

**Village of Woodbury
Planning Board Meeting
May 18, 2022**

Minutes of the Virtual Planning Board Meeting held on May 18, 2022, at 7:30 PM.

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

Representing the Village of Woodbury Planning Board:
Kelly Naughton, Attorney
Natalie D. Barber, Engineer
Philip Grealy, Traffic Consultant

Board Member(s) Absent: Michael Pastel

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 E. Yan to approve, and accept the minutes of the meeting held on May 4, 2022. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, E. Yan
NOES 0

4. Regular Agenda:

- A. **Shouse/Chilis ARB** – Review ARB draft decision for the re-image of existing restaurant to include painting 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.

Present Architect Nandini Ramasesh.

Chairman Gerver confirmed receipt of the GML 239 on April 25, 2022. He continued, confirming to have reviewed pages on facts and findings, He began to read the Specific Conditions of the draft Resolution of Approval ARB for Shouse/Chilis.

SPECIFIC CONDITIONS

1. *All conditions attached to the original grant of Site Plan and Special Permit Approval for the Harriman Business Park, and all subsequent amendments, as well as all SEQRA Findings, are to remain in full force and effect and this approval is subject to, and conditioned upon satisfaction of same as if those conditions were set forth herein at length, including, but not limited to, the reciprocal easement related to parking.*
2. *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.

3. *No changes to signage or lighting have been approved by this Resolution.*
4. *Prior to the signing of the plans, the Applicant shall comply with the memorandum of the Village Engineer dated March 31, 2022 to the satisfaction of the Village Engineer.*

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

ADOPTED

AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, E. Yan
NOES 0

Chairman Gerver noted that he noticed work was being done without the approval of a permit from the Building Department. A stop-work order has been issued and advised Architect Ramasesh to contact the contractors letting them know they are not permitted to do any work until a permit has been issued. Architect Ramasesh apologized saying the contractor was notified to stop when they received the notice.

- B. Friedman/Blueberry Lane – Public Hearing** for revised Site Plan and Special Permit for the proposed conversion of an existing is 2,763 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 and Attorney Jay Myrow.

Chairman Gerver noted the Board has not received new submissions for this application.

Traffic Consultant Philip Grealy began by saying the Applicant answered comments from previous memos dated September 2020 and May 2022 regarding the site distance, parking, land bank spaces, traffic, the width of the access drive into the property, and adequate driveways for Emergency vehicles. Based on the narrative given by the Applicant, he suggests that they provide more information.

Chairman Gerver said the substantial burden letter is still outstanding and he suggested in that letter addressing waivers for parking as per the Traffic Consultant Grealy's comments. Attorney Myrow said he will draft and rephrase the letter using his letterhead and sign it.

The Board had no additional comments. Attorney Naughton suggested keeping open the public hearing until the receipt of the substantial burden letter from the Applicant. Chairman Gerver opened the floor to the public for comments regarding Friedman/Blueberry Lane.

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 Friedman/Blueberry Lane. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairman Gerver, R. Cataggio, T. DeLuca, E. Yan
NOES 0

- C. KJ Water Treatment Facility – Public Hearing** 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 Capello and Designer Tom Schoettle.

Attorney Capello listed steps taken as per the Board's comments from their last meeting. The ARB was resubmitted since a page was missing from its original submission. A full copy of Designer Schoettle's PowerPoint presentation from their last meeting. A copy of the SEQRA resolution addressing the location of the water treatment facility. An amendment to the plans shows the change of location of the generator due to concerns about evening or nighttime noise. Last, the Applicant is waiting to hear from the Health Department regarding the holding tanks.

Traffic Consultant Grealy went over Collier's Engineering memo dated May 11, 2022, consisting of four comments. There was a reference to proposed driveways in relation to the driveways on the north side opposite side of the street, the proposed driveway should be looked at due to sight distances, posted speed is at 30 miles per hour through the speeds are closer to 40 miles per hour and the shifting of the access should be looked at in terms of stopping sight distance and intersection sight distance, and the access for Emergency vehicles on the sight.

The Board had no additional comments; therefore, Chairman Gerver open the floor to the public for comments regarding KJ Water Treatment Facility.

There were no comments from the public.

Engineer Barber noted that the applicant's ARB form is incomplete, she asks that the Applicant include a listing of materials/colors and the manufacturers of those materials. She suggested for the Applicant reach out to the Building Department for that specific form to be included in their next submission.

A motion was offered by Chairman Gerver, seconded by E. Yan to extend the public hearing to June 15, 2022, for KJ Water Treatment Facility due to mentioned missing items in the Applicant's submission. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES	4	Chairman Gerver, R. Cataggio, T. DeLuca, E. Yan
NOES	0	

- D. Highland Mills Center Group** – Review documents submitted for Site Plan, Special Permit, and SEQRA for the proposed 84-unit senior housing project located on the east side of Route 32 near the intersection of Ford Avenue in Highland Mills. Said property is known on the Village of Woodbury Tax Maps as Section 218 Block 2 Lots 7, 9, 10, 11, and 13.

Present: Attorney George Lithco, Engineer Joe Pfau, Wetlands Consultant Steven George, and Traffic Consultant Jesse Vogel.

Attorney Lithico began by giving a summary of the status of this application. Per Engineer Barber's comments, there were critical issues regarding water and sewer and the wetlands. Therefore, the Applicant removed themselves from attending a previous meeting to address these issues. He continues to say that in February there was an arranged meeting with the Department of Environmental Conservation (DEC) to review the wetland issues. Per the mapping for the water and sewer districts, to his belief, it is in the water service area, and for sewer service, it is not in the sewer service area hence the petition to the Board regarding sewer service. In their meeting with DEC, they went over the wetlands on the site plan resulting in an improvement in the proposed plan. Attorney Lithico said they would like to get concept approval from the Board in order for them to proceed. Engineer Pfau began giving highlights on the site plan changes from the last submission. He also pointed out a phase map given to the Board showing phase I and phase II, describing each phase. Wetlands Consultant gave a brief summary of the meeting held with DEC. Describing DEC's concerns, reviews on endangered species on the property, the incomplete application, DEC thinking the wetlands potentially be state authority, but they were not going to take authority of them. With the DEC there were discussions regarding stormwater as well as the buildings and parking and are now looking to have the designs implemented with the Board's approval. Attorney Lithico spoke a little more on parking studies and how he's looking forward to having a complete study, enough to warrant the proposed waiver. Traffic Consultant Vogel referred to his letter dated March 4, 2022, noting the

There have been discussions about adding a crosswalk or a rectangular rapid flash beacon so that pedestrians have the ability to cross and that is something that should be addressed with the New York State Department of Transportation (NYSDOT) he suggests that the Applicant get some additional correspondence.

Chairman Gerver asked about raised crosswalks and Traffic Consultant Grealy said the NYSDOT don't like them and will really consider them unless there's a lot of pedestrian activity. He said he will reach out to DOT.

Concerned with the reduction of parking, R. Cataggio asks that the Applicant supply the names and addresses of the 2-3 senior housing communities that are being compared to, and information about the units. Traffic Consultant Vogel said they received the data from the Institute of Transportation of Engineers. The data collected does not provide names. Its studies with parameters and numbers of bedrooms and units. Attorney Lithico mentioned a place called Maybrook in Cornwall as an example. He said they will get the information R. Cataggio is asking for. R. Cataggio asked why the Applicant will not add a second entrance due to the amount of traffic that stirs on Rt. 32. Traffic Consultant Vogel said curb cuts increase the number of conflict points. Chairman Gerver agrees with R. Cataggio on the significant reduction of parking. He agrees that the Board should see real data on some local sites that actually support and warrants the reduction in parking.

Regarding SHPO Attorney Naughton asked for more information regarding its completion of SHPO, and an updated letter from SHPO. She noted that the Board declared itself as the lead agency back in June 2021 and ask that the Board assume lead agent in order to proceed with SEQRA.

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to type this as an Unlisted Action and declare the Board's intent to be the Lead Agency. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES	4	Chairman Gerver, R. Cataggio, T. DeLuca, E. Yan
NOES	0	

- E. **Hartman/Lebowitz 39 Catskill High Rail** - Review and discuss documents submitted for ARB and Ridge Preservation of C proposed Single-family dwelling located on Lot # 19 within the Woodbury Villas. Said property is located at 39 Catskill High Rail in Central Valley and is known on the Village of Woodbury Tax Maps as Section 254 block 1 Lot 19.

Present from Hartman Designs Mr. Shloimy Gelb.

Mr. Gelb said they have a single-family house, and the client would like to change the exterior as well as paint the outside white. They have tried to convince the client to use more earthy tones like beige and brown wood colors bringing them before the Board.

Engineer Barber referred to her H2M memo dated May 13, 2022. She had comments regarding the retaining wall. The Applicant was advised that the retaining wall needs to be designed by a professional engineer to then be provided to the Building Department. She noted that the code requires a setback for retaining walls from the property lines. Engineer Barber continued that in order to consider similarity and dissimilarity she advised the Board to have the Applicant take photos of the surrounding homes as well as homes within close proximity. She wanted the Applicant to consider some of the approvals for landscaping, clearing limits, and the preservation of trees as part of the original approval. The Applicant was also asked to provide an updated ARB form with a listing of all the proposed materials, proof that the home is not visible from the view corridor and provides and the floor area.

Mr. Gelb said they provided an updated survey, as per the retaining wall they will go over the much-needed details. He said due to the drop in the grade they are forced to create a basement, which the client doesn't intend to use the basement just for future recreation.

R. Cataggio ask that on their next submission the Applicant provide a plan with the dimensions of each room. Mr. Gelb said it will be done. Chairman Gerver asks that the Applicant provide all the information that's required as well as the information Engineer Barber is requesting for the next submission.

- F. **Joel/15 Dartmouth** - Review and discuss documents submitted for ARB and Ridge Preservation for a proposed addition to a Single-family dwelling located within Highland Lake Estates. Said property is located at 15 Dartmouth in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 245 block 1 Lot 108.

Present Yoel Ekstein.

Chairman Gerver noted that his brother-in-law lives directly across the street from the applicant's house, and he feels he can be impartial in reviewing this application and making a determination.

Mr. Ekstein began by giving a summary of this Application. They are looking to add an addition to the house, there will be a Sukkah. The Sukkah will measure close to 440 sq. ft. A deck measuring 10 ft x 16 ft. A basement that will measure 640 sq. ft., one part to store equipment for instance a lawnmower, and the other side will be unfinished for seasonal things for the pool, etc.

Engineer Baber began listing items that the Applicant need to address. The Applicant was asked to provide a bulk table on their plot plan, for ARB and Ridge Preservations provide an analysis of adjacent and surrounding homes, and building footprint, floor plans to show the proposed use of space, as well as asking the Applicant to match the existing colors of the home to name a few. The location of the garage door seemed unusual to her since its blocked by the stairs for the proposed deck, but Mr. Ekstein explained the use of the space to be more for example storing items for the pool. She continues to say the Applicant was asked to provide confirmation of visibility from the view corridor and to also conform the listing of materials on the ARB form comply with the code requirements.

Chairman Gerver just reiterated to Mr. Ekstein what needs to be done in order to move forward. E. Yan asked that the Applicant provide plans or renderings of what's currently there and what it would look like with the addition. R. Cataggio determined the home is not visible from the view corridor, he mentioned about a hundred feet of wooded area, then a lake and then more trees between the home and the location of the view corridor. The Applicant was advised to submit those renderings to determine whether the Board can waive the public hearing. T. DeLuca asked about the roof material. Mr. Ekstein said they are using EPDM roofing since the roof is flat. He confirmed the color will be black.

Attorney Naughton confirmed the GML 239 referral went out, still waiting for a response. She mentioned that this application is exempt from the moratorium and it's a Type II Action under SEQRA.

- G. **Farkas/28 First Ave** - Review and discuss documents submitted for ARB and Ridge Preservation for a proposed addition to a Single-family dwelling. Said property is located at 28 First Avenue in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 214 block 1 Lot 9.

Present Yoel Ekstein.

Mr. Ekstein began by giving a summary of this Application. They are planning to add a two-floor addition to the left side of the existing two-floor house. The upper floor will consist of kitchen and dinning room which will be a Sukkah as well, and a mater bedroom suite. They are keeping the existing number of rooms; they will become larger. The master bedroom will be shifted into the new addition, and they will be extending the front of the home for a nicer entryway. As for the basement floor, it currently has three bedrooms; they will change it to two bedrooms in the addition. The rest of the space in the basement will become a family room, laundry room, study room and playroom.

Engineer Barber said this application is similar to the prior application Mr. Ekstein is presenting. Applicant should provide a bulk table on the plan, a table of floor areas, building footprint, and an analysis of the surrounding homes for the Board to determine similarity and dissimilarity. She recommended the Applicant to provide photos of the surrounding neighborhood homes. She asked that the ARB application be updated to include deck materials and colors. She continued asking the Applicant to confirm

the proposed siding of the rear side of the addition as well as the roof material(s), and the confirmation of the visibility from the view corridor. Engineer Barber pointed out an existing culvert pipe, she thinks it requires further review.

Attorney Naughton said this application is just like the previous one, she is waiting on the response on the GML 239 referral, and this application is exempt from the moratorium.

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by E. Yan, to adjourn the meeting at 9:01 PM.

ADOPTED

AYES	4	Chairman Gerver, R. Cataggio, T. DeLuca, E. Yan
NOES	0	

Claudia Valoy-Romanisin, Planning Board Secretary