

**Village of Woodbury
Planning Board Meeting
June 15, 2022**

Minutes of the Virtual Planning Board Meeting held on June 15, 2022, at 7:30 PM.

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

Representing the Village of Woodbury Planning Board:

Kelly Naughton, Attorney
Natalie D. Barber, Engineer

Board Member(s) Absent: Thomas DeLuca

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. **Regular Agenda:**

- A. **Hartman Design/Jacob ARB** – Review decision for ARB and Ridge Preservation for a proposed single-family dwelling. Said property is located within the subdivision known as Woodbury Villas at 5 Alleghany Cross and is known on the Village of Woodbury Tax Maps as Section 255 Block 1 Lot 6.

Confirming to have reviewed pages on facts and findings, Chairman Gerver began to read the Specific Conditions of the draft Resolution of Approval ARB for LARRY HARTMAN (HARTMAN DESIGN) O/B/O RACHEL JACOB.

SPECIFIC CONDITIONS

1. *No building permit shall be issued authorizing construction of structures inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board as part of this approval, nor shall any Certificate of Occupancy issue for any structures constructed except in conformance with such renderings. Any deviation from such renderings will require further Planning Board review.*
2. *All new windows shall be constructed of or coated with non-reflective material or anti-reflection window film will be applied to any new low-e windows installed.*
3. *The foundation plantings shall be similar in number and coverage to those on surrounding properties, to the satisfaction of the Village Planner.*
4. *Prior to the signing of the renderings, the Applicant shall comply with the memorandum of the Village Planner dated October 14, 2021, to the satisfaction of the Village Planner.*
5. *Prior to the signing of the renderings, the Applicant shall revise Sheet A-102 to reflect the correct sum of areas listed on the plan.*

Chairmen Gerver noted that this application was not exempt from the moratorium, but on May 31st have received an exemption from the Village Board of Trustees.

A motion was offered by Chairman Gerver, seconded by E. Yan to accept the counsel's draft Resolution of Approval for LARRY HARTMAN (HARTMAN DESIGN) O/B/O RACHEL JACOB. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairman Gerver, R. Cataggio, M. Pastel, E. Yan
NOES 0

- B. Friedman/Blueberry Lane – Continuation of Public Hearing** for revised Site Plan and Special Permit for the proposed conversion of an existing 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 Attorney Stephanie Midler and Todd from Fusco Engineering and Land Surveying

Chairman Gerver noted the Board received the letter of the substantial burden from Attorney Jay Myrow’s office and mentioned the numerous waivers to go over. There are outstanding items the Board’s Attorney Kelly Naughton and Engineer Natalie D. Barber have yet to receive from the Applicant. Chairman Gerver open the floor to the public for comments regarding Friedman/Blueberry Lane.

Chairman Gerver noted the code requires a lot of an area of one acre for a place of worship and two acres for a single-family dwelling and currently, the property currently has 1.49 acres. He proceeded to ask the Board members their thoughts on the waiver, and whether it was a substantial burden. Attorney Naughton reminded the Board the waiver is whether or not it is a substantial burden on the exercise of their religion. In other words, it is based on whether they are free to practice their religion if the waiver was not granted.

R. Cataggio recalls twelve adults attending this Shul. Still, he asked to confirm the number of children that will attend, and Attorney Midler mentioned fifteen children which R. Cataggio found to be excessive. The Chairman asked if the consensus of the Board is substantial or not a substantial burden. R. Cataggio, M. Pastel, and E. Yan agreed the narrative does not demonstrate a substantial burden, while the Chairman thought otherwise since he feels the Applicant has shown proof based on the location of other Shuls in the area and how they would have to travel to those Shuls. Questions regarding distance and or other possibilities to achieve the Applicant’s goal were asked by the Board. Attorney Midler said the closest Shul is a mile away and added along the way they will have to travel by walking on the sides of the road and part of the road does not have sidewalks. It would now and then be treacherous as well during inclement weather. She also explained the process the Applicant will need to take if they were denied by this Board. After further discussion Board members, R. Cataggio and M. Pastel sided with Chairman Gerver on the waiver. Board member E. Yan feels that the Applicant knowingly the size of the home, lot, and distance from other Shul facilities nevertheless thought changes can be made to this property.

A motion was offered by Chairman Gerver, seconded by M. Pastel to grant the substantial burden waiver for Friedman/Blueberry Lane. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 3 Chairman Gerver, R. Cataggio, M. Pastel
NOES 1 E. Yan

Chairman Gerver recalled the code requires 125 ft for a place of worship and 175 ft. for a single-family home. The property currently has 158 ft. Unless the Applicant chooses to move the Shul or purchase more land since there’s no other way to change the current width of the property.

A motion was offered by Chairman Gerver, seconded by R. Cataggio to grant the substantial burden waiver for lot width for Friedman/Blueberry Lane. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 3 Chairman Gerver, R. Cataggio, M. Pastel
NOES 1 E. Yan

Chairman Gerver noted the code allows a maximum of 10% for schools and 20% for single-family dwellings. The Applicant is proposing 22% total lot coverage. An increase of 12%.

A motion was offered by Chairman Gerver, seconded by R. Cataggio to grant the substantial burden waiver for lot coverage for Friedman/Blueberry Lane. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 3 Chairman Gerver, R. Cataggio, M. Pastel
NOES 1 E. Yan

Chairman Gerver noted for the front yard setback the code requires 50 ft. for a place of worship and 40 ft. for a single-family dwelling. The current plans show 49.2 ft. which complies with the single-family dwelling, but not the place of worship.

A motion was offered by Chairman Gerver, seconded by R. Cataggio to grant the substantial burden waiver for the front yard setback for Friedman/Blueberry Lane. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 3 Chairman Gerver, R. Cataggio, M. Pastel
NOES 1 E. Yan

Engineer Barber began discussing parking mentioning the memo from the traffic consultant at Collier's Engineering. She read as per the site plan it currently calls for fourteen parking spaces including six land bank spaces and eight spaces to be constructed initially for the project. The six land bank spaces are with access to and from the paved driveway, therefore twelve spaces would initially be needed, and four out of the six land bank spaces will need to be constructed up front. Based on the latest plans, Engineer Barber's review of the plans indicates that sixteen spaces are required, but eight are built with six land banked spaces. She thinks the Traffic Consultant suggests there may be an opportunity to increase the land bank area to accommodate the required parking so that a waiver would not be necessary. She continues to say that the Applicant is now proposing eight spaces to be constructed upfront as part of the circular access and then eight spaces that can be land banked. These plans have yet to be submitted.

Chairman Gerver confirmed this is a daily Shul and there are twelve families, so he proposed twelve spots built and four land banked. Attorney Midler tried to convince the Board in having eight spaces built and eight land banked since these families will be walking most of the time. The Board noted that they have had similar applications before them and have been told that families will be mostly walking and in turn, end up driving and creating parking issues. Attorney Midler doesn't believe that would be an issue with this application and if so, she referred to the terms of the special permit. Chairman Gerver explained the special permit is subject to a yearly review, but it is also subject to complaints received by the Building Department, Police, and or neighbors. Having the Board or the Building Inspector himself order the remaining spots to be built, is what is accustomed to being done when having land bank spaces. It is also a clause that is included in the Resolution of Approval. Attorney Midler understood. Engineer Barber reminded the applicant that the Board and consultants are still waiting for the submissions of the updated plans and other outstanding documents. Therefore, the Chairman suggested holding off the voting on the parking waiver since the Board has not had a chance on viewing those updated plans.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to close the public hearing 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, M. Pastel, E. Yan
NOES 0

- C. **Eastgate Management 152 Seven Springs ARB** – Review documents submitted for ARB and Ridge preservation of proposed single-family dwelling and removal of existing dwelling. Said property is located at 152 Seven Springs Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 213 Block 1 Lot 13.12.

Present Applicant Isaac Weinberger and applicant's Engineer.

The Applicant's Engineer gave a summary of the application saying they are looking to build a one-level home and there is an existing 3-bedroom, single-family residence they are looking to demolish.

Engineer Barber began by saying the application is for the demolition of a 3-bedroom home for the construction of a 7-bedroom home with frontage on Seven Springs Road. The Applicant submitted a complete application along with a site plan that will require the Building Department's review. She pointed out to the Board that since the Village is under a moratorium for water supply it could impact this application. She continued noting her comments on her H2M memo dated June 10, 2022.

H2M Memo:

2. Site Plan – According to your Code (§310-45.C.(1)(a)) site plan approval for single-family residences in the R-2A zone is not required. We note the applicant has submitted detailed information on proposed septic and stormwater management facilities that are not within your purview for review. Review of this information will be by the Building Department. The following comments on the site are limited to impacts on your ARB/Ridge Preservation review.

a) Water – A moratorium for water supply is in effect potentially impacting this application. According to the applicant's list of comparable homes, the home to be demolished has 3 bedrooms. Based on the floor plans, the proposed home is 7-bedrooms, although we note the applicant's projected water and sewer demand form lists 8-bedrooms. Estimates for water demand for residential properties are based on the number of bedrooms (110 GPD/bedroom²). Accordingly, estimated water usage and sewer generation for a 3-bedroom home would be 330 GPD, and for a 7- or 8-bedroom home (770 GPD or 880 GPD). Currently, the applicant's plans show an existing well. The applicant should confirm their intent to reuse this well.

b) Grading/Retaining Wall – The applicants' plan shows retaining walls along the Southern and Eastern lot lines. The applicant's correspondence indicates the walls could be 6- to 8-ft tall. The applicant should confirm compliance with your Code (§310-28) requirements for setbacks from the property line. Further, the height of the walls requires design by a Professional Engineer, and a requirement for design drawings to be submitted to the building department should be a condition of your action. Additionally, to the extent that it impacts your ARB review, the applicant should provide details for the proposed construction of the walls. We note the walls face the applicant's property. A fence at the top of the tallest wall should be provided for fall protection.

She suggested that the Applicant submit a table of total floor areas and building footprint for the Board to compare the structure with other homes nearby and that would be for the Board to consider the similarity and dissimilarity.

3. ARB – In your role as ARB, the Code (§8-4) specifies your review and consideration of structures or alterations to structures and the following:

A. Excessive similarity, dissimilarity, or inappropriateness in relation to itself or to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application, facing upon the same street or within the same or surrounding neighborhood, including neighboring developments, in respect to one or more of the following features:

(1) Exterior façade of all building sides, including, but not limited to, building materials, mass, roofline, architectural style and authenticity, colors, size, proportion, roof design, and height.

(2) Size and arrangement of doors, windows, porticoes, or other openings or breaks in the façade, including reverse arrangement.

(3) Footprint and gross floor area, including all or portions of the structure.

The applicant provided floor plans, renderings, plot plan, and elevations for you to consider the architecture of the home. Additionally, they provided a report on comparable properties identifying

other homes in the vicinity of the proposed project with living areas that range between 1,982-SF and 7,739- SF. We note the existing home to be razed is 1,896-SF. We have the following comments on ARB:

a) A table of total floor areas and building footprint should be provided for you to compare the mass of the structure to other homes. Our estimate of the size of the home indicates the first floor is greater than 7,306-SF.

b) The applicant provided renderings and your ARB form for you to consider the color, materials, architectural style, and roof design in comparison to other homes indicated in the comparable sites report.

Regarding Ridge Preservation, Seven Springs Road is designated as a view corridor, and the property fronts that road. As part of the code, it is to the discretion of the Board to decide whether or not the visibility from the view corridor is dependent on existing landscaping or proposed vegetation and buffers.

4. Ridge Preservation – This property ranges greater than 800-ft above mean sea level (AMSL) triggering your review under the Code (§310-13) requirements for Ridge Preservation (threshold 600-ft AMSL). Seven Springs Road is a Ridge Preservation view corridor. According to aerial imagery available on Orange County GIS, the applicant’s property is mostly cleared except for significant specimen trees along the property boundaries. The existing, healthy trees along the property frontage serve to screen the existing home from the view corridor except where the driveway is located. Additionally, there are several stone walls located on the property. We have the following comments on Ridge Preservation:

a) The applicant shows existing and proposed trees along Seven Springs Road. Where trees are proposed for removal, they should be clearly identified on the plan. Based on the applicant’s correspondence, it appears much of the existing vegetation is intended to be preserved with supplemental plantings. Nonetheless, for clarity, you should consider the quantity and location of trees to be removed.

b) Similar to trees proposed for removal, we recommend the applicant indicate limits of removal of stone walls. Your Code (§310-27.B.(5)) requirements for site plans recommends the preservation of these features to the maximum extent possible.

c) Non-reflective windows are a requirement of your Code (§310-13.B.4), the applicant should note this requirement on the plan. We recommend you include this as a condition of your action per your usual practice.

d) We recommend the Board considers the proposed colors (beige, browns, and blacks) of the home and whether they meet the requirements of your Code for earth tone, and neutral color requirements.

e) We note the proposed materials appear to comply.

f) According to your Code (§310-13.(7)(a)), if structures are not visible from a designated view corridor based on existing or new landscaping, the Planning Board may require an easement of record be to filed with the County Clerk to preserve such landscaping or buffers. We recommend you consider whether this is appropriate for this application.

Chairman Gerver noted renderings are required in situations like this and the Applicant’s Engineer admitted submitting those renderings. The Applicant’s Engineer said the home is not visible from any other area except for the front of Seven Springs Road. He said there are plans for plantings of trees along Seven Springs Road and Milval Lane. Chairman Gerver asked if there was a staircase in the rear of the home. The applicant’s Engineer said no, it’s a single-story with a basement that has access from the outside. Going over the plans he confirmed there is a two-story family room and a two-story study. Applicant Isaac Weinberger approached the Board to confirm the questionable detail of the plan.

R. Cataggio asked how many trees the applicant plans to remove. The applicant’s Engineer said two from the front of the driveway so far, but as to the exact number of trees he does not know at the moment. He continued to say that the evergreen trees pointing to the driveway will be removed. The trees along the street will be removed to keep the site’s distance available. He confirmed in their next submission trees that will be left alone will be marked on the plans. R. Cataggio asked to have the trees marked with a ribbon because he would like to do a site visit. Attorney Naughton asks that once the trees are marked, the Applicant should notify the Building Department so that members of the Board can plan their visit to the

site. The Chairman asked if the materials on the renderings are the same colors that will be used on this project and the Applicant's Engineer said yes. Chairman Gerver asked that the Applicant supply a picture (wide shot) from the view corridor pointing towards the location of the home. The applicant's Engineer said he will provide it.

E. Yan questioned the roof colors that can be used regarding Ridge Preservation. Chairman Gerver noted the standards under Ridge Preservation provided by Attorney Naughton.

Standards for Ridge Preservation:

- i. *The roof of any such structure, to the maximum practical extent, shall not be visible from any designated ridge preservation view corridor, as defined herein, or such structure shall blend into the hillside.*
- ii. *In order to satisfactorily blend the structure into the natural environment and mitigate visual impacts, the exterior walls of a structure shall be clad in wood, brick, stone, stucco, vinyl fiber, cement board, or fiber cement siding and shall be non-reflective, non-glossy, earth-tone or similar neutral colors, aluminum cladding and exterior insulation and finish system cladding are not permitted. Earth tone or similar neutral colors such as brown, gray, green, terracotta, and muted autumn colors that in the opinion of the Planning Board appropriately and naturally blend in with the tree cover. The use of white and similar bright colors that do not blend in with the tree cover in the opinion of the Planning Board is not acceptable. The Planning Board shall have the discretion to permit the use of non-natural building materials in connection with applications where existing originally approved and constructed structures consist of non-natural materials and the application is for an addition that is substantially less in mass and or appearance than the principal structure.*
- iii. *Roof slopes of such structures shall follow the natural contour of the land where possible and shall also be of a natural color.*
- iv. *No reflective windows or other such surfaces shall be used on the outer façade of any building side of such structures.*
- v. *To the greatest extent practical, every attempt shall be made to limit the amount of cutting and removal of trees so as to maintain natural site vegetation, especially on those properties which may be visible from the ridge preservation view corridor. Any healthy tree with an eight-inch-or-greater caliper at breast height shall not be removed unless such removal is essential to the location of the structure, or the safety of the structure, as determined by the Code Enforcement Officer.*
- vi. *Any proposal for construction, or clearing, filling, and grading, in such areas shall be approved by the Planning Board acting as Architectural Review Board in accordance with the procedures set forth in Chapters 8 and A314. This subsection includes the construction of new structures or renovations of, or additions to, existing structures that alter the physical dimensions of such structures. Any submission to the ARB shall include an illustration indicating the location of said structure and a sketch superimposed on a photograph.*

For clarification, this application falls under Ridge Preservation, but the Applicant contest due to the topography of the land and the existing vegetation. E. Yan noted that he had an issue with the beige color that is presented as a finish. He said it looks whiter than what is stated on the document. Chairman Gerver asked that a sample of the actual finish be provided on the Applicant's next submission for the Board's review.

M. Pastel questioned the stone wall noted in Engineer Barber's memo. The applicant Engineer said there is a stone wall along the perimeter of the house, and some will be removed. He agreed to mark the plans stating which stone walls will remain and what will go away.

Based on what the Applicant has provided the Board feels there is no need for a public hearing.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to waive the public hearing for Eastgate Management 152 Seven Springs ARB. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

- D. **KJ Water Treatment Facility – Continuation of 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.

The Applicant reached out to the Planning Board late this afternoon asking for a delay to get their submittals in, but notices were sent out regarding the public hearing.

Therefore, Chairman Gerver opened the floor for comments regarding KJ Water Treatment Facility.

There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by E. Yan, to continue the public hearing for KJ Water Treatment Facility on July 20, 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

- E. **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.

The Applicant reached out to the Planning Board apologizing and stating they won't be available when they initially had requested this date. They asked for a continuation of the public hearing.

Therefore, Chairman Gerver opened the floor for comments regarding Woodbury Commons/RMU.

There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by E. Yan, to continue the public hearing for KJ Water Treatment Facility 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

- 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 Steven Barshov, Designer Larry Hartman from Hartman Designs, and Engineer James Samuel.

Engineer Samuel began by stating the main points they were to address from their previous meeting. Which were the setbacks and having the building comply with the requirements. He said they were able to submit an overall plan showing the location of the building and the setback requirements. He noted that there are other comments in Engineer Barber's memo that needs to be addressed, but at this moment they'd like to resolve the setback issues.

Engineer Barber referred to her memo dated June 10, 2022. She said some comments are repeated from the Board's last review. She said the Applicant has provided renderings to be considered in addition to the revised site plan. She then proceeded to touch points in her memo that were addressed and in need of attention.

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 the 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 an increase in coverage as follows:

<i>Criteria</i>	<i>Approved</i>	<i>Proposed</i>
<i>Front</i>	<i>42</i>	<i>40</i>
<i>Side (Both)</i>	<i>54 (244)</i>	<i>31 (269.89)</i>
<i>Coverage</i>	<i>38.71%</i>	<i>46.41%</i>

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*

At your last meeting, the applicant agreed to review their plan to determine which setbacks they believe they could comply and are applicable and discuss the same with Counsel to decide on next course of action. Based on the recent submission, we believe this continues to require resolution.

With respect to side yard, we note the proposed building is located closer to the residential parcels that surround this lot than the prior approval. 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 if any are proposed.

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.

d. Parking –

i. The original approval required 51-spaces for the clubhouse, this application is similarly for 51 spaces. According to the applicant's response to our July 1st comment letter, the clubhouse is proposed for an overall reduction in size and accordingly the demand for parking is less.

ii. The applicant's plan shows one 25-ft wide entrance similar to the prior approval and meeting the requirements of your Code.

iii. The parking stall dimensions and requirements for handicap stalls appear to meet your typical criteria.

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. At your last meeting, the applicant advised they may consider a virtually operated gate house in lieu of full-time. In that case, the need for pump station and forcemain at the Nininger location could be eliminated. We note if this is the applicant's intent, the sewer for the proposed club- and poolhouse need to be adjusted for the plan to function. 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.*

Engineer Barber continued addressing the requirement of the ARB form and Ridge Preservation.

h. ARB/Ridge Preservation – The applicant provided renderings (birds-eye and view of western façade) for you to consider these sections of your Code.

i. ARB – In your role as ARB, the Code (§8-4) specifies your review and consideration of structures or alterations to structures and the following:

A. Excessive similarity, dissimilarity or inappropriateness in relation to itself or to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application, facing upon the same street or within the same or surrounding neighborhood, including neighboring developments, in respect to one or more of the following features:

- (1) Exterior façade of all building sides, including, but not limited to, building materials, mass, roof line, architectural style and authenticity, colors, size, proportion, roof design and height.*
- (2) Size and arrangement of doors, windows, porticoes or other openings or breaks in the façade, including reverse arrangement.*
- (3) Footprint and gross floor area, including all or portions of the structure.*

We have the following comments on ARB:

1. The applicant should provide a completed ARB form.

2. You typically require applicants to submit photos of neighboring homes for you to consider similarity/dissimilarity. We recommend you consider whether this would be helpful for you to consider the application.

ii. Ridge Preservation – The property ranges greater than 600-ft above mean sea level (AMSL) triggering your review under the Code (§310-13) requirements for Ridge Preservation. The nearest view corridor is Route 32.

We have the following comments on Ridge Preservation:

1. Visibility – The applicant should confirm visibility from the view corridor for you to decide if any provision for waiver from Ridge Preservation requirements is appropriate. If visibility is dependent on existing landscaping or natural buffers, the Code (§310-13.B.(7)(a)) gives the Planning Board the authority to require an easement of record be filed with Orange County Clerk to preserve the buffer. We recommend you consider this if appropriate.

2. Materials – Upon receipt of your ARB form, we recommend you consider whether the proposed materials are consistent with your Code (§310- 13.B.(2)) requirements.

3. Colors – The renderings provided depict various brown, tan, and other neutral colors. We recommend you consider whether these “appropriately and naturally” (§310-13.B.(2)) blend with the tree cover and are satisfactorily earth tone and of neutral color.

4. Windows – In compliance with your Code (§310-13.B.(4)), the applicant is prohibited from using reflective windows, including windows coated with antireflective window film, and other reflective surfaces. The applicant should confirm compliance and note the same on the plan.

5. Clearing – As discussed above, the applicant should limit clearing to the maximum extent practical. We believe you should consider the clearing limits approved as part of the subdivision approval and review whether any remaining stands on site could be preserved.

Chairman Gerver asked about the material of the roof. He asked if it was a seamed metal roof. Designer Hartman said yes, Designer Hartman said yes, the material will be aluminum pointing to a drawing presented to the Board. The Chairman proceeded to ask the Board for their opinion, and they agreed the building is nice and fits well with the designs of the surrounding homes. He then reminded the Applicant that submission of renderings for Ridge Preservation is part of the procedure, and the pictures should be taken from the view corridor which in this case is Rt. 32. E. Yan asked to clarify if the material of the roof is non-glossy metal rood. Designer Hartman said its non-glossy, he added that most will look sort of matte. R. Cataggio reminded the Applicant that in the last meeting he asked if the Applicant is in communication with the President of the HOA, regarding having control over the common area. Engineer Samuels said they will get that information to the Board as soon as they can.

Attorney Naughton reminded the Board they reaffirm their SEQRA findings back in July of 2021. A public hearing is required, and the consul has been waiting for the Applicant to comply regarding the setbacks in order to proceed with the scheduling. Attorney Naughton did note that she looked back at the original plans regarding the setbacks. She said there were in the original plans and the property labeled as Sheet OP1 was labeled as HOA F property with no given setbacks for this property. She feels it would be appropriate for the Board to review the language of the code which is section 310 31.1 c3; which mentions that R1 A setbacks apply which is what Engineer Barber noted in her memo. Engineer Barber reminded the Board that the previous approval on lot coverage was 38.71% and the Applicant is proposing 46.41%. An increase of what was originally approved, though she feels that due to the Emergency Access to the building as well as the handicap-accessible paths and various site elements have increased the coverage. This was also something the Applicant was asked to confirm as per Engineer Baber’s memo. Engineer Samuels said that their impervious coverage includes all the walkways, curving the sidewalks, paving the building ports, paving building ports, and the surface area of the top of the walls is included producing

46%. He said they revised the plan from the previous submission to eliminate various tiered rock walls among other things. R. Cataggio asked if the pool will be fenced in, and Engineer Samuels said yes.

R. Cataggio asked a question regarding those receiving public notices regarding the community building since it was moved from where its original location and is considered a “community” building. Attorney Naughton answered saying notices would be given to those located within the property boundaries. She continued to say that since the Applicant is looking for ways to make things pervious or impervious surfaces due to the increase in coverage, she suggested taking a look at what the CCDOD requires for any waivers or provisions that might help the Board grant due to this special situation. After much discussion on the Applicant’s timeline for their next submissions, it was decided to schedule a public hearing.

A motion was offered by Chairman Gever, seconded by M. Pastel, to schedule a public hearing for Woodbury Villas on July 20, 2022. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairman Gerver, R. Cataggio, M. Pastel, E. Yan
NOES 0

- G. **Dice Bowl** - Review and discuss documents submitted for the proposed special permit amendment for the expansion of restaurant use within the shopping plaza known as the Old Glory Mall. Said property is located at 95 Maher Lane and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lot 41.

Present Applicant Johnny Chu

Mr. Chu summarized the application and mentioned his appearance before the Village Board of Trustees regarding his hardship moratorium, resulting in Dice Bowl being exempt from the moratorium on June 9, 2022.

Engineer Barber recaps the Applicant’s last appearance. She recalled a discussion regarding water and sewer and prior approval from Old Glory Mall restricting the number of occupants for restaurants to one hundred persons. She did some research to then find out it had to do with available sewer capacity at that time. She proceeded to refer to certain points in her H2M memo dated June 10, 2022.

H2M Memo:

c) Parking – Based on prior approvals, the site was previously granted a waiver for 17 spaces. The following is an estimated parking analysis based on records from prior approvals, guidance from regulatory agencies, and information provided by the applicant. Based on this analysis a waiver for parking need be maintained. As you know the Code (§310-40.C.) permits the Planning Board to consider a waiver for parking where a “use or combination of uses on a single lot will generate parking needs which are less than the total amount the zoning code requires the number of required spaces may be reduced by up to 25%.” Based on our estimate the Board could grant a waiver for up to 27 spaces.

At the applicant’s last appearance, they described their use is intended to open around 12pm on most days. Further, as described by the applicant, peak parking is observed during church services on Sunday mornings prior to Dice Bowl opening. If you agree to maintain your waiver, the applicant should confirm the number of existing spaces on site; Based on prior renderings we believe there could be 109 spaces, but the limits of the parking removed as part of the Journey Church application are unclear.

a) Utilities -

i. Water – The applicant has provided supporting documents to confirm Old Glory Mall is served by a private well. The well supply is considered a Non-Community Transient Water System regulated by the DOH. It is not clear whether an amendment to their permit with the County is required. Our recommendation is for the applicant to provide proof that an amended permit from the Department of Health is received or not required prior to Building Permit.

The applicant previously indicated they use bottled water for food preparation and most of the water and sewer demand for the space will be by restroom users. Nonetheless, using the occupancy³ estimate noted above and the DEC standards for estimating water and sewer demand (92 persons * 35 GPD/seat), we estimate the demand for the expanded restaurant would be 3,220 GPD. The DOH approval from 1990 indicates the safe yield of the well is 36,000 GPD. The following table estimates usage from other occupants of the mall and demonstrates the capability of the well to support the uses on site:

Use	Area/Patrons	DEC Requirement	Water/Sewer Estimate
Place of worship	150 patrons	3 GPD/Seat	450 GPD
Dice Bowl	92 Max Occ. ³	35 GPD/Seat	3,220 GPD
Estimate for El Castillo ⁵	24 ⁹	25 GPD/Seat ¹⁰	600 GPD
Remainder for gross retail ⁶	5486 SF	0.1 GPD/SF ¹¹	549 GPD
Total Required			4,819 GPD
Considering Peak Factor x2¹²			9,638 GPD
Safe Yield per DOH approval			36,000 GPD

Based on historical information on the well and available information on the existing and proposed uses, it appears the well is capable of supporting the proposed development. Nonetheless, the information on the current operating capacity of the well is unknown. As noted above, the applicant will be required to submit to the DOH and may need to provide that information as part of their review process

ii. Sewer – As discussed previously, the 1991 Planning Board approval limited the maximum occupancy of restaurant uses to 100 patrons based on available sewer capacity at Orange County Sewer District at the time. We received correspondence from Orange County indicating they believe the restriction could have been due to a sewer moratorium at the time and may have no further relevance. They further indicated that a “Change of Use” must be disclosed to them for adjustment on billing and if any work was required on the building lateral service or main line a permit would be required. In this case, a “Change of Use” disclosure is required.

Engineer Barber noted that the Applicant tried to submit the form to Orange County, and it was rejected. She then called Orange County Sewer District and spoke with Anthony Griffin. It was decided that it was a Village of Woodbury service.

Based on the information from the County, we believe you could consider an amendment (or dissolution) to your prior restriction on restaurant occupancy. We recommend any action you take be conditioned on proof that “Change of Use” application is submitted to Orange County Sewer District No. 1 prior to Building Permit.

b) Refuse – The applicant should discuss whether existing refuse facilities are sufficient for their needs and if an expansion of this use could require additional facilities to support its operation.

Regarding refuse, she added that if there is any need for a modification as to whether another dumpster is needed or talk of location should be addressed. She also noted that the Applicant has indicated that there are no proposals for any modifications to the exterior of the building, that’s including signage. The existing signage will remain as is, therefore is no need for an ARB approval.

Chairman Gerver asked since the Applicant is currently having a soft opening, he wanted to know the volume on parking. Mr. Chu said most people entering the facility walk since they're from the area, and it's rare for him to see the parking lot full.

E. Yan noted that the next application on the agenda is next door to Dice Bowl and he wondered how much of an impact the Dice Bowl application will have on the other. It was suggested that both applications be looked at as a whole in terms of parking.

Chairman Gerver asked Mr. Chu for the hours of operations. Mr. Chu said 5 days a week, Wednesday through Sunday and closed on Monday and Tuesday. The Chairman proceeded to ask questions he asked if there was seating for ninety-two people and Mr. Chu said no, because of the furniture and the bathrooms they can accommodate proximately eighty-two people. Employees? Mr. Chu is the only employee so far. E. Yan asked how much time a patron will be at the facility. Mr. Chu said it varies, it can be from 5 minutes to approximately 3 hours. M. Pastel said it was commented that the church group uses most of the parking spaces on Sunday, he asked if there were other services during the week. Mr. Chu said he will sometimes see a group of churchgoers using a van and 2-3 small vehicles during the week. Mr. Chu added that he is willing to make changes regarding the customer service area in order for the parking to work out.

Engineer Barber reminded the Board that her calculations on the number of occupants in the facility were conservative. Part of the building permit process is that each of the applicants is required to have a maximum occupancy by the Building Department that can also be considered by the Board.

Chairman Gerver said there were a few items that needed to be submitted prior to proceeding with a public hearing, therefore he asked Mr. Chu how long it will take him for the next submission. Mr. Chu said he's submitted the document(s) as Engineer Barber requested. Engineer Barber said she hasn't had the chance to review the water and sewer demand form and she would like to sit and discuss it with the Water and Sewer Superintendent of the Village of Woodbury.

Chairman Gerver suggested that both applications Dice Bowl and HLB Enterprises work together regarding parking. Both parties present acknowledged knowing each other well and are willing to work together. The Chairman suggested the parties write a letter, about how both businesses will work.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to schedule a public hearing for Dice Bowl on July 6, 2022. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED
AYES 4 Chairman Gerver, R. Cataggio, M. Pastel, E. Yan
NOES 0

A motion was offered by Chairman Gerver, seconded by E. Yan, for counsel to draft the Resolution of Approval for Dice Bowl. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED
AYES 4 Chairman Gerver, R. Cataggio, M. Pastel, E. Yan
NOES 0

- H. **HLB Enterprise** – Review and discuss documents submitted for proposed interior renovations and conversion of existing lease space to restaurant use. Said property is located in Unit #9 of the Old Glory Mall at 95 Maher Lane and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lot 41.

Present Applicant Harold Beckett and Attorney Sebastian Carlton

Attorney Carlton gave a summary of what this application entails. Mr. Beckett would like to have a place where he can host events early evenings. Some of his examples were hosting paint and sip parties as well as having live entertainment. He said he usually invites kid bands to play before a crowd. wanted it to be clear saying it would not be a nightclub.

Mr. Beckett mentioned having a stage for a band to play. Chairman Gerver asked if the Applicant is hosting events for the band to play or for specifically for people to eat and enjoy music playing in the background. Mr. Beckett said he would have people come in and enjoy having food and drinks while they watch the band play. The Chairman asked if people will be able to rent your space. Mr. Beckett said if he was allowed to do so, he will

Attorney Naughton asked for Mr. Beckett to clarify since the submitted narrative does not match what he described to the Board. Mr. Beckett said food will be catered from various places for instance his neighbor Dice Bowl. At these events, there will be a cover charge for attendees where he will provide music, food, and drinks. He made it clear there's no cooking on the premises since there's no kitchen just bathrooms.

M. Pastel asked if the Department of Health will be involved, and Attorney Naughton said she will have to look into it since the use of this application is completely different from what she originally thought. She now has to figure out where this will fall in the Village code and county. Chairman Gerver explained the Village zone has definitions of what a restaurant is, a retail establishment, a fast-food restaurant, and so on. The Board needs to look into what type of premise this unit will be since it doesn't sound like a restaurant to what everyone on the Board and counsel thought. This also applies to the water and sewer as well as parking. Chairman Gerver asked if they will be having a liquor license and Attorney Carlton said there in process of applying for it. M. Pastel asked if they will have a dishwashing service or will they be using disposable plates and cutlery. Mr. Beckett said disposables. Just to confirm, Chairman Gerver said it will be a room with a small stage, chairs, a buffet station, and a small bar serving beer and wine, and the food will be catered from other establishments; to be served at the buffet station. At the end of the night, there's a clean-up crew. Mr. Beckett said yes.

E. Yan asked if there will be any exterior renovations or any proposed signage. Mr. Beckett said no, they will use what's existing. Engineer Barber asked if the Applicant received her memo listing her comments. She confirmed they were sent to Engineer David Niemotko. Attorney Carlton said he, unfortunately, did not receive a copy. Engineer Barber continued to say the Applicant will need to submit a floor plan with all the dimensions to have a better understanding of the space. She said parking, water-sewer, and the number of occupants will need to be considered. If there's a proposal for new signage, there are requirements in the Village code for signage. Engineer Barber said in the 1991 approval there is a prohibition on live music. She reminded the Board if they approve as part of this application, then they will be amending prior application or prior approval.

Attorney Naughton mentioned under SEQRA a Type-II Action. It was referred to the county for the GML and they responded in May saying it was a local determination and a public hearing is required. Different from the last application (Dice Bowl), an application was made to the Board of Trustees for a waiver from the moratorium. Dice Bowl was granted a waiver from the moratorium as of June 9, 2022. The Board of Trustees asked for additional information prior to acting on this application, however, the request was denied. Attorney Naughton said hearing from the Applicant tonight, she thinks the Board of Trustees did not understand what this application was for. It was presented as a restaurant coming in. Attorney Naughton said she will be speaking to the Building Inspector for his determination in order to give the Applicant a clear direction.

A motion was offered by Chairman Gerver, seconded by M. Pastel to declare this application a Type-II Action under SEQRA. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES	4	Chairman Gerver, M. Pastel, E. Yan
NOES	0	

Although both the Applicant of Dice Bowl and Mr. Beckett is willing to work together since the units are side by side, Chairman Gerver advised Mr. Beckett to update the layout drawing and provide an updated narrating of what was described in tonight's meeting along with the hours of operation. Since the submitted narrative differs from what was said tonight. Attorney Naughton express she's not comfortable with going forward with this application until she can further investigate what use is this under the Village code to make the right regulations apply.

4. Board Member Comment: Chairman Gerver announced for the month of July the Planning Board meetings will be held virtual.

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by E. Yan to adjourn the meeting at 9:30 PM.

ADOPTED

AYES 4 Chairman Gerver, R. Cataggio, M. Pastel, E. Yan
NOES 0

Claudia Valoy-Romanisin, Planning Board Secretary