

**Village of Woodbury
Planning Board Meeting
July 20, 2022**

Minutes of the Planning Board Virtual Meeting held on July 20, 2022, at 7:30 PM.

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

Representing for 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. **Approval and Acceptance of Previous Minutes:**

A motion was offered by Chairman Gerver, seconded by M. Pastel, to approve and accept the meeting minutes held on June 1, 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 E. Yan, seconded by R. Cataggio, to approve and accept the meeting minutes held on June 15, 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 M. Pastel, to approve and accept the revised minutes of the meeting held on July 6, 2022. 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 0
ABSTAIN 1 E. Yan

4. Regular Agenda:

- A. **Woodbury Villas** – Public Hearing for proposed amended site plan and ARB for the proposed relocation of the community building and parking lot within the Woodbury Villas subdivision. 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

Engineer Natalie D. Barber acknowledges there will be a future submission from the Applicant. She had no comments at this time. Attorney Barshov noted the application has gone to the Zoning Board of Appeals. Chairman Gerver thought it best to keep the public hearing open.

The Board had no questions for the Applicant. Chairman Gerver then proceeded to open the public hearing for the Woodbury Villas Clubhouse Community Building. There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by E. Yan, to extend the public hearing for Woodbury Villas Clubhouse Community Building to September 21, 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

- B. 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, asking to postpone their public hearing.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to extend the public hearing for KJ Water Treatment Facility to August 17, 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

- C. God’s Grace Ministry** - Review and discuss documents submitted of proposed site plan and special permit for change of use to include the place of worship within the shopping plaza known as Oak Clove Mall. Said property is located at 228 Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 229 block 1 Lot 28.

Present Pastor Elijah Ogunyemi

Engineer Barber began by stating the Applicant submittals; a new narrative, a description of service times, a revised application, a short form EAF, Floor space, and the number of seating (used to facilitate the number of parking spaces and water usage). She continued referencing specific points in her memo.

H2M Memo dated June 29, 2022:

- a) *Use – The attached ZBA decisions grant special permit for a “shopping center” consisting of retail and personal service shops on this lot. According to the bulk table for the HB zone and by reference, the R-3A zone, shopping centers are not permitted as of right under current zoning. Subject to confirmation by Counsel, we believe the use as a shopping center is a legally pre-existing, nonconforming condition. If this is permitted as a non-conforming use, we recommend you consider with Counsel whether the change of use to include “place of worship” could be an amendment to a prior site plan and special permit approval to add “Place of Worship” to the permitted list of uses in the Oak Clove “shopping center”.*

It should be noted, a Place of Worship is permitted in the HB Zone by Special Permit and Site Plan approval by the Planning Board.

- b) *Bulk Regulations – The applicant previously advised no changes to the site are proposed, the intention is to occupy one existing tenant space that is approximately 900-SF. We believe the bulk requirements would be regulated by a “shopping center” and are ultimately unchanged by the proposed Place of Worship. Since the use (as “shopping center”) may be existing non-conforming, it appears the subsequent bulk*

regulations may be permitted to remain as existing non-conforming. We recommend you discuss this with input from Counsel.

- c) *Parking – The Code (§310-40.A(5)) requirement for parking is “1 per 200 square feet of gross floor area or 1 per 3 seats, whichever is greater, unless this requirement places a substantial burden on the religious exercise of a person, religious assembly or institution. In such case, the Planning Board shall have discretion to determine the appropriate amount of parking under the circumstances”. The Code (§310-40.C.) further permits the Planning Board to use judgement where a combination of uses on a single lot will generate parking needs that are less than the total amount required per zoning and reduce required spaces by up to 25%. The applicant previously advised the only other use in the Center that is open during Sunday services is the Pharmacy.*

Based on your Code requirements for parking, and the information provided by the applicant, the number of seats governs the parking requirements. Sixty (60) seats require 20 spaces. According to the survey provided previously, the site has 76 (including 4 handicap stalls) available parking stalls. From, the applicant’s survey we estimate the building is approximately 10,830-SF, if the remainder of the uses are office/retail (9,930-SF), the Code requires 1 for each 200-SF of gross floor area, which is 50-spaces. The combination of uses requires 70 spaces and the site provides 76. It appears the site has sufficient parking to support the place of worship as proposed without relief or waiver. However, if you move to approve this application, we recommend you consider limiting the proposed use to this tenant space such that if another (or this church expanded) were to come before the Planning Board you could consider available parking for the expansion of the religious use.

- a) *Utilities – The applicant is not proposing any changes to existing services. Nonetheless, the applicant should complete the projected water and sewer demand form as required for a complete application. Based on discussions with the Water/Sewer Department and the Building Department it is our understanding the space was formerly occupied by a laundromat.*

Design Standards I recommend a per-unit hydraulic loading rate of three (3) gallons per day (GPD) per seat for churches and 15 GPD per employee. Based on 60-seats proposed by the applicant, an estimated 180 GPD could be realized at this space for congregants. Assuming the Pastor and two (2) other volunteers will occupy the space throughout the day, we estimate an additional 45 GPD could be generated. A total estimate for required water/sewer capacity could be 225 GPD.

Design Standards I for laundromats recommend 580 GPD per machine. Accordingly, we anticipate the proposed church will generate significantly less water and sewer demand than the prior occupant of the space.

3. *Signs – As discussed previously the applicant should provide additional information on proposed signage as follows:*

- a) *Are changes to the freestanding sign proposed?*

b) A rendering of the sign should be provided, with dimensions indicated (height, width, depth). We note a wall sign in the HB zone is permitted 20-SF of sign area. c) Upon receipt of the rendering, we recommend you consider whether the sign is compatible with the surrounding and appropriate for the architectural character of the building, as required by your Code (§310-30.D.(1)(a)). d) Per the Code (§310-30.D.(1)(e)) signs are permitted no more than two (2) typefaces and four (4) colors. The applicant’s rendering should confirm compliance.

5. *Noise – The applicant described services could include live music. We recommend you consider a condition of your potential action that if complaints related to noise are received, the applicant could be required to return to the Planning Board.*

Pastor Ogunyemi said he would stop by the Building Department to discuss signage; he just wanted to come before the Planning Board and discuss the next steps he needed to do to move forward. He is open to any recommendation the Board may have.

Chairman Gerver and Attorney Kelly Naughton said it would help if the Applicant provided a picture of the sign along with the dimensions, colors, and size of the fonts directly to this Board and consultants; that way, they can make sure it meets the requirements for the Hamlet District.

Regarding the noise, M. Pastel noted that the building faces Woodbury Diner. No residential lots are facing the Applicant. Engineer Barber pointed out the neighbor tenants alongside the Applicant, for instance, the Spa.

Attorney Naughton said there is an existing moratorium on the issuance of permits, and it was put in place by the Village Board of Trustees. As per Engineer Barber, there is no increase in water use but a decrease in use since the Building was previously a laundromat; therefore, this application would be exempt. She also mentioned providing the Board with updated part 2 and part 3 of the SEQRA short form, indicating minor impacts in water and sewer. Provided that Pastor Ogunyemi said he could provide the necessary documents to the Board within days, Chairman Gerver proceeded to schedule the public hearing.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to schedule the public hearing for God’s Grace Ministry for August 3, 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 M. Pastel, to type this as a Negative Declaration, an Unlisted Action, and declare the Board’s intent to be the Lead Agency. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

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

- D. Woodbury Townhouses** – Review and discuss plans submitted for Site Plan Special Permit, ARB, and Water Protection Overlay of proposed 12-unit Townhouse. Said property is located at 6, 8, and 10 Falkirk Avenue in Central Valley and is known on the Village of Woodbury Tax Maps as Section 231 Block 3 Lots 6.1, 6.2, and 7.

Present Attorney Jay Myrow

Attorney Myrow began summarizing the history of this application. He said the Board approved a seven-townhouse development on tax lots 6.1 and 6.2. There have been a couple of approvals and those have all laps. Since those approvals, the Applicant also purchased adjoining parcel tax lot 7, which increased the acreage of the development. He continues to say, the proposal before the Board consists of 12-unit townhouse development in the HP zoning district. He believes tax lot 7 is 1.35 acres, and it’s in the water quality protection overlay district. Attorney Myrow noted that an ARB approval may be required. He said their major issue is the shortage of acreage. According to Engineer Barber’s memo, 6,000 sq. ft is required per unit, they have 59,000 sq. ft. Acknowledging the Applicant will need a referral to the ZBA, he pointed out ZBA provisions along with codes allowing waivers of bulk requirements. He summed it up by wanting to get the application referred to the ZBA.

Chairman Gerver asked if the Applicant is looking to have a joint review between the ZBA and Planning Board or separate reviews. Attorney Myrow is willing to go with what the Board decides.

Engineer Barber referred to her memo and began by noting that since the prior approvals the definition for the law area has changed. She continued pointing out comments in her memo.

H2M Memo dated July 8, 2022:

b. Bulk –

i. Lot Area – Zoning requires 6,000-SF of lot area for each unit. Accordingly, 12-units requires 72,000-SF, the applicant’s property is 59,045-SF and non-complying. Additionally, in 2020, the Village Board of Trustees adopted changes to the definition of “lot area” in the Code (§310-2). The applicant should calculate the appropriate deductions (wetlands, areas of flooding, steep slopes, as well as “lands

otherwise unsuitable for development as determined by the Planning Board”) and confirm the net lot area of the property. With respect to “unsuitable” land for development, the Planning Board should consider whether this includes the required undisturbed riparian area defined in the WQPO (§310-31.4.F.). The applicant should revise their plan to meet Code requirements or secure relief from the ZBA.

ii. Other – The setback, coverage, and lot width criteria for this Special Permit Use are undefined in the Code (§310-7 (HB)). In 2017, associated with the previous (now expired) application you received an opinion (attached) from the Building Inspector indicating the requirements of the R-0.25A were applicable to the Use. We recommend you confirm with Counsel whether this opinion is still valid.

The applicant listed the R-0.25A requirements in their bulk table. The plan appears to be complying, although the maximum coverage is listed as 40%, where it appears only 35% is permitted, this should be revised. Additionally, the proposed coverage should be confirmed (listed as 10.97%) and all impervious surfaces for accounted for.

c. Parking – The Code (§310-40.A.) requirements for parking for residential units are two spaces per unit. The applicant proposes 12-units and 24 spaces and appears to be complying. The Code (§310-40.E.) also restricts off-street parking in the front yard of any zoning district. Accordingly, the spaces shown in the front yard should be relocated unless relief is granted by the ZBA.

d. HB Zone – Although it would appear the proposed residential use is complying, the applicant should certify compliance with the Code (§310-22) requirements for performance standards in the HB Zone.

2. Site Plan – The Planning Board is authorized under §310-45; Article VIII of the Village Zoning Code to review and act on site plans and special permits. The Code requires [§310-45.C.(1)(d)] a site plan be submitted for any application for a special permit. The Code further defines the objectives and design requirements of a site plan with specific site plan requirements under §310-45.I. The applicant has submitted a conceptual plan for you to consider their proposal, additional details shall be provided as the plan progresses. At the appropriate time, the applicant should review the requirements of the Code and identify those areas where they are requesting relief. If no relief is requested, the site plan is expected to comply with the requirements of the Code.

We will refrain from detailed comments on the site plan until the threshold issues are resolved. The following are noted for the benefit of the applicant as the application progresses.

1. Utilities –

a. Water/Sewer – The applicant proposes connection to municipal water and sewer. The Village is currently under moratorium for water supply and this application is subject to those restrictions. The capacity of both systems to support the application should be confirmed. If the connections are approved, they will need to comply with the requirements of the Water/Sewer Administrator.

With respect to sewer, the applicant should review with the Sewer Administrator whether the service connections should be combined to a single manhole prior to connection to Village facilities.

With respect to the Projected Water and Sewer Demand form submitted, we take no exception to the calculations provided. Nonetheless, we will wait to have this form executed until detailed plans are submitted and moratorium resolved.

b. Stormwater – The applicant’s EAF indicates only 0.75-acres of disturbance is proposed. This does not typically rise to the threshold of requiring the preparation of a SWPPP. However, your Code (§310-31.4.G(1)(c)) provisions for WQPO allows you to require this document if determined appropriate. As discussed below, due to the presence of floodplain, Woodbury Creek, and wetlands on or adjacent to the site, you may wish to have the applicant prepare this document to include post-construction stormwater management practices in addition to erosion and sediment controls. We note the applicant shows a potential stormwater management facility on their plan, the SWPPP would support the design of this facility to meet water quality volume and runoff reduction. 2. Lighting – A lighting plan should be provided at the appropriate time. The plan should confirm footcandles at property lines are limited to 0.1-fc. Additionally, light fixtures should be non-glare, have internal shielding and comply with IDA, LEED, or Green Globe criteria for Nighttime Friendly or Dark Sky Lighting. 3. Landscaping – At the appropriate time the applicant should provide a landscaping plan and confirm compliance with your Code (§310-27) requirements for screening and landscaping in parking areas. 4. Traffic – We defer to your traffic consultant for comments on the same.

3. *Water Quality Protection Overlay (WQPO) – The Code (§310-31.4) standards for the WQPO are appended for ready reference. As shown in the WQPO map, the applicants property appears to be almost entirely encumbered by the regulated areas of the district. The following should be considered with input from the applicant and advice from Counsel.*

1. *Mapping – The applicants plan shows: Woodbury Creek, wetland areas, and a 50- and 100-ft buffer from the creek. The limits of the surface water features should be confirmed and certified accurate via survey.*

2. *Prohibited Activities Throughout the Overlay District –*

a. *Fertilizers: The Code (§310-31.4.E.(1)(b)) prohibits outdoor storage of any fertilizers, except in protective structures approved by the Building Inspector. The applicant’s EAF indicates fertilizers will be used on site. The Code (§310-31.4.E.(2)) further requires no fertilizers may be applied in the riparian zone. Compliance with these requirements should be confirmed on the plan and/or as part of your special permit.*

b. *Snow Removal/Salt Application: The applicant should review the requirements of the Code (§310-31.4.E.(5)) for salt application and storage and confirm compliance.*

3. *Riparian Zone – The Code (§310-31.4.F(1)) requires a 50-ft undisturbed riparian zone around regulated water bodies. It further describes the 50-ft undisturbed area should be measured from the top of the stream bank of the water body, except where a wetland is adjacent to the same, and then the zone is measured from the delineated boundary of the wetland. Currently, the applicants plan shows this distance from Woodbury Creek. This should be revised to show setback from the wetland.*

Once shown properly on the map, you should review applicability under this section of the Code. The applicant should note the restrictions of the riparian zone include no vegetation removal and no land disturbance except when the following is considered and a finding made by the Board (§310-31.4.F(2)(b)[5]):

When the Planning Board has jurisdiction for review and approval of a project in the riparian zone for streams and waterbodies, the Planning Board must determine, after opportunity for public hearing, that either there is no practical alternative to realize a compelling need of the community related to health, safety and welfare of persons and property therein, which need outweighs the loss of protection to the water supply; and such land disturbance is necessary to avoid the likelihood that substantially all uses for which the property is zoned and suitable are precluded, so as to deny the owner all economically beneficial or productive use of the property, akin to a regulatory taking of the property. In its determination, the Planning Board shall consider whether the applicant has minimized proposed disturbance to the areas closest to the affected water body; the proposed use is compatible with adjacent uses; the impacts to the affected water body as a result of the proposed use is as benign as that of adjacent uses; the applicant has demonstrated there are no reasonable alternatives to the proposed development; and the proposed improvements minimize and mitigate potential impacts.

Chairman Gerver recalled the issues with this application when it came before the Board. He asked how much more of an increase in the applicant’s waiver will need. Engineer Barber did not know. M. Pastel asked if there was a Combined Sewer Overflow, noting that different municipalities have had problems with CSO in the past. Engineer Barber said the Village prohibits combining sewers, it’s separated, and there’s no connection. Chairman Gerver said he would like to know how much more of a variance the Applicant will need once the removal of the 50-ft repairing zone. Engineer Barber suggested the Applicant schedule another appearance before the Board.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to declare the Board’s intent to be the Lead Agency. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

A motion was offered by Chairman Gerver, seconded by M. Pastel, to type this as an Unlisted Action under SEQRA. 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

Attorney Myrow said he does not have enough information to fill out the application; therefore, he held off on the referral to the ZBA. He's aware that the ZBA will be looking at the Planning Board for information and answers to questions, so he instead holds off on the ZBA and tries to clear up some issues by having a meeting with Engineer Mike Morgante before going to the ZBA.

- E. Hartman/Holtzman 44 Catskill** - Review and discuss documents submitted for ARB and Ridge Preservation of the proposed renovation of existing Single-family dwelling. Said property is located at 44 Catskill High Rail in Central Valley and is known on the Village of Woodbury Tax Maps as Section 254 block2 Lot 62.

Present Designer Larry Hartman from Hartman Designs

Designer Hartman began by saying the Applicant submitted an ARB application on an existing home. There's no addition, the renovation was done inside the house, and now the Applicant would like to renovate the outside of the home to go with the inside. The Applicant has applied for permits wanting to make changes outside the house. As per the Applicant's request, the garage will go where the Dining Room is located, and by removing the garage door, they will add windows. In the rear, they will add a window. Designer Hartman said there are no proposed changes to the driveway or on the sides of the house. He mentioned the renderings he submitted showing the floor plans, pictures of the existing house, and the new proposed look.

Engineer Barber referred to her comments in her memo dated July 8, 2022.

H2M memo:

1. Zoning –

a) Use – Single-family homes are permitted in the R-1A zone and CCDOD.

b) Bulk – No changes to the site are proposed.

2. 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:

a) We recommend you consider the arrangement of doors and windows to confirm if they are satisfactory according to the requirements of your Code.

b) You may wish to consider whether photos of neighboring homes would be helpful for your review of this application.

3. 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). The nearest view corridors are County Route 105 and Route 32. Our comments on Ridge Preservation follow:

a) The applicant should confirm whether the home is visible from the view corridor for you to consider applicability under this section of your Code.

b) Non-reflective windows are a requirement of your Code (§310-13.B.4), the applicant should confirm compliance on the plan.

4. Public Hearing – At your discretion a public hearing remains to be scheduled or waived as permitted by your Code ARB (§314-8.A.) “upon determination that there is no apparent significant impact to the surrounding neighbors or neighborhood, given the mass and/or architectural features of the proposed project and that a public hearing is not necessary in the public interest.”

5. SEQRA/GML Referral – We defer to Counsel’s direction on SEQRA and GML Referral.

Chairman Gerver asked if the Applicant plans to add mullions on the new windows, and Designer Hartman responded that it is not currently proposed.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to waive the public hearing for Hartman/Holtzman 44 Catskill based on no substantial impact on the neighborhood. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

Attorney Naughton said this application is exempt from the moratorium since they do not result in any additional uses or increase in water use. Therefore, the Board can proceed with this being a Type II Action. Since the Board waived the public hearing, the only thing the Board will be waiting on will be the results of the GML 239.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to type this as a Type II Action under SEQRA for Hartman/Holtzman 44 Catskill. 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 M. Pastel, to authorize counsel to draft the Resolution of Approval for Hartman/Holtzman 44 Catskill. 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

Chairman Gerver brought up Engineer Barber’s comment in her memo regarding the requirement of having non-reflective windows. Designer Hartman acknowledged it and said those notes would be on the plans as discussed. Chairman Gerver asked that the ARB be updated with the manufacture of the windows. Designer Hartman said he’ll do so. M. Pastel asked about siding due to the change of the garage door. Since the door will be changed out, Designer Hartman acknowledged they would use the same siding the home currently has and submit the information on colors and materials to the Board as soon as possible.

- F. Stein/Vanderbilt ARB** - Review and discuss documents submitted for ARB and Ridge Preservation of proposed renovations and addition to include conversion of garage to living space, deck, and pool enclosure. Said property is located at 21 Vanderbilt Drive in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 245 block 1 Lot 102.

Present Applicant Yitzchok Stein

Mr. Stein said there are two things he would like to do. The first is converting the garage into the dining room, and the second is at the back of the house there's a pool he would like to enclose and make a pool house.

Engineer Barber asked that Mr. Stein confirm a few things. She wondered if the proposal included demolishing and reconstructing the front and rear decks. Mr. Stein said yes. Engineer Barber referred to her memo dated July 8, 2022, and referenced her comments.

H2M Memo:

- 1. Zoning –*
 - a) Use – Single-family homes are permitted in the R-2A zone. Accessory buildings are permitted by Code subject to certain conditions as follows:*
 - i. (§310-11.C.) An accessory building or use may be permitted only in a rear yard. Applicant complies.*
 - ii. (§310-11.D.) Accessory structures shall be limited in size to no greater than 1,500-SF. Pool House is approximately 1,479-SF and complying.*
 - iii. (§310-12.C.(3)) A detached accessory building occupying not more than 25% of a required yard and set back from any lot line ½ the height of such accessory building but in no case less than 6-feet. Applicant to confirm compliance with 25% requirement.*
 - b) Bulk – In order to consider the changes to the existing layout of the home and accessory structures, the applicant should submit a complete survey of the existing property, including all existing impervious surfaces, existing landscaping, and the existing footprint of the home and decks with areas noted.*

Further, as required by your Code (§A314-7.C.(1)), a complete plot plan must be submitted. The plot plan should note the footprint of any new or renovated structures, with setbacks from property lines. The plot plan should include a bulk table identifying existing and proposed coverage, as well as required setbacks for the R-2A zone for you to confirm compliance.

- 2. 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:

- a) The applicant should provide photographs of neighboring homes for you to compare this home and proposed modifications to others.*

- b) *Further we recommend the applicant provide floor plans and photographs of the existing home for you to consider whether the changes proposed are appropriate in relation to itself.*
- c) *We note the renderings do not appear to match the existing layout of the site (driveway location and sidewalk). Additionally, the renderings show significant grading along the southern façade. As mentioned above, the Code (§A314-7.C.(1)) requires a plot plan, which should include existing and proposed grade lines at foundation walls. This would be helpful to confirm the features of the site as proposed are appropriate.*

3. Ridge Preservation – This property ranges greater than 700-ft above mean sea level (AMSL) triggering your review under the Code (§310-13) requirements for Ridge Preservation (threshold 600-ft AMSL). The nearest view corridor is County Route 105. Our comments on Ridge Preservation follow:

a) The applicant should confirm whether the home is visible from the view corridor for you to consider applicability under this section of your Code.

b) Non-reflective windows are a requirement of your Code (§310-13.B.4), the applicant should confirm compliance on the plan.

c) The applicant provided the required ARB form and the plans note the colors and materials of the existing home will be matched. The ARB form notes the siding and windows are proposed to be white, which is not acceptable per your Code (§310-13.B.(2)). Nonetheless, the Code further permits the Planning Board to permit the use of non-natural building materials where the existing originally approved structure consists of non-natural materials. We recommend you confirm the applicant's intention to construct the covered decks and pool house to match existing colors of the home.

d) The ARB form indicates the shingles (covered deck and pool house) are blue. The applicant should confirm the color of the existing shingles on the home. The Code (§310-13.B.(3)) requires earth tone or neutral colors, including dark grey and black, that naturally blend with the tree cover. We recommend you confirm whether the proposal is consistent with the requirements of your Code.

e) The Code (§310-13.B.(5)) indicates "To the greatest extent practical, every attempt shall be made to limit the amount of cutting and removal of trees..." It further requires, "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 safety..." The applicant should show the existing trees, and note those greater than 8-inch diameter, on the survey and identify what is to be removed as part of their proposal.

4. Public Hearing – At your discretion a public hearing remains to be scheduled or waived as permitted by your Code ARB (§314-8.A.) "upon determination that there is no apparent significant impact to the surrounding neighbors or neighborhood, given the mass and/or architectural features of the proposed project and that a public hearing is not necessary in the public interest."

5. SEQRA/GML Referral – We defer to Counsel's direction on SEQRA and GML Referral.

R. Cataggio pointed out that the demolition and construction of the decks have already been done. Attorney Naughton said the work is being included in the application to bring it into compliance, but the Board has to consider the application as if the work has not been done. Chairman Gerver asked if Mr. Stein received the H2M memo and Mr. Stein confirmed receiving it and is currently addressing all the comments. He said he will need 2 weeks to get everything done. He had a few questions about some of the comments.

iii. (§310-12.C.(3)) A detached accessory building occupying not more than 25% of a required yard and set back from any lot line ½ the height of such accessory building but in no case less than 6-feet. Applicant to confirm compliance with 25% requirement.

Chairman Gerver and Engineer Barber were able to address his question in order for him to make an accurately updated submission.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to reaffirm this as a Type II Action under SEQRA for Stein/Vanderbilt ARB. 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

Mr. Stein confirmed he will have the necessary documents submitted in 2 weeks.

G. Local Law # 5 – Referral of Local Law # 5 from the Village Board entitled “A Local Law Continuing the Moratorium on Certain Permits, Certificates of Occupancy and Approvals.”

Chairman Gerver pointed out Woodbury is currently under an outdoor use water restriction. It’s confusing to allow exemption when there’s no water. Attorney Naughton said the water restriction is for filling up the pool or using the sprinklers. Once the Water and Sewer Superintendent lift the restrictions but going forward it will still fall back on the Village Board of Trustees and the Trout Brook Wells, which they have been working on due to the lack of water in the Village. Attorney Naughton continues to say that the Board adopted this local law but is required to refer to the Planning Board. She reminded the Board there are two additional exemptions for those applications that are not impacting the use of water. The Village Board of Trustees also adopted a resolution for a hardship waiver and is considering other options during the public hearing to try and add things to the resolution.

M. Pastel pointed out that if your use of water is from Harriman it wouldn’t impact Woodbury. Attorney Naughton said if that municipal connection is in place, and the proposed use is no greater usage then that’s fine. She said this version of the moratorium is to catch those waiver requests that are pending before the Planning Board. M. Pastel referred to Orange County’s question of whether 6 months is enough. Attorney Naughton noted that Orange County’s question(s) was brought up at the last public hearing with the Trustees; the Trout Brook well may not be online until early 2023, so 6 months may not be enough but there is the ability to extend the moratorium another 6 months.

Engineer Barber had some recommendations, though during the discussion they seem to have been addressed.

H2M Memo dated July 8, 2022:

Recommendations/Information –

- 1. The two new exceptions proposed are (1) for architectural review applications that do not result in additional uses or increased use of water and (2) applications with an in place municipal or private water supply connection and no changes in use are proposed to increase the water.*
- 2. We recommend you consider whether any other exceptions could be appropriate based on your recent review of applications.*
- 3. We recommend you consider whether the hardship waiver process which was adopted as an amendment to Local Law 9 of 2021, should be included as part of the proposed Local Law No 5 of 2022, or if another amendment will be required to allow this process to continue.*

Chairman Gerver suggested having the option to waive the public hearing, just like the Planning Board has when it pertains to ARB, or adding a condition to the Resolution of Approval. This way the Applicant spends less time going back and forth between the Boards. He gave examples using recent applications. Attorney Naughton took note of that suggestion for the Trustees.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to have the Council submit the Planning Board’s recommendations to the Village Board of Trustees.

ADOPTED

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

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by E. Yan, to adjourn the meeting at 8:51 PM.

ADOPTED

AYES 4
NOES 0

Chairman Gerver, R. Cataggio, M. Pastel, E. Yan

Claudia Valoy-Romanisin, Planning Board Secretary