

**Village of Woodbury  
Planning Board Meeting  
June 1, 2022**

Minutes of the Virtual Planning Board Meeting held on June 1, 2022, at 7:30 PM.

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

Representing for 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 T. DeLuca, to approve and accept the minutes of the meeting held on May 18, 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. **Popeyes/Woodbury Centre** – Review draft decision 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

After confirming 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 for Popeyes/Woodbury Centre.

*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 outlined 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. *The Owner shall be responsible for maintaining and emptying the grease trap twice per year, or as needed.*
5. *Prior to the signing of the plans by the Chairman, the Applicant shall:*
  - a. *Revise the plans to include a second handicapped parking space.*
  - b. *Revise the plans to demonstrate parking waiver required and approved by the Planning Board.*
  - c. *Provide proof of receipt of a permit from Orange County Sewer District No. 1 permitting the installation of a sewer lateral.*
  - d. *Provide confirmation from the Village of Harriman indicating consent to the plans to be signed with revision date of plans noted in that correspondence.*
  - e. *Comply with the memorandum of the Village Engineer dated April 14, 2022, to the satisfaction of the Village Engineer.*
  - f. *Comply with the memorandum of the Village Traffic Engineer dated April 28, 2022, to the satisfaction of the Village Traffic Engineer.*
  - g. *Applicant to identify on the plan, the areas of landscaping maintenance required to obtain and maintain sight distances to the satisfaction of the Village Traffic Engineer.*
6. *All stormwater must flow unrestricted to drains, and no ponding or areas of potential ice development shall be created.*
7. *All waste shall be placed inside the dumpsters as shown on the plans, and the area surrounding the dumpsters shall be kept in a neat condition.*
8. *All new windows and doors shall be constructive of non-reflective material.*
9. *As shown on the plans, the Owner shall conduct necessary maintenance to landscaping to maintain sight distances in perpetuity.*

Attorney Kelly Naughton corrected an error in the paragraph before the Specific Conditions. She said the date should be June 1, 2022, instead of May 31, 2022. Therefore, it will read...

***“On June 1, 2022, the Planning Board determined that the combination of uses on this lot will generate parking needs which are less than the total amount of parking spaces that the Zoning Code requires. Therefore, the Board has determined to reduce the number of required spaces by 1% (a reduction of 12 stalls), as permitted under the Village Code §310-40(C).”***

Attorney Gamils noted in last night’s meeting the Village Board of Trustees granted an exemption from the moratorium.

Engineer Natalie D. Barber added that the required parking waiver was discussed at last night’s meeting with the Village Board of Trustees. She said she has not received the revised plans to reflect the condition(s) under the Specific Conditions.

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to accept the counsel’s draft Resolution of Approval 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	

- B. Woodbury Commons/RMU** - Continuation of 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.

Present, Vice President Of Construction at Simon Property Group Bill Pendergast, and General Manager at Simon Property Group Dave Mistretta.

The public hearing is a continuation of the May 4, 2022, Planning Board meeting as per the Applicant's request. The Applicant sought out information from the State Building Department, the information was then received Tuesday morning, giving insufficient time for the Board and their consultants time to review it. Therefore, it will be off the table for discussion. Chairman opened the floor to the public for comments regarding Woodbury Commons/RMU.

There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to continue the public hearing for Woodbury Commons/RMU to June 15, 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	

- C. Friedman/Blueberry Lane** – Continuation of 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: Todd from Fusco Engineering and Land Surveying

Chairman Gerver confirmed with Attorney Naughton the non-receipt of the hardship letter from the Applicant. A request from the Board and the Applicant's promise to comply from previous meetings. Todd from Fusco Engineering and Land Surveying was told that if the Applicant wants the Board to consider the waivers that are being requested the hardship letter must be submitted as soon as possible. If not, the Board would have to consider the application minus the waivers and as per Attorney Naughton, they will need variances.

Chairman Gerver opens the floor to the public for comments regarding Friedman/Blueberry Lane.

There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to continue the public hearing for Friedman/Blueberry Lane to June 15, 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	

As a reminder, Chairman Gerver noted that if the Applicant does not submit the hardship letter they were required to do, then the Applicant will then have to appear before the Zoning Board of Appeals (ZBA).

- D. Gardens at Harriman Station** - Discuss the status of the application review for the proposed transit-oriented development. Said property is located on State Route 17 in the Village of Woodbury and is known on the Village of Woodbury tax maps as Section 243 Block 1 Lots 1 through 25.

Present, Engineer Steve Esposito

Months ago, the Applicant, as well as consultants, were before the Planning Board asking to work with the Village of Woodbury consultants and the Board agreed with the condition that they will keep the Board updated every few months on their status.

Engineer Esposito noted in the first meeting they had consultants from both municipalities Harriman and Woodbury. The discussion consisted of plans, figures, and drawings. They have a meeting scheduled for June 2, 2022, with the Department of Transportation (DOT), noting Traffic Consultant Phillip Grealy is expected to attend on behalf of Woodbury. Their next scheduled meetings are as follows, on June 14, 2022, they will be discussing zoning, zoning compliance, and subdivision regulations. On July 12, 2022, the topic will be water and sewer, and on August 16, 2022, will be transportation. They are also talking to the Department of Environmental Conservation (DEC) and are hoping to have monthly meetings for wetlands disturbance permits. They are looking to renovate an existing well.

Chairman Gerver asked when the Board can expect a submission. Engineer Esposito said sometime in October or early November. Chairman Gerver asked if September 7, 2022, would be a suitable time for the Applicant to meet with the Board for an update and Engineer Esposito agreed with the date. M. Pastel suggested that if any issues come up before that time they should come before the Board. The Chairman agreed to get them on the agenda sooner if needed.

R. Cataggio noted that he requested the previous meeting that the Applicant provides a report(s) of other Transit-Oriented Development (TOD) financial and traffic impact before and after their submission. Engineer Esposito offered to provide that information prior to before submission to the Board.

- E. Shops at Woodbury/Retaining Wall** – Review and discussed site plan submitted for ARB review of proposed retaining walls within the Shops at Woodbury shopping plaza. 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, Attorney Anthony Morando, and the Applicant Aaron Goldklang

Attorney Moranda began by saying the Applicant is trying their best to address all the conditions that were addressed in the Resolution of Approval. They are now trying to get the site plan signed and a few other conditions that bring them before the Board tonight. They are not trying to address the condition that relates to getting the building permit for phase one, the retaining walls, and the requirement for an Architectural Review Board (ARB). Engineer Esposito summarizes the history of this application. He also shared his screen to point out details and the location of the retaining walls. This was more for the new members of the Board, due to their unfamiliarity.

Engineer Barber went over some comments without reiterating what Engineer Esposito and Attorney Morando already mention. She recommended going over materials and renderings for the walls so the Board can have a visual. She also asks that the Applicant submit a completed ARB form.

The Chairman asked if the view from Rt. 32 towards the gas station would be a concrete wall and T. DeLuca asked why not make it a modular wall. Engineer Esposito's response was modular walls require additional space to construct. There was concern from the Board about the wall becoming an eyesore, therefore there was a question about landscaping along the wall. Engineer Esposito acknowledged plans for plantings along the foundation, having an add-mix giving it color than can match the modular, He also offered to add lines, so it won't be just a slab of cement. There was a question about the height of the wall and Engineer Esposito indicated what it will be pointing to the plans. It was suggested the renderings should be taken from Woodbury Centre and the view corridors from Rt. 32.

Attorney Naughton said the Board can reaffirm SEQRA since it was performed for the entire project and the proposed walls are consistent with the prior action. GML referral is not required, but it was referred for building seven, eight, and nine. It did not come back as local determinations but for this application, it is not required. Attorney Naughton noted it is at the Board's discretion to have a public hearing. Due to the magnitude of this project, they agree a public hearing should take place. Engineer Esposito asks that the public hearing be waived since the Board has the power to do so, but the Chairman confirmed the Board decides to have a public hearing.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to reaffirm SEQRA 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

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to schedule the public hearing for Shops at Woodbury on July 6, 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

Assuming it goes well with the public hearing, it was suggested to the Board to have a draft resolution ready for approval.

A motion was offered by Chairman Gerver, seconded by M. Pastel, for counsel to draft the Resolution of Approval on the retaining wall 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

- F. Woodbury Villas** – Review and discuss the amended site plan and ARB for the 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.

Present Attorney Steve Barshov, Engineer James Martinez, and Designer Larry Hartman

Attorney Barshov began saying they received H2M’s comment letters and have addressed a few items in her memo. He also said they are prepared to address some of those comments if the Board wishes to do so. He continues to say the design is close to being finalized.

Engineer Barber addressed comments from her H2M memo dated May 27, 2022, that required the Board’s input.

*H2M Memo:*

*1. Zoning –*

*a. Use – The community center is part of the original subdivision approval. The applicant advises there is an overall reduction in area of the proposed clubhouse.*

*b. Setbacks – The applicant’s plan now shows a bulk table for you to consider appropriateness in proposed setbacks. A review of the approved subdivision plat indicates that yard requirements were not established for this lot, except for where the building location was approved and the dimensional setbacks to property lines from that structure.*

*The applicant proposes a reduction in the front and side yard setback, as well as increase in coverage as follows:*

Criteria	Approved	Proposed
Front	42	37.1
Side (Both)	54 (244)	31 (294.92)
Coverage	38.71%	46.41%

The Code (§310-31.1.F.) section on common areas in a Conservation Cluster Development Overlay District requires compliance with the Code (§310-31) if not otherwise specified therein. This section, specifically §310-31.C.(3) (last sentence), indicates “all lots in a cluster development shall meet the setback and yard requirements of the R-1A Zoning District”. For ready reference, the R-1A zone requires the following setbacks:

- i. Front Yard – 40-ft
- ii. Side Yard – 30-ft
- iii. Rear Yard – 50-ft

We recommend you review this with Counsel to determine if this Code provision applies.

Nonetheless, the proposed front yard is less than what was approved, and less than required by the Code section above. We recommend you consider with the applicant whether the building could be shifted to comply with the approved setbacks. Otherwise, we recommend you review with Counsel whether an interpretation or variance could be required.

With respect to side yard, we note the proposed building is proposed to be located closer to the residential parcels that surround this lot. These are the parcels that could be impacted by noise and light spillage generated from the site. We recommend you consider this in proposed setback reductions.

c. Coverage – The applicant’s plan suggests an increase in coverage is proposed. We recommend the applicant confirm sidewalks, parking areas, proposed buildings (including pool house), pools, and the emergency access drive are included in the proposed coverage calculations. In our opinion any increase in coverage requires the applicant to prove adequacy of proposed stormwater management facilities in this area and downstream.

a. Utilities

i. General –

1. We recommend the applicant confirm the intent to comply with the details for utility construction that were approved as part of the original approval. If any modifications are proposed a detail should be provided for your consideration.
2. A revised Projected and Water Sewer Demand Form should be provided by the applicant. We have reviewed the estimated demand provided as part of the pump station hydraulics worksheet and believe they are appropriate per regulatory recommendations.
3. It appears the proposed forcemain connection, gravity sewer, and water service connection for the pool house transverse adjacent parcels OP-J and OP-G. We recommend you consider whether easements are required to construct and maintain these facilities.

ii. Water – The applicants plan now shows a water service connection to the pool house in addition to the community center building, which is appropriate.

1. The applicant should confirm whether fire protection for the club house is proposed and, if so, the applicant’s Engineer should confirm the proposed service connections and existing infrastructure could meet the required fire flows.
2. The applicant should confirm the water service/forcemain crossing meet required separation distances.
3. The sewer and water service to the pool house building should have a minimum 10-ft separation laterally per Ten State Standards.
4. We recommend the applicant consider deepening SMH 2 to allow the proposed water service crossing be above the proposed gravity sewer, which is the preferred arrangement per regulatory guidance.

iii. Sewer – The revised plans show two 8-inch sewer service connections to the proposed buildings that empty to an 8-inch gravity sewer that drains to the proposed pump station near the gatehouse. From the pump pit near the gatehouse, the sewage is proposed for pumping to an existing manhole part of the 8-inch gravity sewer that drains through to Julien Court. It should be noted that in 2013, an amended site plan was approved to eliminate a large pump station near Nininger entrance and reconfigure the contributing sewer in this area to drain by gravity through Julien Court. In this approval, the required sewer service to the full-time occupied gate house was not considered. Accordingly, the applicant is proposing a small pump station to collect sewage from the gate house and community center buildings. The following details require clarification with input from your Sewer Department:

1. Ownership and maintenance of the pump station, forcemain, and gravity sewer to the pump station should be decided.
2. Easements for this infrastructure may need to be established.
3. The applicant should provide a profile for the force main showing depth below grade and crossings.
4. The proposed forcemain appears to cross the limits of the existing wetland, we recommend this be shifted away from this feature.
5. The applicant's plan notes when the high-level alarm is reached, an audible and visual alarm will engage, as well as an automatic dialer will alert the "property owner". "Property owner" designation requires clarification.
6. DEC design standards recommend shut off valves for pumps be located outside of the wet well unless the valve is accessible from grade without need to enter. Applicant to relocate proposed valve outside wet well or provide tee handle for valve.
7. We recommend a tracer wire be added along the forcemain.

iv. Drainage – We have reviewed the drainage plan for on-site facilities and in general believe these to be improved from prior submissions. We have the following comments:

1. Applicant to revise pool area drainage pipe size to 12-inch minimum.
2. Applicant to confirm rip-rap at all drainage outlets and provide detail/specification for sizing on the plan.
3. The proposed emergency access crosses an area noted as "swale". The applicant should confirm the connectivity of wetlands/drainage in this area and confirm the proposed access does not impede the same.
4. We recommend the applicant remove the "proposed" drainage easement from the existing conditions plan. Additionally, it would be helpful to observe the various utility improvements on a clean plat with easements and property lines shown to verify all are within their respective bounds.
5. Applicant should show the location and discharge of roof leaders from the building.
6. The drainage from the proposed emergency access should be considered with roadside swales and rock check dams. The adequacy of the downstream drainage facilities to accept this additional flow should be confirmed.
7. Notwithstanding our comments on grading and retaining walls below, the applicant should confirm no footing drains are required for the retaining walls.
8. Applicant to confirm end sections for drainage utilities (flared-end/headwell) as needed.
9. The applicant should demonstrate compliance with the previously approved SWPPP or provide an amendment for the impacted areas.
10. We note a condition of your action should require the applicant to construct the gravel maintenance access to Forebay 6B in accordance with the approved details part of the original plan approval.

b. Grading – We have the following comments on grading:

- i. It is our understanding that this area has been used as a location for soil deposition during construction. The applicant should confirm the quality and compaction of the material deposited if the intention is to build atop

of this. Since this could impact the site work (drainage, retaining walls, etc.) as well as the structure (Building Department review), we recommend the existing conditions be reviewed by a licensed geotechnical engineer and their reasonable requirements incorporated in the plan.

ii. Although the slope appears to be less severe than prior submissions, we recommend the applicant provide a profile of the emergency access noting the grade changes along the route for you to consider adequacy for ESO's.

iii. The applicant should confirm the height of the proposed retaining walls along reasonable intervals for you to consider the level of review that is required and compliance with your Code (§310-28).

iv. As is evident on the plan a significant amount of grading and retaining walls are required for this site. The applicant should estimate a net cut/fill required.

v. As noted for similar applications with retaining walls, the original subdivision approval for WP3 contains provisions for grading and retaining walls for which the applicant should confirm compliance as follows:

1. Specific Condition No. B.14 requires the following, which should be confirmed by the Applicant's Engineer for compliance:

a. Proposed grading may not exceed 3:1 slopes i.e., a mowable condition.

b. Retaining walls must be constructed with natural field stone or as amended by the second resolution of approval (Specific Condition No. 5) if there is not sufficient natural stone, then "premanufactured masonry units shall be Rockwood Classic 8, color No. 10 (Cliffside Brown)", and (Specific Condition No. 6) required use of any other stone requires Planning Board approval. Applicant to confirm material and compliance or request deviation from previously approved standards.

2. Specific Condition No. B.15, requires the Planning Board consider color, style, durability, appearance of the retaining walls. It further describes mitigation goals during design of retaining walls as follows:

a. Use walls to avoid extensive clearing and/or in isolated areas to protect and preserve existing trees and natural vegetation.

b. Material and type that require modest maintenance and exhibit long service life.

c. Aesthetically pleasing in surface texture, color and appearance.

d. To include step arrangements for high structures to avoid long expanses of unbroken surface.

The applicant should confirm compliance and provide the information you need to evaluate this request.

e. Landscaping/Lighting – We have the following comments on landscaping/lighting:

i. The proposed lighting plan is provided. The applicant should confirm lighting for the community center building including any wall mounted fixtures for stairs and porches.

ii. Per your typical practice all lighting should be limited to 0.1-fc at property lines. This requires confirmation closest to the tennis courts that borders a residential lot. Additionally, along the western property line there is some spillage on the open space parcel. Since this is not intended for occupancy you might consider whether a limit of 0.1-fc is necessary in this location.

iii. The applicant should confirm whether security lighting and hours of operation for the community center were considered as part of the original approval. If so, they should provide the same information on the plan and confirm their intent to comply.

iv. With respect to landscaping, we recommend the applicant confirm consistency with species from the approved plan. Where species are changed the applicant should confirm they are native, deer- and disease-resistant for you to consider appropriateness.

v. The applicant should confirm compliance with your Code (§310-27.D) requirements for interior landscaped parking areas. vi. We note the location of plantings along the eastern property line are proposed for screening

*the adjacent residence. The location of these plantings should be confirmed to avoid conflicts with the various utilities and easements in this area.*

*vii. The original approval attempted to preserve a significant amount of original vegetation on this lot via clearing limits. The applicant should show the original limits on your plan and discuss if there are any areas that remain which could be preserved, in particular around wetland areas.*

*g. Emergency Access – The applicant proposes an emergency access drive from Road-A to the tennis and basketball court areas. If this is to be approved, we recommend the applicant provide a profile demonstrating the proposed grade. The turning movements for ambulance should be confirmed. The plan and profile should be reviewed with the ESO's.*

E. Yan confirmed the parcel located to the west of the Clubhouse is going to remain open in perpetuity and Engineer Barber said yes and the to the northeast it's residential space. She added that the community center was originally closer to the open space parcel, but the Applicant rearranged the plan.

Due to the Board's requirement regarding lighting, Engineer Barber asked if there would be any flexibility in that area. She said the Applicant was asked to confirm if they will be complaint to downlit or shield it. The Board agreed as long as it's towards the open space they will be fine with it.

Regarding the setbacks, Designer Hartman added it would be best to shift the building towards the tennis court and comply with the 40 ft. or shave off the roof (the overhang) from the community room rather than ask for a variance. Engineer Barber said she needs to clarify which guidelines to follow regarding the setbacks, whether the conservation cluster subdivision or the setbacks that were approved as part of the original building. Attorney Naughton noted that according to the code it may require to comply with the original approval for the clubhouse, but if the Board is uncertain, she suggests consulting the Building Inspector for an interpretation. If the Applicant can't shift the building to comply, then variances will be necessary. Attorney Barshov said they will look at the design and see what can be done from a design perspective, if it looks like there's an issue then they will reach out to the Board to then discuss the applicable provisions and or requirements. Engineer James Martinez agreed with Attorney Barshov. He said that everything that's impervious on the site has been considered for coverage calculations like the walls, walkways, courts, the parking lot, etc.

Responding to Engineer Barber's comment regarding the gatehouse, Attorney Barshov said it has not been detailed in the submissions to date. They would like to switch from a human-occupied gatehouse to a virtual security-type system, which will enable the Applicant to not install a bathroom and not run an easement through the buffer area. He asked if this was something that can be added to this application. Attorney Naughton suggests that it be a separate applicant. T. DeLuca asked why the gatehouse was not a manned gatehouse when it was originally approved as such. Attorney Barshov said he wasn't involved in the project at that time, so he wasn't able to give a response. He will look into it and try to gather as much information to provide an answer for the Board. Attorney Barshov was corrected when he claimed there wasn't a constructed gatehouse. The Board informed Attorney Barshov that there is supposed to be one unmanned on Nininger Road and the one across from Monroe-Woodbury High School is a completed gatehouse, though it is not occupied.

R. Cataggio recalled back when this project was approved 10+ years ago, there was an agreement that the developer would relinquish ownership and management control of the common areas to the HOA. He asks that it be confirmed before scheduling a public hearing. Attorney Barshov confirmed there is an HOA and they do have ownership and control over some of the common areas. He's not sure if it is all because there are phases that are yet to be completed, for those that are he can provide that information if the Board requires it so. R. Cataggio asked Attorney Naughton if a letter from the HOA can be requested stating they are in communication with the developer and in agreement with the proposal regarding ownership of the completed common areas. Attorney Naughton said she and Attorney Barshov will have to look into it and find out the language and if that is the case a letter from the HOA President will be fine. She asks that while the Applicant submits new documents also provide a copy of the easements for the site to determine if it needs to be modified.

M. Pastel asked if the Applicant could submit a summary of the history of this application for those new members. It was suggested to go over some of Engineer Barber's recent memos which contain a summarized history of this application.

Chairman Gerver advised for the new submissions to be given promptly to make the next agenda if not next meeting will be set for July. Attorney Barshov said he will try to get the new submissions in for the next meeting if not July will be fine.

- G. 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.

Present, Designer Larry Hartman

Designer Hartman said he made a new submission with new information. A revised site plan with the removal of the parking in the front and making it available on the sides of the building. There was also a privacy fence placed on both sides of the building to hide the cars that are being fixed. He continued by saying they added a dumpster placing it by the front making it convenient for the garbage truck. The floor plans have not changed, and they will comply with the changes regarding signage. A rendering was provided to show the Board the look of the privacy fence.

E. Yan asked if the privacy fence be extended to the north and south towards the rear of the property. Designer Hartman said they can do so. R. Cataggio asked if the old signage located in the rear will be removed and Designer Hartman said yes, they will be removed, the only signage they anticipate having is in the front area. R. Cataggio asked if the monument sign will have lighting and Designer Hartman said yes. Chairman Gerver confirmed that after speaking with the Building Inspector, he confirmed that the 84.6% impervious service coverage is pre-existing and non-conforming therefore it's legal.

Engineer Barber noted that some of the raised questions have been clarified and opined by the Building Inspector, so she discussed the threshold issues that were brought up in the previous meeting by going over her comments in the H2M memo dated May 27, 2022. She briefly spoke on the following.

*H2M Mem:*

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 with maintenance area. An automobile repair use, not distinguished in your bulk tables by autobody repair, 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. Nonetheless, as discussed at your last meeting, it appears the change in the intensity of the auto repair and conversion of sales from autobody to millwork warrants site plan/special permit review for all of the proposed uses. We recommend you confirm this with input from Counsel.*

*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.*

*Additionally, we note the discussions surrounding autobody versus auto repair should be considered for any reasonable conditions as part of your potential special permit.*

*b) Bulk/Area Regulations – (Repeated) 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 NYS DOT 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 55-spaces could be accommodated on the site, with approximately 8-spaces (along the north and south property line) in the front yard setback. We believe these spaces should be removed from the plan.

Accordingly, there are 47 available parking stalls on-site. The applicant's plan indicates the retail use requires 15 parking spaces per Code. 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 could be maintained if all or some of 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).

To maintain the orderliness of the site and to prevent parking in the front yard that is prohibited, we recommend the Planning Board require the applicant to construct the parking (i.e., paint striping) as shown on the plan. We note two tow truck spaces are now shown on the plan. The applicant should confirm whether the size of the stalls is adequate for those types of vehicles.

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. The Building Inspector has opined that the requirement for loading berths is based on the area of the entire building and therefore a loading berth is required. Applicant to demonstrate compliance (§310-41.B. & C.) on the plan or seek a variance from the ZBA.

d) Lighting – The applicant previously advised no changes to landscaping or lighting were proposed. In the current submission, there appear to be light fixtures proposed near the existing sign and along the southern property line. The applicant should confirm the light level distribution is limited to 0.1-fc at the property lines and provide details of the fixtures to confirm compliance with IDA, LEED, or Green Globe criteria for Nighttime Friendly or Dark Sky lighting.

e) Landscaping – 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.

e. §310-23.K. A minimum ten-foot landscaped buffer shall be provided on side and rear yards; where said buffer adjoins a residential district the requirements of §310-18 shall apply.

f. §310-18.C.(2) A buffer area shall be required along all boundaries of a nonresidentially zoned or utilized lot abutting any lot in a residential district.

g. §310-18.C.(3)(b)[1] Hamlet Business District: 20 feet (minimum standard for buffer area abutting residential zone) 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.

f) Signs – The applicant’s renderings depict a freestanding sign, illuminated wall sign and series of vinyl graphics. The applicant previously advised the freestanding sign will be located in the same location as existing and use the existing poles.

a. Freestanding Sign – HB Zone permits for multitenant directories (3 or more businesses) 10-SF is permitted for mall identification and 4-SF permitted per individual tenant. The applicant notes the main sign for Millwork Showroom will comply with the 10-SF requirement but does not provide dimensions of the proposed panel. They have not provided sizing for the other tenant panels, we believe this should be provided currently or, if not proposed, removed from the plan. 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 illuminated 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. According to the applicant’s plan, the window area is 1,364-SF and the total area of vinyl/sticker signage proposed is 401-SF. This is 29% and appears to be non-complying with your Code. Unless the full coverage sticker could be considered something other than a window sign, it appears a variance is required. We recommend you review this with Counsel.

g) Automobile Repair Garages – As discussed at your last meeting, the Code (§310-23) outlines certain requirements for these types of facilities, for which we believe the applicant should confirm compliance. We have listed the relevant requirements below and provided comments where needed thereafter:

A. Strict compliance with state standards shall be required in the design and construction of devices for storing and handling gasoline and other products to keep the hazards of fire and explosion involving the same to a minimum.

D. Pumps and other devices, including all signs, shall be located at least 20 feet from any street line. It is not clear if the freestanding sign falls within this category or like other nonconforming conditions of the site could be considered existing, non-conforming.

E. No repair work shall be performed out of doors.

F. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.

H. No more than five wrecked, partially dismantled or unlicensed vehicles shall be kept on the premises, and all such vehicles shall be kept within a building or concealed behind a board fence at least six feet high which shall be erected and maintained in a manner approved by the Code Enforcement Officer.

We note the chainlink fence proposed by the applicant does not meet the Code criteria for “board” fence. Additionally, we recommend you consider whether the two-auto repair shops could have ten total stored vehicles or if the site is limited to five stored vehicles. Depending on the total, we recommend the screening be

*specific to spaces reserved for this purpose to allow easy determination on compliance by the Building Inspector.*

*I. No dead storage or parking of vehicles shall be permitted, except vehicles awaiting immediate service or repair or those vehicles impounded at the direction of the police.*

*K. A minimum ten-foot landscaped buffer shall be provided on side and rear yards; where said buffer adjoins a residential district, the requirements of § 310-18 shall apply. (Repeated from above)*

The Board discussed further landscaping offering ideas, though Designer Hartman noted that the Applicant is not looking to spend more on landscaping if not necessary and he mentioned the neighboring properties not having landscaping as the Board is proposing. The Board asked if it will be an Auto Body Shop or Auto Repair Shop and Designer Hartman confirmed that the Applicant found a tenant and it will be an Auto Body Shop. Chairman Gerver asked that the application be updated to the Auto Body Shop. Based on the Special Permit, in agreement, the Board would prefer to have an annual review or sooner if there are a number of conditions or complaints with the Building Inspector. E. Yan confirmed that signage with lighting per code can be up until midnight if the establishment does not open past midnight. A recommendation T. DeLuca would like to have in the final Resolution of Approval. He asked what the hours of operation and Designer Hartman said the Millwork will be open from 9:00 am to 6:00 pm or 7:00 pm. The Board then agreed to set a public hearing.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to schedule the public hearing for Spitzer/Millwork Showroom on July 6, 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	

**H. Local Law No # 3 of 2022 Fire Prevention/Knox Boxes** - Referral of Local Law # 3 from the Village Board of Trustees amending Chapter 154 of the Village of Woodbury entitled "Fire prevention" to provide for a requirement for the installation of Knox Boxes.

Chairman Gerver gave a brief description of what Knox Boxes are; small boxes that come in assorted colors and are mounted outside the commercial establishments/multi-family homes. He said the boxes are tied to the alarm or fire system. The Fire Department carries the master key so that when the fire department needs to respond to one of the addresses, they can unlock the boxes without having to do damage. Chairman Gerver noted that having a Knox Box is a New York State requirement. He gave a couple of examples of certain situations for the Board to have a better understanding of.

Engineer Barber had some comments and recommendations and referred to her memo dated May 27, 2022. She read each one to get the Board's feedback.

*H2M Memo:*

*Recommendations/Information –*

*1. General – According to §154-3, Chapter 154 is administered and enforced by the "Fire Marshal". The Fire Marshal is "appointed by the Village Board and shall be considered a member of the Woodbury Building Department..." The local law refers to "Village Fire Code Official" and "Fire Inspector" as the administrator/enforcer of this section of the Code. We recommend you consider consistency among designated representatives throughout Chapter 154.*

*2. General – We recommend you refer the Local Law to your ESOs, particularly the Fire Department, for comments.*

*3. Section A. – This section lists locations required to have a KnoxBox and provides discretion to the Building Department, Fire Inspector, or Chief of the Fire Department to require KnoxBoxes "based on a particularized need to access a building for safety purposes." We have the following comments:*

a. For locations in this list, we recommend you consider whether the intent of the law is to require all/any or new/modified buildings that are specified be equipped with KnoxBoxes. Locations specified are commercial buildings, multi-family buildings (except as noted), and buildings 3-stories in height. For example, are all new and existing commercial buildings to have this feature? If so, you may wish to specify when existing buildings would be required to comply (e.g., upon application for building permit for modification to building).

b. No. 3 in the list requires “any building greater than three (3) stories” be equipped with KnoxBox. We recommend you consider whether this includes basement story or if it is intended for buildings with three stories above grade or at the approach of the Fire Department.

4. Section A. – Consistent with Section I of the proposed Local Law, we recommend Section A, sentence 2 be revised to specify “at an approved location by a representative of the Woodbury Fire Department.”

5. Section B. “Locks” – Seemingly, the purpose of this is to prevent barriers to the KnoxBox, such that the KnoxBox would contain keys to any barriers to the building and within. If so, we recommend you revise the language as follows for clarity: “An approved lock shall be installed on gates or similar barriers that would prevent immediate access to the KnoxBox where required by the Fire Code Official.”

6. Section C. “Elevator Keys” – We recommend the reference to “NYSIFC” be updated to New York State Uniform Fire Prevention and Building Code, consistent with the rest of the Chapter.

7. Section L. – This section requires yearly inspections by the Building Department. We recommend you consider a referral to Section §154-7 of the Code that allows the Fire Marshal to conduct “periodic inspections”, “at any reasonable time”. Otherwise, we recommend you consider with the Building Department a reasonable mechanism for tracking buildings requiring inspection and their annual completion.

The Chairman clarified 3a and 3b since there seems to be confusion. T. DeLuca asked what one has to do to get one of these Knox Boxes. The Chairman referred to the Knox Box website and add information for instance your location. It will then send an email to the Building Department. The box is about half the size of a shoe box and if someone tries to tamper with the box or remove the box by force, it will trigger an alarm sending a signal to the central station. M. Pastel added that if there are multiple false alarms during the year. There was also discussion on the type of building and its height and whether the basement is considered a story. Engineer Barber said she will look into that to then provide clarification for the Board.

Attorney Naughton said she will make the revisions upon the discussion tonight, have them redline the version, and forward it to the Village Board of Trustees for review.

It was noted that once a year these Knox Boxes require annual inspections, and the inspections will be taken care of by the Building Department.

A motion was offered by Chairman Gerver, seconded by M. Pastel, consistent with tonight’s discussion. 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 M. Pastel, seconded by Chairman Gerver, to adjourn the meeting at 9:59 PM.

**ADOPTED**

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

Claudia Valoy-Romanisin, Planning Board Secretary