

**Village of Woodbury  
Planning Board Meeting  
May 4, 2022**

Minutes of the Virtual Planning Board Meeting held on May 4, 2022, at 7:30 PM

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

Representing the Village of Woodbury Planning Board:

Kelly Naughton, Attorney  
Natalie D. Barber, Engineer  
Philip Grealy, Traffic Consultant

Chairman Gerver opened the meeting with the Pledge of Allegiance.

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

A motion was offered by Chairman Gerver, seconded by M. Pastel, to approve and accept the minutes of the meeting held on April 20, 2022, along with its modification on page 5, the last paragraph of section C. "M. Patel" should read "M. Pastel". 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. **Shops at Woodbury** – Review and discuss extension request for previously approved Site Plan, Special Permit, and ARB and Ridge Preservation for a mixed-use development. Said property is located at the intersection of Route 32 and Locey Lane and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lots 34.1 & 34.22.

Present: Engineer, Steve Esposito

The final site plan approval will expire, and Engineer Esposito was before the board and requested an extension due to needing more time to address comments and conditions. He asked for a one-year extension.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to grant a one-year extension bringing the application to May 11, 2023, for Shops at Woodbury. 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. **Popeyes/Woodbury Centre – Public Hearing** for proposed site plan, special permit, and ARB for the demolition of existing Pizzeria Uno building and 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

Present: Attorney Drew Gamils, Engineer Mathew Bersh, and Engineer Kevin Savage.

Attorney Gamils gave an overview of the application. She noted that their last appearance before the Board was April 20, 2022, and are now present for the public hearing. They also have a public hearing set with the Village Board of Trustees on May 12, 2022, regarding the moratorium hardship waiver. Comments were raised in the April 20, 2022 meeting regarding the intersection and the Engineer Bersh addressed those issues. Shared his screen showing an aerial map exhibit as well as site plan renderings to familiarize the Board and the public. Engineer Bersch said there were recent studies regarding traffic and parking and with regards to queuing parking, they can get 14-15 spaces while 7 is the required spaces for Popeyes. The drive-thru lanes' dimensions are 10 ft. wide, and they will be expanding it to 12 ft. as vehicles approach the ordering stations. There are also 18 ft. customer drive aisles to access the angled parking stalls measuring 9 x 20 ft.; the drive aisle continues into the 12 ft bypass around the outside of the drive-thru lanes. Shopping centers require 23 American Disability Act (ADA) parking stalls and they have found that with the Popeyes development in the shopping center there will be an overall 30 throughout the development. Engineer Bersch said that if the Board feels there should be a second ADA parking stall adjacent to the Popeyes they would be amenable to doing so. He continued by saying the Applicant will provide pedestrian crosswalk access from the ADA access aisle, curb ramps adjacent to the building, and curb ramps and sidewalks leading to the eastern part of the building. They will implement pedestrian crossing signs in a few locations in the general proximity of Popeyes. The existing lighting will remain the same and no additional freestanding lighting will be proposed, however, they propose that the freestanding lights are reduced to security levels outside the operating hours. In the previous meeting, it was noted the Applicant was granted a variance providing a full 5 ft. landscaped island in front of the building. Engineer Bersch continued by saying Popeyes' hours of operation will be 10:30 am to Midnight, seven days a week and there will be six to eight employees on a given shift, eight employees being the max. Primary delivery is everything but chicken and those will be one time per week during outside of operating hours. The delivery of chicken will take place two to three times a week in the morning during business hours. A private local hauler will pick up the trash and cardboard two to three times a week during off-peak daytime hours. Engineer Bersch continued to say they will be utilizing existing infrastructure around the vicinity and connections. A grease trap is associated with the sanitary sewer, and it will be emptied twice a year or if needed more often. They have addressed the Fire and Building officials' comments. They have also tried to address the comment regarding curbside pick-up or for those who have a long wait and need to pull up to a parking stall. Engineer Bersch proceeded to reveal a rendering and give a description of materials on the outside of the building. He also mentioned the Applicant receiving a variance for some proposed signs.

Traffic Consultant Philip Grealy noted that the Applicant had submitted a response to his previous comments dated April 27, 2022. Additional comments were addressed relating to pedestrian signage, a recommendation that Traffic Consultant Grealy recommended as a condition of approval. As well as the turning tracks, getting in and out of the parking spaces. He added that the Applicant also addressed concerns about traffic coming from the east-west roadway heading westbound.

Chairman Gerver asked if the Applicant would have pre-designed parking spots and Traffic Consultant Grealy thinks if not now later down the line for it to be appropriate to have curbside pickups where the ten parking spaces are numbered in the site plan.

Engineer Natalie D. Barber said the Applicant has been compliant regarding her comments and Engineer Bersch has already gone over some outstanding issues. She noted that the waiver the Applicant received is an improvement waiver and therefore she recommends when the Applicant submits the revised plan may the Traffic Consultant Grealy and herself verify the degree of waiver requirement.

The Board had no additional comments; therefore, Chairman Gerver open the floor to the public for comments regarding Popeyes/Woodbury Centre. There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to close the public hearing for Popeyes/Woodbury Centre 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 noted this application is subject to the moratorium. An exemption request is pending the Village Board of Trustees, awaiting approval counsel was asked to draft the Resolution of Approval.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, for counsel to draft the Resolution of Approval for Popeyes/Woodbury Centre. Once the moratorium is lifted or upon receiving the Moratorium Hardship Waiver from the Village Board of Trustees. Along with the suggested conditions by the engineering consultants. 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. **Woodbury Commons/RMU - Public Hearing** for proposed amended Site Plan and Special Permit for an increase in the size of the previously approved Retail Merchandise Units from 50 sq. ft. to 100 sq. ft. within the Woodbury Common Shopping Center. Said property is located on Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lot 70.2 and Section 226 Block 1 Lot 1.

The Applicant had requested an extension of one month. Since the public hearing was already noticed Chairman Gerver said he will grant the request and open the floor to the public for comments regarding Woodbury Commons/RMU for a month. Chairman Gerver open the floor to the public for comments regarding Popeyes/Woodbury Centre. There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to extend the public hearing to June 1, 2022, for Woodbury Commons/RMU. 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. **Spitzer/Millwork Showroom** – Review and discuss revised documents submitted for proposed Special Permit and amended Site Plan to permit a change in use to a Millwork Showroom. Said property is located at 279 Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 230 Block 4 Lot 4.2.

General – This improved 1.3-acre property with former auto sales and an existing auto body repair shop is located off NYS Route 32. The Applicant advises the auto body repair portion of the building will remain and the portion of the building formerly used for car sales will be used for millwork and furniture sales. The Applicant confirmed no manufacturing or production will take place on-site. They further advise no expansion of the building footprint or site improvements are proposed. Changes impacting the exterior of the building include new signage, painting of the existing façade, and proposed dumpsters.

Background – In 2015, a mixed-use commercial/residential building was presented to the Planning Board but never approved. At that time, the application was referred to the ZBA for parking in the front yard. As discussed during the Applicant’s last appearance, parking in the front yard is not permitted to change from a static state as sales to parking for customers and employees. The Applicant’s current submission includes a site plan, EAF, renderings, and floor plans for the Board to consider the proposed change in use.

Present: Designer, Larry Hartman

Designer Hartman began giving his summary. The lot was used for an Auto Repair Shop and an Auto Showroom, and the Applicant would like to keep the Auto Repair Shop located in the rear while converting the showroom into selling doors, types of trims, and moldings. The Applicant will keep the building as is except for the removal of signs regarding the repair

shop. The Applicant will be adding his name to the building, the street sign, and his logo on the windows. Designer Hartman reference to the booklet submitted to the Board. Regarding comments from the consultants, he believes they were addressed, and he noted that a site plan regarding the interior was submitted.

Engineer Barber began saying there are issues with this application that will require discussion and she had listed her comments in her memo dated April 29, 2022. In the Applicant's recent submission, they propose to convert a portion of the existing building to a millwork showroom and maintain two auto repair shops at the rear of the building to be considered retail.

**H2M Memo:**

*1. Zoning –*

*a) Use – The applicant proposes to convert 2,975-SF of the building previously used as auto showroom to showroom for Millwork and furniture sales. In the HB zone a retail establishment is a permitted Special Permit Use with Site Plan approval. The remaining 7,325-SF is to be dedicated to two-automobile repair shops. The existing automobile repair use is a permitted Special Permit Use with Site Plan approval in the HB Zone. It is not clear if the automobile repair use was approved previously, but our records dating back to 2006 indicate the repair shop was in operation then and had been for a long time. We recommend you review with Counsel if any additional review for the existing “auto repair shop” is required at this time. The applicant has confirmed that production and manufacturing of millwork will not occur at this facility, we recommend this be a condition of your action.*

*b) Bulk/Area Regulations – The Code (§310-6.F.) requires “where more than one principal use occupies a lot, said lot shall be large enough to satisfy the minimum lot area or density requirements of each use.” The applicants site plan lists the bulk requirements for each use (retail and automobile repair) and proposed compliance with the same, separately. We have the following comments:*

*a. Area – Although the lot is complying, we note the area requirement for each use is additive where more than one use is located on a lot. Thus, the required lot area is 20,000 SF. The applicant should revise the bulk table noting this requirement.*

*b. Coverage – The applicant's bulk tables demonstrate the lot is noncomplying for allowable maximum coverage. The use as automobile repair permits 65% coverage, where the use as retail permits 75% coverage. Accordingly, the site is limited to 65% by Code. According to the applicant, the existing site is 84.9% impervious. We recommend you confirm with Counsel whether this is an existing, non-conforming condition.*

*c. Front Yard – The Code (§310-12) requires yards fronting on state highways be unoccupied and open to the sky not less than 50-ft in depth. The applicant describes a large, existing overhang that extends 1.7-ft within the 50-ft open to the sky requirement. According to the applicant the non-conformity exists due to a taking by the NYSDOT during recent improvements to Route 32. We recommend you confirm with Counsel whether this is an existing, non-conforming condition.*

*c) Parking – As discussed previously, prior ZBA and court rulings indicate parking within the front yard is no longer permitted upon conversion from a static state as sales to parking for customers and employees. The applicant's plan shows 62-spaces could be accommodated on the site, with 6-spaces in the front yard. The applicant should remove these spaces from the plan.*

*Accordingly, there are 56 available parking stalls on-site. The applicant advises the retail use requires 15 parking spaces per Code and the remaining (41) spaces are adequate for auto repair tenant use. The applicant should provide the recommended parking calculations for auto repair shop for you to consider whether the site is over parked. If an excess of parking is available, we recommend you consider with the applicant and your traffic consultant whether the circulation of the site is maintained if the paved parking area in front of the building is removed. We believe this serves three purposes: (1) decreases impervious coverage, (2) eliminates the opportunity for parking in the front yard that is not permitted, and (3) improves compliance with landscaping requirements of your Code (discussed below).*

*The Planning Board may also wish to consider whether the applicant should construct the parking (i.e., paint striping) as shown on the plan to improve the management of parking on the site.*

*d) Loading Berths – The Code (§310-41.B.(3)) requires a loading berth for “buildings with a combination of offices and retail sales and service establishments: one berth for 5,000 to 25,000 square feet of floor area...”. The applicant suggests because the retail use is less than 5,000- SF, a loading berth may not be required. Since the Code criteria appears to require the loading berth based on the building size and not the individual uses it appears a loading dock could be required. If the distinction in uses impacts the requirement, it is not clear if service establishment includes auto repair. We recommend you review this with Counsel and determine if an opinion from the Building Inspector or referral to the ZBA could be required.*

Engineer Barber said it wasn't clear whether the code requirement was specific to a building area or to individual use (which are described as office retail and office establishments.) She also had comments regarding landscaping requirements per the code.

*d) Landscaping/Lighting – The applicant advises no changes to landscaping or lighting are proposed. As noted previously, there are Code requirements for landscaping that are applicable to this application. These are paraphrased or quoted as follows:*

*a. §310-27.C.(3) In the HB Zone, a landscaped strip in the front yard that is 10-ft deep is required along the front lot line of the property. Additionally, there shall be a landscaped area of at least 5-feet wide abutting the front of the building in all nonresidential districts.*

*b. §310-27.D.(1) All uses that provide 20 or more off-street parking spaces shall have at least 10-SF of interior landscaping within the paved portion of the parking area for each parking space and at least one tree with a minimum two-and-one-half inch caliper for every 10 parking spaces or fraction thereof.*

*c. §310-27.D.(2) Each separate landscaped area shall contain a minimum of 100 square feet, shall be planted with grass or shrubs and shall include at least one tree of not less than two-and-one-half-inch caliper.*

*d. §310-27.D.(3) A landscaped area shall be provided along the perimeter of any parking area which provides access. It appears the existing conditions of the site are non-conforming, applicant to confirm. Since no changes to the site are currently proposed, we recommend you review with Counsel whether the conditions may be permitted to remain.*

Engineer Barber noted that the Applicant is requesting waivers for certain site plan requirements. As per Water and Sewer, she expects the usage to be the same or less if car washing was required for the cars. As per signage, the Applicant may need clarification from the Building Department or a variance.

*e) Signs – The applicant's renderings depict a freestanding sign, illuminated wall sign and series of vinyl graphics. The applicant advises the freestanding sign will be located in the same location as existing and use the existing poles. Further the applicant advises the vinyl graphics are proposed in the windows.*

*a. Freestanding Sign – HB Zone permits 20-SF max for a single freestanding sign or for multitenant directories (3 or more businesses) 10-SF is permitted for mall identification and 4-SF permitted per individual tenant. The applicant should provide the size of each proposed panel for you to consider compliance.*

*Additionally, freestanding signs in the HB Zone may be no more than 12-ft tall and 10-ft wide. The bottom edge of a freestanding sign should be at least 7-ft above ground elevation and 12-ft from the edge of street pavement. Applicant to confirm compliance.*

*b. Wall Signs – HB Zone permits 20-SF max. The applicant proposes a 19.07-SF sign that is complying. The applicant indicates this sign is to be illuminating and they should confirm compliance with your Code (§310-30.D.(3)). For example, the applicant should confirm the sign will be internally lit with white light, it is steady in nature, will not project on to other properties, and confirm the time of illumination.*

*c. Window Signs – In the HB Zone, properties are permitted window signs that are less than or equal to 20% of the window area. Applicant to confirm compliance.*

Regarding the use, R. Cataggio asked if landscaping should be a requirement or to be considered. Attorney Kelly Naughton said the lot was an auto repair and an autobody shop and it is now to become two autobody repairs, something for the Board to consider. She said other matters need to be worked out with the Building Department regarding the original approval of pre-existing non-conforming conditions and whether or not its legality.

Due to the multiple bays, the Applicant's narrative, and the Building Inspector's conversation with the Applicant regarding two auto repair shops. The Chairman asked for clarification and asked if the Applicant is looking to rent out the two auto repair shops to one mechanic, is looking to rent out each bay to different mechanic companies, or has two different mechanics for each shop. Designer Hartman referred to his booklet that provided a floor plan. The Applicant wants to rent it to two different individuals, he is not looking to rent the bays. There was further discussion on how this lot would operate considering it being commercial and Chairman Gerver expressed his concerns and pointed out errors that were done in the past. There were questions for example cars in need of repairs and the wait for parts can lead to days to weeks. Will there be an impound lot? Designer Hartman assures the Board that the lot is set up as an auto body shop and that is what the Applicant plans to keep it as such, just cleaner and look much nicer. Attorney Naughton advised that if the Applicant wishes to have a paint booth as the previous owner, he will need DEC permits.

T. DeLuca asked that the Applicant clarify if it is going to be an auto repair shop or an auto body shop since the two are very different. Designer Hartman said it will be one or the other, not both. He will be going back to the Applicant to clarify things and once they get a tenant, they will go to the Building Department and get what needs to be done and make sure they comply with the code. Chairman Gerver to explain the Board's concerns and determination on clarifying the Applicant's intentions to avoid errors that were created in the past and can potentially come up in the future. He said the Building Inspector will be asked to weigh in on the pre-existing non-conforming and what uses are allowed. Engineer Barber advised that there is a section in the code that regulates automobile service stations and repair garages. There are specific requirements in the code on wrecked vehicles, dead storage, and the parking of vehicles awaiting immediate service or repair. She asks that Designer Hartman take a closer look at the code in order to comply. Designer Hartman was asked if the Millwork will be for display only and he said yes, there will be no fabrication, no storage. He clarified to the Chairman that the six parking spaces in the front was an error on the site plan and will be corrected. Chairman Gerver asked if they would entertain the idea of landscaping in the front. Designer Hartman said if they don't have to then no, they won't do it due to the amount of money already spent on cleaning up the site.

Chairman Gerver noted the sign code allows a certain percentage of the window to be covered. He asked if the Applicant submitted their graphic details. Just so the applicant can be aware of the previous owner had something in place before and it was wrong doesn't mean the new owner can continue to be wrong. There was also the question on signage. Designer Hartman said they corrected the square footage to 19.06 and there are two signs. He pointed them out in the booklet that was submitted to the Board. Engineer Barber noted that the requirements for the mall identification panel and the individual panels are restricted to 10 and 4 accordingly. Due to the measurements, Designer Hartman asked if a variance or a special approval can be required. As per the Board's questions, Designer Hartman said the sign near the road on white poles will be illuminated as well as the one on the building.

R. Cataggio said the previous owner had damaged cars that can be seen from Rt. 32, and it was an eyesore. He thinks a fence or nice landscaping would be appropriate to have. Something to consider when the times come in making a determination on whether the lot will be a repair shop or body shop. The Chairman asked if the Board was okay with the colors of the sign which are the same as what the previous owner had. The Board had no issues with it. Just to make sure he had gotten the recommendations from the Board; Designer Hartman listed the items he needs to address for his next submission. Designer Hartman asked if the Millwork could get going without having a tenant for the auto repair or auto body shop. Attorney Naughton said from a SEQRA standpoint it would be segmented as a Type II Action for the reuse of a commercial building. Her concern is more of an enforcement issue. She said the request would have to be clear for the Board. Chairman Gerver said they are not saying no, it's something the Board could consider, but the Applicant will have to be detailed on what they are looking to be approved.

- E. **Friedman/Blueberry Lane** - Review and discuss the revised Site Plan and Special Permit for the proposed conversion of an existing 1,000 sq. ft. addition of a single-family home to be used as a Place of Worship. Said property is located at 32 Blueberry Lane in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 217 Block 2 Lot 4.2.

Present: Engineer, Alfred Fusco

Engineer Fusco gave a summary of where things were left off and their current position with this application. He said they will be replacing the 1,000-gallon septic tank will be replaced with a 2,000-gallon tank. The water testing was adequate but for quantity, it was suggested by Engineer Barber to get a Hydrologist to verify the amount on the output of the well. He continued saying there were a number of waivers required, and he addressed the one for parking as well as the easement for the driveway with the property line agreement.

Engineer Barber said a draft of the substantial burden request should be signed; the draft should be revised indicating three bedrooms instead of four. The relief for the front yard setback was removed from the submission by the Applicant and she believes it is required. As per the parking waiver, sixteen spaces are required but currently, fourteen spaces are proposed. The septic tank is undersized, per the DEC regulations the Applicant was asked to optimize according to those regulations and as per the requirements of the code. As for the water testing, the quality was acceptable, as for the quantity there isn't sufficient evidence on whether or not the well is capable of supporting the proposed uses.

Due to the increase in the septic tank, R. Cataggio asked if the number of worshipers was the same as their last attendance with the Board. It was noted that it will be a maximum of twelve worshipers and fifteen children. Engineer Fusco agreed those are the numbers.

For the Board to consider moving forward with this application, Chairman Gerver along with Attorney Naughton advised Engineer Fusco that the Applicant needs to submit a formal letter of substantial burden. A letter was previously submitted as part of the Applicant's response to H2M's comments as per the waiver request, but the submitted document is unsigned and not on letterhead. There was no indication as to who it was from. Engineer Fusco said he can provide a signed letter by May 18, 2022.

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to schedule a public hearing on May 18, 2022, for Friedman/Blueberry Lane. 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. **KJ Water Treatment Facility** – Review and discuss documents submitted for Site Plan approval of a proposed Water Treatment Facility located at 147 Seven Springs Rd. in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 213 Block 1 Lot 49.

Present: Attorney John Cappello and Designer Tom Schoettlet

Attorney Cappello briefly went over items submitted per the Board's request as of March 2022. He passed it over to Designer Schoettlet to go over and give a summary of what has been submitted. He shared his screen providing renderings of different views from 7 Spring Road along with a PowerPoint presentation. He briefly covered items that were already discussed in a previous meeting with the Board. Questions and comments were sent in a letter dated April 29, 2022, and they were not able to address those comments in this presentation. Designer Schoettlet summarized major items that were discussed, and Chairman Gerver asked that he pass along this presentation to the Building Department. Designer Schoettlet noted there was discussion on the architectural finish, and they have come up with using a non-metallic material that is available in different colors. He also noted that there are other drawings that were thought to have been submitted but will be provided.

Engineer Barber referred to her memo dated April 29, 2022 trying not to go over point Designer Schoettlet already covered.

H2M Memo:

*a. Utilities – Detailed comments on the various utilities are below. In general, although the applicant has provided structure tables identifying their geodetic coordinates, we recommend the applicant provide a table listing structures with their corresponding RIM, invert, pipe diameter and material and pipe slopes between structures for review.*

*i. Water – Our prior comments on water were related to the proposed Well 33 which has been reviewed separately by the Planning Board. The applicant should confirm horizontal and vertical separation (18-inches required) distances of the water lines from storm and sewer utilities are per state standards. Many of the profiles submitted indicate 12-inch minimum, applicant to confirm.*

*ii. Sewer – The applicant's correspondence indicates the prior 50,000-gallon holding tank was reduced to 10,000-gallons. The plan calls this a septic tank but no details on the structure are provided. The applicant should provide calculations supporting the need for size of the tank. This feature may require DOH/DEC approval, applicant to confirm with regulatory agencies and provide correspondence regarding the same. According to regulatory guidance documents, it appears holding tanks are generally not an accepted practice for year-round, permanent use. We recommend the applicant raise this issue with regulatory agencies to determine jurisdiction for review and confirm whether the proposed practice will be permitted. Regardless we believe additional information is required to evaluate this site plan feature including details of construction, inverts, access manhole, venting, schedule for maintenance and emptying, contract with hauler, freeze protection, etc.*

*b. Grading – We have the following comments on grading and site improvements impacting grading:*

*i. Significant grading is proposed. We recommend the applicant provide a cut- and fill- analysis to determine whether any importing/exporting of soil is required.*

*ii. The applicant's plan should identify locations of proposed curb.*

*iii. The applicant should identify the detail associated with walkway adjacent to the building on the plan.*

*c. Chemical/Fuel Storage & Delivery – A list of chemicals and fuels to be stored should be provided, including their proposed storage capacities. Compliance with the DEC's Chemical and Petroleum Bulk Storage program is required including the provision for a Spill Prevention Report (SPR) (otherwise known as Spill Prevention and Counter Measures Control Plan (SPCC)) for preventing and reporting spills. This should address such issues as chemical inventory, double containment storage, delivery protection, monitoring of usage, protective pipe and pump systems with containment, separation of incompatible substances, among others. Delivery*

*frequency should also be provided as well as confirmation that the delivery trucks can maneuver the site. (Repeated – applicant to provide.)*

Designer Schoettlet noted that a list with its description of chemicals was submitted as part of a presentation and it was discussed extensively, he be happy to resubmit that information.

*d. Layout/Traffic Circulation/Access –*

*i. Layout – The applicant proposes construction of the WTP in a residential area on an improved site with a chlorination treatment facility. The WTP is approximately 15-ft lower at grade than the chlorination building. A sidewalk with staircase is proposed in between the two facilities. The applicant should confirm the slope of the sidewalk to the top of the staircase and provide details of the staircase – including railing to be provided.*

*ii. Access – The applicant proposes access via a new curb-cut to Seven Springs Road in addition to the curb cut provided for the chlorination building. Access will be to a County Highway with a new curb cut requiring County approval. The access is near the crest of a steep grade and chemical delivery trucks will need to move slowly to turn. Applicant advises they believe the access location is situated in the best location based on sight lines, but the OCDPW comments will be taken into account as part of the GML referral. We defer to your traffic consultant on this arrangement and compliance with your Code, as well as any needed safety measures.*

*e. Retaining Wall – Details of the retaining wall should be provided, including elevations (top and bottom of wall) shown on the plan and materials of construction. Sheet SD-2 provides a section of the wall, but the details above are not noted. Applicant to provide.*

*f. Landscaping – The applicant’s correspondence provides details on tree installation- and mature height as well as spread of trees. This information should be noted on Sheet C-9A for you to consider in conjunction with the plan provided. Further, the applicant’s correspondence indicates a note regarding preservation of landscaping in perpetuity was added to the plans, but we are unable to verify. Applicant to advise and add to the plans if not already completed. Additionally, we recommend this be a condition of your action.*

*3. ARB – Architectural review is required in connection with any application for special permit and is an important consideration for this application. The applicant provided new renderings of the proposed building and previously advised they believe their proposal blends in with the surroundings. The cross sections provided previously show that approximately +20-ft of the building will be visible from street grade and the proposed security fencing is chain-link.*

*a. The applicant should provide your ARB form2 with regards to materials of construction.*

*b. When you consider ARB, you could consider any reasonable means for blending this structure and support structures (storage tank, lagoons) into the surrounding area. The materials for lagoon and storage tank construction may be limited, but landscaping, color choices, and architectural treatments could be used to mitigate potential visual effects.*

*c. You may also wish to consider the fencing material and if this is to your satisfaction.*

*d. The applicant provided a number of photos of the existing chlorination building, we believe the Planning Board previously requested photos of neighboring homes, etc., to compare similarity and dissimilarity, applicant to provide.*

Attorney Naughton noted that the ARB application is missing from the package the Applicant submitted, she asks that it be resubmitted along with the PowerPoint presentation to the Building Department.

Engineer Barber continued saying the siding that was submitted was metal with a stucco-like surfacing. The code does not permit metal siding and it is not clear if using a stucco-like finish is conforming so she referred this issue to counsel. She asks that the Applicant confirm the finish on the roof panels. Non-glossy is required by the code. SEQRA is completed and ask that additional documents on the final decision were or specific findings associated with the action and the EAF. She also mentioned comments on the lighting plans. Designer Schoettlet provided information on the revised generator sound plan, and she said she will look into it. Engineer Barber also noted that there was a potential plan for four pump stations when previously three were approved by the Board with specific conditions. The Board had not considered the impacts of an

additional pump so she asks that it be confirmed if the fourth pump will be constructed. If so, an amended approval for that site will be required. She thinks that something that is now shown and presented is non-conforming with prior actions of the Board. In general, she thinks it should be removed from the plans.

In reference to colors, E. Yan asked if there was a darker green and a less harsh white since it may be an issue regarding Ridge Preservation. Designer Schoettlet ask that the Board recommend colors that are adequate, and Chairman Gerver said the Board will look at some colors and give the Applicant some direction. After some clarification from Attorney Naughton on Designer Schoettlet’s request, he asks that the waste holding tank be a condition of the approval. The Chairman noted that there are a few items that need to be addressed prior to the public hearing and the next submission should address all.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to schedule a public hearing on May 18, 2022, for KJ Water Treatment Facility. 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

**Adjournment:**

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by T. DeLuca, to adjourn the meeting at 9:40 PM.

**ADOPTED**

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

Claudia Valoy-Romanisin, Planning Board Secretary