzanine area shall be for employee use only.*
  12. *Prior to the issuance of a building permit, the Applicant shall review the egress requirements for the mezzanine space, as well as the floor plans and bathroom facilities, with the Building Inspector.*
  13. *No shopping cart corrals shall be allowed in any parking lot or area. Carts shall be managed by employees dedicated to the collection and storage of carts.*
  14. *All areas surrounding compactors and dumpsters shall be kept in a neat and orderly condition.*
  15. *Curbside pick-up is not permitted as part of this application.*
  16. *Overnight parking, including overnight trailer storage, is prohibited.*
  17. *Any diesel-fueled vehicles making deliveries to this facility shall comply with New York State idling restrictions, which limits idling to five minutes, except during loading or when ambient temperatures are continuously below 25°F for more than two hours, or any other exception per New York State law.*
  18. *Prior to the signing of the plans by the Chairman, the Applicant shall remove all references and sheets showing rooftop screening.*
  19. *Prior to the signing of the plans by the Chairman, the Applicant shall comply with the memorandum of the Village Engineer dated February 11, 2022, to the satisfaction of the Village Engineer.*
  20. *Prior to the signing of the plans by the Chairman, the Applicant shall comply with the memorandum of the Village Traffic Engineer dated February 11, 2022, to the satisfaction of the Village Traffic Engineer.*

Engineer Natalie D. Barber noted that this application calculated a parking waiver that included Popeye's fast food, but at this point, Popeye's has not been approved therefore it would be appropriate for the applicant to recalculate that parking waiver as the site currently exists. Due to the applicant's absence, it cannot be discussed further. Attorney Richard Golden suggested placing another condition that states prior to signing the plans the applicant is to submit a calculation of the degree of waiver based on the existing conditions of the site.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to accept the draft Resolution of Approval with the addition of condition #21 *Prior to the signing of the plans the Applicant must submit a calculation of degree of waiver required based upon existing conditions of the site.* Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan  
NOES 0

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

Present the Applicant, Israel Fogel.

This application received an exemption from the moratorium.

Confirming to have reviewed the pages on facts and findings in the draft Resolution of Approval for Fogel, Chairman Gerver began to read the Specific Conditions.

*SPECIFIC CONDITIONS*

1. *No building permit shall be issued 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.*

Mr. Fogel was asked if he understood and approve the Specific Conditions as they were read. Mr. Fogel said yes.

E. Yan asked if Ridge Preservation needed to be discussed and Attorney Golden said it was discussed with the Board in a previous meeting and by adopting this resolution the finding will be adopted. Chairman Gerver added that Mr. Fogel had previously provided renderings that were approved by the Board.

*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.***

*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.*

*On March 24, 2022, the Applicant received relief from the moratorium on land development approvals from the Board of Trustees, permitting this project to proceed.*

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

**ADOPTED**

AYES 5 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan  
NOES 0

- D. **Kiryas Joel Well 33 – Public Hearing** for proposed site plan submitted for a new Kiryas Joel municipal water supply well located at 147 Seven Springs Rd in Highland Mills. Said property is known on the Village of Woodbury Tax Maps as Section 213 block 1 Lot 49.

Representing the Applicant, Attorney Marissa Logan, and Engineer Michael Shortell from WSG.

Per recent comments, Engineer Shortell announced that he would be providing the Board and Engineer Barber with a formal written response. He added that they had received approval from the New York State Department Of Health on placing a fence around Well 33. When those changes are incorporated into the plans and sent to the NYS DOH, they will approve incorporating Well 33 into the Village of Kiryas Joel water supply system.

Chairman Gerver asked if the type of fence would be a chain-link fence, and Engineer Shortell stated yes, along with a gate.

Attorney Logan referred to Engineer Barber's comment the access path, and although the access path is not owned by Kiryas Joel, the property owners are affiliated with the Village. She continued by saying that they may have found the easement allowing Kiryas Joel to use that property to access Seven Springs Road for construction purposes as they have done in previous years. Once she confirms it, she will forward it to the Planning Board and Attorney Golden for review. If that is not the case, they are willing to submit a new document and asked that it be a condition of approval.

As per the H2M memo, Engineer Barber asks that the applicant provide details on the access and current construction. She added other comments that can be addressed during the plan signing process, also her notes regarding the ARB and Ridge Preservations were deferred to the council. She continues to say archaeological investigations and site protection plans have not been performed because they are performing the directional drill instead of an open-cut trench. She asked the Board that a condition be added if the directional drill is unsuccessful having to perform an open cut trench. She referred to her memo, noting that there are suggestions for potential conditions the Board may see appropriate. The Board had no additional comments; therefore, Chairman Gerver open the floor to the public for comments regarding Kiryas Joel Well 33.

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to close the public hearing for Kiryas Joel Well 33. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan  
NOES 0

Regarding the ARB and Ridge Preservation. Attorney Golden's comments were in his memo previously distributed. He suggested that the draft Resolution of Approval for it to state something along with the language of the code.

*Based upon the fact that the exterior appearance of these structures produces no harmful effects and does not adversely affect the desirability in the immediate area and neighboring area nor impair the stability and value of both improved and unimproved real property.*

Regarding ARB, the Board will approve since it complies with conclusions of what's intended to be by the ARB regulations. Attorney Logan had no objection to Attorney Golden's suggestion.

Chairman Gerver and the Board were comfortable foregoing the Ridge Preservation requirements. Regarding ARB, the Chairman and the Board agreed to incorporate Attorney Golden's language in the Resolution of Approval to be acceptable. Chairman Gerver and the Board also agreed on including Engineer Barber's suggested conditions from her memo.

Going over his list, the Chairman said the public hearing was held and closed. The GML 239 referral was sent on March 11, 2022, and they have yet to receive a response, but by the time the Applicant appears before the Board 30 days will have passed, and SEQRA is done.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to authorize counsel to draft the Resolution of Approval based on the discussion of this meeting for Kiryas Joel Well 33. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES	5	Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan
NOES	0	

- E. **Eastgate Mgmt. 300 Forest Rd ARB** – Review and discuss ARB and Ridge Preservation of proposed addition to an existing single-family dwelling. Said property is located at 300 Forest Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 213 Block 1 Lot 63.

Present Attorney Jay Myrow, Engineer, Patrick Hutton from MJS, and the Applicant, Isaac Weinberger.

Attorney Myrow said their last appearance before the Board was in December 2021. It was adjourned and determined that the applicant may need a variance for a small portion of the property that was improved with the installation of a foundation. Upon the Board's referral to the ZBA, they appeared, had a public hearing that is now closed, and were granted a variance. He continues to say that additional submissions were made regarding the Ridge Preservation and ARB hoping that it will be enough for the Board to make a final determination.

Engineer Barber referred to her comments in her memo. The floor plans and asks that the Applicant confirm if the Mikvah and Shul are intended for private use or for public purposes and if so additional site plan and special permit will be required. There were also comments regarding excessive similarity and dissimilarity, she added a table of surrounding homes compared to the Applicant's home. She added that the applicant should submit an updated plan reflecting the variance that the Applicant received. She continued by saying an easement for the septic system was submitted today, but that septic system serves this home from an adjacent municipality, therefore the Board should not be approving anything regarding that without the proper review. Attorney Golden said he hasn't had the chance to review the easement though once reviewed if there is an issue, he will reach out to Attorney Myrow.

Chairman Gerver noted that the Applicant submitted renderings for the Board's review. He personally thinks the home fits and is consistent with the neighborhood, he then asked for the Board's comments. E. Yan asked how the code works with a property located in two different Towns and or Villages since the zoning can be different. Attorney Golden said the regulations would require one to comply with respect to neighborhoods and areas within that Town/Village in this case the Village of Woodbury.

The Planning Board can waive the ARB/Ridge Preservation public hearing “upon a determination that there is no apparent significant impact to the surrounding neighbors or neighborhood, given the mass and/or architectural features of the proposed project and that a public hearing is not necessary in the public interest.” Chairman Gerver asked for the Board’s opinion, and they all agreed to waive the public hearing. The Board approved the colors, materials, and finishes that were submitted.

Chairman Gerver asked for the Applicant to confirm if the use of the Mikvah and Shul is only for his personal use and family and Mr. Weinberger replied yes.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to authorize counsel to draft the Resolution of Approval with the condition(s) that were addressed in this meeting for Eastgate Mgmt. 300 Forest Rd ARB. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan  
NOES 0

- F. **Shouse/Chili’s ARB** – Review and discuss ARB documents submitted for the re-image of existing restaurant to include paint of the exterior façade and replacement of fabric awnings. Said property is located within the shopping center known as Harriman Commons at 320 Larkin Drive and is known on the Village of Woodbury Tax Maps as Section 225-1-16.13.

Representing the Applicant, Architect Nandini Ramasesh.

Architect Ramasesh started by saying the building will be getting a fresh look by giving it a new earthy tone color and updating materials. They will keep the stone, repaint the painted areas, fabric awnings will be replaced with metal awnings, the green shingle roof will be replaced with black shingles, and the red doors will receive a fresh coat of red paint.

Chairman Gerver asked if all the Chili’s were undergoing these changes and Architect Ramasesh said it depended on the prototype, and this Chili’s is proto-10. Those under proto-10 will be undergoing these changes.

Engineer Barber mentioned that the last appearance of Chili’s for an ARB approval was in 2012. She said there are no changes to the building footprint or site plan elements, including signage or lighting. She pointed out that in the ARB the new color shingles are not mentioned, therefore it should be revised. As per her memo, she asks that the Board consider whether this is excessively similar or dissimilar to other structures located in Harriman business park. Engineer Barber continued saying, the Board can waive the ARB/Ridge Preservation public hearing if there wasn’t a significant impact on the neighbors based on the proposed architectural features.

Chairman Gerver commented that a GML 239 is needed, and they will see if the request has gone out.

A motion was offered by Chairman Gerver, seconded by E. Yan, to type this application as a Type II Action . Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan  
NOES 0

Chairman Gerver and the Board agreed to waive the public hearing. The Board okayed with the corporate rebrand.

A motion was offered by M. Pastel seconded by T. DeLuca, to waive the public hearing for Shouse/Chili's. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan  
NOES 0

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to authorize council to draft the Resolution of Approval for Shouse/Chili's. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES 5 Chairman Gerver, R. Anzalone, T. DeLuca, M. Pastel, E. Yan  
NOES 0

Chairman Gerver explained to Architect Ramasesh that the ARB needs to be resubmitted adding the color and type of shingle. Also, this application is subject to a GML 239 review, the County Planning Board has 30 days from the day it's been submitted to respond and if there is no response then after the 30 days the Board can then take action.

Attorney Golden advised Architect Ramasesh that the revised ARB will help form the basis of the draft Resolution of Approval.

- G. **Woodbury Villas** – Review and discuss amended site plan and ARB 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.

As per the applicant's request, this application was removed from tonight's agenda.

**Adjournment:**

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by T. DeLuca to adjourn the meeting at 8:30 PM.

**ADOPTED**

AYES 5 Chairman Gerver, R. Cattagio, T. DeLuca, M. Pastel, E. Yan  
NOES 0

Claudia Valoy-Romanisin, Planning Board Secretary