

**Village of Woodbury
Planning Board Meeting
September 21, 2022**

Minutes of the Planning Board Meeting held on September 21, 2022, at 7:30 PM.
(Meeting held via Zoom)

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

Representing for the Village of Woodbury Planning Board:

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

Board Member(s) Absent: None

Chairman Gerver opened the meeting with this statement. "The Board has determined that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting." The Chairman then continued with the Pledge of Allegiance.

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

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to approve and accept the revised minutes of the meeting held on August 17, 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

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to approve, and accept the revised minutes of the meeting held on September 7, 2022. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

4. Regular Agenda:

- A. **UPS Store/Woodbury Pharmacy** – Review draft decision for proposed interior alterations to the Woodbury Pharmacy to allow for the use of 400 square feet of existing floor area to be utilized as a UPS Store. Said property is located at 535 Route 32 in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 219 Block 4 Lot 4.2

Present the Applicant Irene Ishak.

The Board confirmed and reviewed the draft Resolution of Approval ARB for UPS Store/Woodbury Pharmacy. After several pages of facts and findings, the Chairman began to read the Specific Conditions.

SPECIFIC CONDITIONS

1. *No building permit shall be issued authorizing construction of a structure, or internal building*

development, inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board as part of this approval, nor shall any Certificate of Occupancy be issued for any structures constructed except in conformance with such renderings. Any deviation from such renderings will require further Planning Board and/or Building Inspector review, as the Zoning Code requires.

2. *All light levels must be limited to 0.1-foot candles at the property line so no offsite glare will result. The fixtures shall meet IDA, LEED or Green Globes criteria for Nighttime Friendly or Dark Sky lighting. Any wall pack fixtures shall include non-glare shields. The Applicant's freestanding sign will be backlit in whole or lit using the existing floodlights. A timer shall be installed to turn the sign lights off on or before midnight of each day.*
3. *All deliveries, drop-offs and pick-ups shall occur in the rear of the building where deliveries occur for the Pharmacy.*
4. *Prior to the signing of the plans, the Applicant shall comply with the memorandum of the Village Engineer dated August 30, 2022, to the satisfaction of the Village Engineer.*

Attorney Kelly Naughton read a bold section in the draft resolution and noted that the document it entails has been signed and circulated by Engineer Natalie Barber; therefore, the bold will be removed.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to accept the counsel's draft Resolution of Approval UPS Store/Woodbury Pharmacy. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

- B. Woodbury Villas – Continuation of Public Hearing** for proposed amended site plan and ARB for 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 Steve Barshov, Engineer Jay Samuelson, and Designer Larry Hartman from Hartman Designs

Engineer Samuelson noted their last appearance before the Board was early August 2022, and it was decided that a variance was needed from the Zoning Board of Appeals. The variance was granted last week, bringing the Applicant back to the Planning Board for the public hearing regarding the relocation of the clubhouse building and amenities.

Engineer Barber said the Applicant received a variance to permit 47 coverage where the code allows 20. The Applicant was asked to note that variance in the plans. She then referred to her comments in her memo.

H2M Memo dated September 16, 2022:

1. Zoning –

a. Use – (Informational) 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 – Sheet C-101 of the applicant's plan lists the bulk requirements of the R-1A zoning district and their intent to comply with the same. We note the footprint of the community center building appears to be within the permitted building envelope, however, the renderings (birds eye view and colored rendering with materials) show an awning extending into the front yard which would require relief from

the ZBA. The applicant should confirm whether an awning is proposed in this area and revise their materials for consistency.

c. Coverage – On September 14, 2022, the applicant received a variance from the ZBA for 47% coverage where 20% is permitted in the R-1A zone. You may wish to discuss whether any changes were made to the plan to reduce the overall coverage since the applicant's last appearance. Additionally, we recommend the applicant include a note on the plan indicating the date and variance received from the ZBA.

d. Parking – (Informational) The number of driveway entrance and parking stalls are unchanged from the prior approval. Parking stall dimensions and requirements for handicap stalls appear to meet your typical criteria.

2. Site Plan –

a. Utilities

i. General –

1. A revised Projected and Water Sewer Demand Form was provided by the applicant. We have the following comments:

a. List the sewer connections on the form.

b. Confirm source for unit hydraulic loading rate (10GPD/person) for the community center.

c. Applicant should confirm (4x) multiplier for domestic maximum daily demand, this appears to be overly conservative.

d. We recommend the applicant provide justification for the estimated fire sprinkler flows. Prior estimates (June 2021 submittal) provided calculations supporting approximately 485 GPM versus 7,267 GPM currently indicated.

e. Applicant should revise the supporting calculations that indicate the total average daily demand is 9,887 GPD.

2. The applicant's plan has been revised to show water and sewer facilities primarily within the applicant's property which eliminates many easements that would have been previously considered necessary. However, the forcemain connection extends through Lot ME178 and the water service connection extends through UE-OPJ-2. Sheet C-104 of the applicant's plan shows proposed easements including relocated drainage easement UE-HOA-F2 and new easement for forcemain. The applicant responded to our prior comments on easements in their response letter dated August 30th. We defer to Counsel on the applicant's response, Page 3, item 2.d. and offer the following to consider:

a. We recommend you review with Counsel, whether an easement is required for the water service that extends through UE-OPJ-2.

b. We recommend you review with Counsel what rights, responsibilities, and ultimate beneficiary of the proposed easements should be designated.

c. The applicant should show the utilities within the easement areas so they can be confirmed on-center.

d. For new easements, metes and bounds should be identified on the plan and descriptions submitted for confirmation. We defer to Counsel on any other information required.

ii. Water –

1. According to the original subdivision plans, the clubhouse is in an area requiring pressure reducing valves serving individual homes and facilities. The applicant should consider this in their plans.
2. The applicant's Engineer should confirm the proposed service connections and existing infrastructure could meet the required fire flows.
3. Applicant should note the required separation distances from water facilities per Ten State Standards on the plan.

iii. Sewer – The revised plans show two 8-inch sewer service connections to the proposed buildings that empty to a proposed pump station on the applicant's property that is proposed for pumping to an existing manhole part of the 8-inch gravity sewer that drains through to Julien Court. We have the following comments:

1. The applicant's recent correspondence indicates a virtual guard booth is proposed at the Nininger entrance in lieu of full-time occupied. We defer to Counsel if this requires an amended approval or further consideration by the Planning Board.
2. The applicant advised, ownership and maintenance of the pump station, forcemain, and gravity sewer to the pump station will be the responsibility of the HOA. We recommend this be included as a condition of any action you take.
3. The applicant provided a profile for the forcemain on Sheet C-201 we have the following comments:

- a. Show existing water main crossing on profile and confirm separation distances.
- b. Provide slope of forcemain.

4. The original subdivision plans require cutoff walls for all trenches with slopes as follows:

- 6-8%, every 200-ft
- 8-10%, every 100-ft
- > 10%, every 50-ft

This is relevant in at least two instances on the current plan and we recommend the requirement be noted on the applicant's plans.

iv. Drainage – We have reviewed the drainage report prepared by Engineering & Surveying Properties, dated August 29, 2022, which provides information on the downstream drainage impacts created by the proposed clubhouse as well as the revised drainage plans. We have the following comments:

1. We note swale and check dams have been added along the eastern shoulder of the proposed emergency access. The applicant should provide a detail for the swale and check dams.
2. The table included on page 2 of the report notes the revised Drainage Area 6 is 51.73 acres. Attachment 6 of the report indicates a total area of 57.71 acres. The applicant should revise the report to eliminate this discrepancy.
3. The applicant provided plans for the community center and included revised outlet control structures for Pond 6 and Pond 7. The applicant should also provide the full modeling report (pre and post), including the control structure modeling, to confirm that the results indicated in the report are consistent with design.
4. Attachment 6 of the report notes changes in cover and subcatchment areas based on the revised community center layout. The changes to cover were all noted as Type D Soils. This is inconsistent with the original SWPPP indicating portions with Soil Type B. Applicant should confirm soil types and update modelling as needed.

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

i. We previously recommended the existing soil conditions be reviewed by a licensed geotechnical engineer and their reasonable requirements incorporated in the plan due to this area having been used as a location for soil deposition during construction. The geotechnical report provided notes confirmation of compaction is necessary for construction of the community center facilities, or the fill will need to be removed and rebuilt in controlled lifts or densified using deep dynamic compaction. The applicant should discuss their plan of action and note the same on the plan. If the Planning Board chooses to act on this application, we recommend a condition requiring compliance with the recommendations in report prepared by Kevin Patton, PE, dated December 1, 2021.

ii. The applicant provided certified design calculations and plans for the proposed onsite retaining walls. We have the following comments:

1. Fall protection is required for all retaining walls greater than 30-inches in height and located within 3-ft of a walking surface. The plans provided indicate several different treatments for the tops of walls. The applicant should clearly indicate what measures for fall protection are proposed where.

2. The general notes for design and quality assurance on the engineered plan require additional testing, inspection, and design recommendations by a geotechnical engineer and qualified field technician. If the Planning Board chooses to act on the application, we recommend a condition of your action requiring strict compliance with the recommendations and notes indicated on the engineered plans by Robert Race, PE, last revised July 26, 2022. You may also want to include a condition requiring qualified engineer or technician be present on site, at the applicant's expense, to provide recommendations and reports as required by the engineered plans referenced above. Reports and recommendations shall be submitted to the Building Department during construction.

iii. As noted for similar applications with retaining walls, the original subdivision approval for WP3 contains provisions for grading and retaining walls for which we have the following comments:

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

a. Proposed grading may not exceed 3:1 slopes i.e., a mowable condition. The applicant indicates the plans are revised to meet this requirement; we recommend this also be a note on the plan.

b. The original subdivision approval for WP3 requires retaining walls be constructed with natural field stone or as amended by the second resolution of approval (Specific Condition No. 5) if there is not sufficient natural stone, then "premanufactured masonry units shall be Rockwood Classic 8, color No. 10 (Cliffside Brown)", and (Specific Condition No. 6) required use of any other stone requires Planning Board approval. Applicant has confirmed their intent to use Diamond Pro PS that is a similar sized modular block that comes in a color (Bella Blend) similar to Cliffside Brown. You may wish to see a comparison sample to consider this request. If you choose to approve a different material, we recommend this clearly be noted in your action.

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

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

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

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

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

We recommend you consider the above in your review of the application.

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

i. The applicant included hours of operation on their plan, noting 7A-IOP. You may wish to consider restrictions on lighting or to require security lighting after hours, such as a condition “General lighting shall be reduced to security levels after operating hours”.

ii. We recommend a condition of your action as follows: “Site lighting shall be designed with non-glare fixtures, which provide internal shielding to eliminate off-site glare. The fixtures shall meet IDA, LEED or Green Globes criteria for Nighttime Friendly or Dark Sky lighting. Any wall pack fixtures shall include non-glare shields.”

iii. As discussed during the applicants last appearance, modest light spillage could be permitted along the western property line that abuts the open space parcel. However, the applicants plan now shows spillage along the eastern property edge of the property onto residential lots. We recommend the applicant revise the lighting in this area to conform to your typical requirement of 0.1-fc at property lines.

iv. The location of plantings along the eastern property line are proposed for screening the adjacent residence, however, there are a number of existing utilities and easements in this area. The applicant should confirm the location of plantings are not directly atop the utilities for which if maintenance was required in the future would ultimately need to be replaced.

v. We recommend you include as a condition of your action: “All new plantings shown on the plans, or as required or authorized by this Resolution of Approval, shall be planted in a timely manner consistent with planting seasons and maintained in a healthy and vibrant condition in perpetuity.”

g. ARB/Ridge Preservation – The applicant provided renderings, elevations, material board, photos of the site, surrounding area, and from the view corridor 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. There are inconsistencies among the colored renderings and architectural elevations that should be confirmed, including cupola, awnings, material locations, etc.

2. We recommend you consider whether a rendering for the pool house should be submitted.

3. We recommend the approved materials and colors for retaining walls and fencing be listed on the ARB form.

4. At your last meeting you requested the applicant confirm a matte finish to the standing seam metal roof, which should be listed on the form.

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 – We recommend you consider the materials submitted by the applicant with respect to 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 if this is appropriate.

2. 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 notes this requirement on their architectural sheets, but you may wish to include this as part of your action.

Engineer Barber mentioned the swimming pool facility. She asked if the Applicant would consider extending the fencing so that the visibility of the pool facilities can be managed. Chairman Gerver noted there was a previous discussion on the emergency access road. The access road was going to be permeable pavers; he questioned why it was presented to the ZBA as asphalt. Engineer Samuelson said changing the emergency access drive to permeable pavers did not reduce the percentage of impervious below any threshold that would not require the variance, so they proceeded as they originally had planned. The Applicant wishes to keep the asphalt.

R. Cataggio asked what the total number of homes would be once the development was finished. Engineer Barber said 451 for the subdivision. For verification, R. Cataggio wondered whether the number of residents would be about 1,500 to 2,000 residents once completed. Engineer Samuelson agreed, considering 2-3 per household. Looking at the pool and basketball area, he feels the parking lot, which has 35 spaces, would not be able to accommodate the number of residents. He said he had driven up to the emergency access to get a better look and became concerned with what he saw and asked if one of the amenities could be removed. Since the parking spaces are to accommodate six amenities: the swimming pool, tennis courts, and basketball court. Engineer Samuelson said the amenities required were the same amenities that were approved. On the approved plan, there are 51 spaces. The Town of Woodbury owns the adjacent open space parcels, so they are limited to adding more parking spaces. During the discussion, Attorney Naughton noted that it's essential for the Board the use impermeable pavers for the access road. Attorney Barshov said they would look into it.

T. DeLuca asked a question regarding the guard house, and Chairman Gerver noted that it was discussed before that the Applicant would separate the clubhouse from the guard house. The guard house will require an amendment to the original approval of WP3.

R. Cataggio said he was puzzled on how this being such a large community, the Board hasn't heard anyone from the community speak about the recreation facility and its amenities. He asked if the community/homeowners were informed of what was happening. The Chairman and M. Pastel said that all of the community might just trust their representatives to speak for them. Attorney Naughton added that there's no requirement in the code that mailings be made for this public hearing, just a requirement for publication which the Building Department does. Designer Hartman said he lives within the community and has spoken to the families in the community, and they are super excited. A 3-D circular has been circulating for everyone to see, and they can't wait for it to be finally built. He continues to say that the families that have purchased are stipulated as part of the HOA commitment. R. Cataggio reiterated his concern since he doesn't want people parking on a narrow street.

There were no additional comments; therefore, Chairman Gerver opened the floor to the public for comments regarding Woodbury Villas.

Mr. Joe Zlata stated he is a resident in Woodbury Junction and disagreed with Designer Hartman’s statement that people know what is going on there. He said he hadn’t received any communication or plans related to the recreational center from the developer, HOA, or neighbors. From what has been said, he’s aware of the separation of the gatehouse and recreation center but feels there have been many misstatements made in the June meeting that he has brought to the Board’s attention and wishes to make it public record. He continued to say that the gatehouse has always been intended to be manned and be the main entrance, while the entrance on the Dunderberg Road was supposed to be gated only. Addressing R. Cataggio’s comment about seeing some security cars, he said that’s the extent of security. Those cars are parked there Friday evenings and especially during holy days. He said a security vehicle drives throughout the community during holy days and, on occasion, some Friday nights. Mr. Zlata referred to Mr. Barshov, stating “they were considering virtual security.” He said he doesn’t know who “they” are, and he’s sure Mr. Barshov is not referring to the residents or the HOA since there has been no communication. There hasn’t been any HOA meeting or issued financial statements. Mr. Zlata referred to R. Cataggio’s previous question about whether the HOA was aware of what was going on and if the Applicant could provide a letter from the HOA President to confirm communication between the HOA and developer. He said the HOA consist of three members that the developer assigns. He said the HOA is not acting in the best interest of the residents. He said he agreed with Mr. Barshov that the community center had been revisited due to the change in demographics. He said it was talked about potentially having 2,000 members in the community. He said that due to the homes that are larger than the maximum size allowed in the development and large families in those homes, 2,000 members is an underestimated number. He thinks that the change in demographics changes the surroundings. Mr. Zlata agrees with Designer Hartman that all those provisions are stated in the offering plan, filed with the attorney general, and no changes can be made without an amendment. He addressed that in the last meeting, M. Pastel asked the Applicant to provide history on this application to get up to speed. He wasn’t sure why new members weren’t provided with such information when he had packets of information on meetings and resolutions on this project since 2007. Mr. Zlata continued to mention what HOA has little to no control over in the development and what has yet to be completed, and what’s approved was originally for a smaller population in that development, for instance, the Senior Recreation Center. He asks that people look over the information, ask questions, check the facts, and make sure what is being requested is understood. He believes that what is being said is not necessarily true. He finished by stating that his concerns were also sent in an email for it to be known.

Chairman Gerver thanked Mr. Zlata for this feedback and corrected him on one of his statements regarding the representatives of this project. Mr. Zlata said the present representative of this project represents the developer, not the community's residents. He feels that the HOA committee should be in these meetings, but they are not. Understanding Mr. Zlata’s frustration, the Chairman said the Board could not enforce or make the HOA do anything. HOA is a private organization within a development. He explained that the Planning Board’s duty is to make sure that the zoning, site plan(s), and codes are followed with the advice of their engineers and council.

To address Mr. Zlata’s comment, M. Pastel stated that he received a summary from Engineer Barber and is up to date with the history of this project.

The Board agreed to keep the public hearing open until the Applicant provides revised submissions and addresses Engineer Barber’s comments.

A motion was offered by Chairman Gerber, seconded by M. Pastel, to extend the public hearing to October 19, 2022, for Woodbury Villas. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

- C. **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.

A continuance was requested. They are still waiting for feedback from the New York Department of Health and Orange County Department of Health on some outstanding issues. Attorney Naughton has followed up on this matter and said the

Applicant had applied to the Department of Health. She said the Applicant received comments about five weeks ago and is now trying to coordinate getting responses.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to extend the public hearing to November 16, 2022, for KJ Water Treatment Facility. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

NOES 0

- D. **God's Grace Ministry** – Review and discuss draft decision for 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.

This application was placed on hold due to the negative balance in their escrow account, therefore, the Applicant was removed from tonight's agenda. M. Pastel noted that the non-conforming sign is still up. Chairman Gerver said the Building Inspector issued a violation, but as a condition of that violation to the Applicant, they are to appear before the Board to make right.

- E. **Shops at Woodbury/Bldgs 7/8 ARB** – Review and discuss proposed site plan and ARB for buildings 7 and 8 located within the Shops at Woodbury Shopping Center. Said property is located on Locey Lane and is known on the Village of Woodbury as Section 225 Block 1 Lot 34.1 & 34.22.

Present Applicant Aaron Goldklang, Engineer Steve Esposito, Engineer Kevin Van Hise, Architect C. Dietz, and Engineer Ashley Harkness.

Chairman Gerver stated that this Board would not participate in any modification in the approved site plans that was already agreed upon eighteen months ago. If there were any plan changes, he would request that the representatives of the Applicant rendezvous and then come before the Planning Board on different terms.

Engineer Barber began by saying that there are some changes on the plan that are not supposed to be there, so she suggested that the Applicant, as well as those representing, go back and clarify what was approved and what is to be requested as a change. She continued referencing her comments on the H2M memo dated September 19, 2022.

H2M Memo:

Review of Submitted Materials – Since this is an amendment to a previously approved site plan we have prepared our comments to address changes that were made from the prior approval and discuss new elements of the plan.

1. Amended Plan Review/ Pad Specific Changes – This is your first individual pad site review for the Shops at Woodbury development. Accordingly, we believe it would be helpful to outline some criteria that could benefit the review process for you, the applicant, and your consultants:

a. The applicant should only provide information needed to review the specific pad site. For example, the current submission includes a number of changes associated with the hotel use. Those changes are not relevant for the Planning Board's current review and can create confusion in the eventual approval documents. Any information that is not specific to the current pad site should match the original approval until such time as that site is before the Planning Board.

b. We recommend the applicant remove any construction details from the current plan that are unchanged from the prior approval and instead include a note on the plans indicating “Contractor to comply with details from plan set titled “xxx” dated “xxx” and approved by the Planning Board on “xxx”.” If new details are proposed or modifications to a previously approved detail are required, those should be included on the plan with note indicating which detail is superseded or if new, where the feature is specifically proposed.

2. Phasing – Per the original approval, Phase 1 is to consist of the grading and utility installation. Phase 2A includes the construction of Building 7 & 8, as well as Building 1 & 2. Some of the plan sheets that are submitted would be specific to Phase 1 improvements, i.e., demolition plan. However, a demolition plan could be relevant if the infrastructure improvements were installed and then changes were required based on individual site plan review. The applicant should confirm their intent to comply with Sheet C7.1 of the original approval “Erosion Control and Construction Sequence Plan – Phase 2A” and include this in the current submittal noting changes as needed specific to Building 7 & 8. Additionally, you may wish to discuss the applicant’s schedule for submitting Building 1 & 2 site specific plans to complete this phase.

3. Zoning –

a. Use – Commercial Center is a special permit use in the IB Zone. The IB use table references the HB Zone table for uses allowed within a commercial center and includes retail uses. Fast food restaurants are permitted in the zone provided they are part of a commercial center. The applicant’s designation for uses (i.e., Building 7 as fast food and Building 8 as retail) is unchanged from your original approval, however, the areas designated to each are modestly changed.

Building	Area from Prior Approval (SF)	Area from Current Proposal (SF)	Net Change (SF)
Building No. 7	2,210	2,300	+ 90
Building No. 8	11,110	10,932	- 178
Total	13,320	13,232	- 88

This change has modest impacts to the plan parking requirements and water and sewer demand, as discussed below.

b. Setbacks – Changes to the building footprint do not appear to have any impacts on required setbacks.

c. Coverage – The proposed impervious coverage is changing as part of this specific proposal.

i. Many of the landscaped areas along the front of the building are being converted to hardscape. We recommend the plan be revised to clearly identify what will remain landscaped, either by hatching or note.

ii. The degree of change in coverage remains to be confirmed once the hotel layout and information is removed from this plan. It should be noted the ZBA granted a variance to allow up to 76% lot coverage for the site. Accordingly, this may not be exceeded without additional variance. The site plan notes on Sheet C3.0, indicate impervious surface area is proposed 7.4-acres, which would appear to result in 76.6% coverage. Applicant to confirm the change in coverage and revise calculations as needed.

d. Parking – The applicant should review and revise the proposed parking calculations for changes specific to this site and without changes to the hotel. The original approval considered parking requirements for restaurants on an assumed percentage of customer service area (CSA) (65%). If the CSA information is known, the applicant should provide a floor plan to justify the parking counts. If not, based on the change in area designated to the fast-food restaurant it would appear two additional spaces are required, applicant to confirm. Additionally, if the Planning Board agrees to the change, Specific Condition No. 7 of the original approval should be amended to reflect the permitted number of seats for Building No. 7. Where parking stalls are proposed or removed from the original approval, it would be helpful if the plan highlighted the changes for your consideration. The applicant

should confirm the newly proposed concrete bumpers (rear of Building 8) do not require an extended parking stall to fit a typical car, SUV, or truck.

Site Plan –

a. Utilities – There are a number of proposed utility changes shown on this plan since the original approval. We recommend the applicant provide a conformed utility set for the overall site if the Planning Board acts on this approval. We have the following comments on specific utility changes:

i. Projected Water and Sewer Demand Form – Applicant should provide the supporting calculations for the demand summary listed on Page 1 of the form. All services should be listed in the table (only 2 sewer services are listed where 6 are proposed). It should be noted on the form that water supply will be by Harriman. The project name should indicate Building 7 & 8. Finally, the change in demand since the original approval should be clearly noted in the applicant's calculations, demonstrating a net increase/decrease based on use allocations.

ii. Water – Water for the site is provided by the Village of Harriman. All changes to water facilities should be reviewed by Harriman and consent to the final plans for signature should be provided by Harriman prior to plan signing as a condition of your potential action. While we primarily defer to Harriman's comments on this utility, we offer the following for the applicant to consider:

1. The applicant should consider two 45-degree elbows in lieu of the 90-degree bend at the southern corner of Building 7.
2. Only one connection (fire and general) to Building 7 & 8 pad site is proposed, versus one for each building. Applicant to confirm this is the intent.
3. Separation distances between water and drainage and sewer facilities should be confirmed by the applicant. We note changes to the sanitary lateral to Building 7 grease trap and drainage facilities warrant confirmation that required separation distances per regulatory requirements are adhered to. As such, we recommend the applicant provide a utility crossing plan noting the separation distances at all crossings, similar to that provided as part of the original plan approval.
4. The location of the hydrant near Building 7 is changed. This change should be reviewed by the ESO's and confirmed acceptable.
5. Further, per Specific Condition No. 22 of the original approval, the location of sprinkler rooms and standpipe locations shall be reviewed and confirmed satisfactory by the ESO's.
6. The profiles that are provided reference stationing that is not apparent on the plan, applicant to provide stationing to confirm relation to profiles.

iii. Sewer – We have reviewed the sewer plan for on-site facilities and we have the following comments: 1. Provide grease trap invert IN on SMH-C4. 2. At a minimum, clean-outs should be provided at all sewer bends. 3. Village Code (§253-44) specifies sizing, monitoring, and maintenance requirements for grease interceptors contributing to the Village's collection system. The applicant should review the Code and prepare a monitoring/maintenance plan for review with the Sewer administrator. Implementation and tracking of the plan shall be the responsibility of the applicant. Sizing for the grease trap should be confirmed by the applicant and justification provided for your review.

iv. Drainage – We have reviewed the drainage plan for on-site facilities and we have the following comments:

1. We recommend a condition of your potential action that requires "All stormwater must flow unrestricted to drains, and no ponding or areas of ice development shall be created."
2. Where possible we recommend all inlets be located along a curb (i.e., CB-13, CB-55, and CB-58).
3. The structure table on Sheet C5.0 requires revision as follows:

- a. *CB-13 lists two invert OUTs, where one should be IN.*
 - b. *CB-14 is listed with an invert IN, where it should OUT.*
 - c. *Applicant should confirm a sump for the water pits are no longer proposed for entry to DMH-30 that no longer lists an invert for this feature. Confirmation this feature may be removed should be provided by the Village of Harriman.*
4. *Applicant to confirm pipe slopes noted on the drainage plan C5.0. We recommend all be verified, but note the following require revision: CB-13 to CB14, CDS#3 to MDH-49, and CB-56A to CB56.*
 5. *Where feasible we recommend roof leader connections be connected to catch basins versus direct to pipe.*
 6. *Reinforced concrete pipe (RCP) was previously proposed between CB-53 to DMH-50 and DMH-50 to CDS#3. Applicant should provide justification for the change in material and confirm why RCP is no longer needed.*
 7. *The applicant should demonstrate compliance with the previously approved SWPPP (drainage areas, CDS structure changes, pipe sizing calcs) and provide an amendment for the impacted areas.*

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

- i. *Additional spot elevations should be provided where accessible ramps are proposed to confirm compliance with ADA requirements.*
- ii. *Applicant to show RIM elev's on grading plan for: CB-54A, CB-56A, CB-05, CB-53, DMH-50, and SMH-C4.*
- iii. *Structure table and RIM elev vary among Sheets C4.0 and C5.0 for DMH-48, CB-56B, SMH-C2, SMH-C3, and SMH-D1 – applicant to confirm.*

c. *Signage –*

i. *Tenant – We have the following comments on architectural and/or tenant signage proposed:*

1. *According to Specific Condition No. 10 of the original approval, "... At the time of the first individual building ARB review, the Planning Board shall have discretion to require a "Master Tenant Sign Plan". The sign plan could at the Planning Board's discretion, specify sign size, fonts, colors, etc. to create uniformity within the center. We recommend you consider whether this is appropriate.*
2. *According to Specific Condition No. 24, the rear and front access of each building shall be clearly labeled with associated building number for easy identification by ESO's during an Emergency. We recommend the applicant submit proposed numbering for the buildings/tenant spaces for review by the Planning Board and ESO's. We further recommend that on buildout of tenant spaces, a master plan with numbering of spaces in the Center be provided for use by the ESO's. If you agree, you may wish to make this a condition of your action.*
3. *The applicant should confirm compliance with the Code (§310-30.D.(3)) and sign illumination.*
4. *The Code Signage Table (§310 Attachment 11) permits wall signs in the IB zone have 10% of the total wall area and one per use. We have the following comments:*
 - a. *The applicant should provide the wall area and sign area of each wall sign to confirm compliance.*
 - b. *The applicant should advise whether any signs are proposed at the rear of the building. If so, this may constitute two signs per use which is more than permitted by Code.*
 - c. *The rendering for Starbucks shows four store signs and two drive-thru signs on the wall. It is not clear if the drive-thru signs count towards the maximum number of wall signs permitted, but the additional store signs use exceeds the number permitted by Code and appears to require a variance.*

ii. *Freestanding – We have the following comments on the rendering of the freestanding sign:*

1. *The lettering for the overall development indicates “Shoppes” versus “Shops”, applicant to confirm the spelling is correct.*

2. *Applicant should confirm sign design meets all anchoring, electrical, and wind load specifications per the Uniform Code.*

3. *We recommend the applicant provide a colored rendering showing the Shops title, framing, and architectural treatments.*

4. *The Code (§310-30.D.(e)) permits no more than two type faces and a maximum of three uniform colors on multitenant directory signs. However, we note the applicant’s plan shows a number of branded signs and exceeds the Code permitted number of colors. The Code (§310-30.D.(e)) provides the Planning Board the authority to modify the permitted number of colors where the colors are not deemed distracting to drivers. The Code does not provide Planning Board discretion related to fonts and the applicant should discuss their intent to comply.*

5. *The Code Signage Table (§310 Attachment 11) permits freestanding multitenant directory signs in the IB Zone have a maximum area of 200-SF. The Code (§310-30.D.(2)(c)) further provides the following in determining sign area:*

[1] The area of supporting framework, if any, such as brackets or posts, shall not be included in the area if such framework is incidental in the display. Accordingly, the area of one side of the sign is (168-SF + 12- SF) 180-SF.

[2] Two-sided signs under 18-inches in width having identical messages on each side of the sign shall be calculated by the computation of the area on one side. The proposed sign is greater than 18-inches in width and unless the applicant can reduce the width it would appear the area would be doubled (360-SF) and non-conforming to Code without variance.

6. *The applicant should confirm compliance with the Code (§310-30.D.(3)) and sign illumination.*

Engineer Barber had comments regarding Traffic and Pedestrian circulation; she deferred to the Board’s Traffic Consultant Phillip Grealy who was present to address those issues. She then continued with ARB and Ridge Preservation, noting she deferred to council and the Board regarding SEQRA, Public Hearing, and Ridge Preservation.

g. *ARB – The applicant provided elevations, rendering, and ARB form for you to consider the proposed architectural treatment of Buildings 7 and 8.*

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. Since this is the first building proposed on the site it will set the tone for future development of the Shops. We recommend you consider the Code criteria above for determining the appropriateness of the architectural character for this and future buildings on the site.
2. We believe it would be helpful for the applicant to identify the materials, as they are listed on the ARB form, where they are proposed on the elevations or renderings to confirm all proposed materials are accounted for.
3. The applicant should confirm the use of non-reflective windows on the plan and ARB form.

Attorney Naughton, to move forward, asked that the Applicant, consultants, and the Planning Board refocus this meeting based on the ARB application. She continued to say that SEQRA was performed for the entire project. This project was referred to the county for GML referral, and she believes it was received as a local determination but will check with the Building Department for verification. The public hearing is at the Board's discretion for ARB and Ridge Preservation. Engineer Barber confirmed that the local determination was received in December 2021.

M. Pastel asked if the stormwater and drain go into Woodbury Creek or to Ramapo. Engineer Van Hise and Engineer Esposito confirmed that it discharges into the state, there are numerous infiltration basins on site to treat the overall stormwater, and it goes to Ramapo.

Traffic Consultant Grealy referred to his memo dated September 14, 2022.

Collier's Engineering and Design Memo:

We have received a copy of the site plans for Buildings 7 and 8 for the Shops at Woodbury. The plans are generally consistent with all previous reviews and we have the following comments:

1. *If there is any information on the expected tenants for the proposed fast-food and retail space, that would be useful in terms of reviewing the adequacy of parking for these buildings alone as well as for the queuing for the drive-thru. The plan shows stacking for approximately 11 vehicles, which would suffice for the majority of uses. The Applicant should also verify the ability for vehicles turning in and out of the parking spaces at the time that there are these queued vehicles. This was looked at previously but would like them to just confirm.*
2. *Even though shared parking for the overall site was considered as part of the overall site plan approval, if this is the only portion of the site that is going to be built now, the Build 7 and 8 site plan sheet should indicate the parking in the immediate vicinity of the uses. We want to make sure that there is adequate parking provided for Buildings 7 and 8 until the rest of the buildings are advanced. It appears that Buildings 7 and 8 alone may require some 91 spaces without consideration of the shared parking.*
3. *The final signage and striping details at the exit from the drive-thru with the parallel one-way exit lane around Building 2 should be reviewed once again to determine whether it would be more appropriate to give the drive-thru exit the right-of-way and stop traffic in the pass-by drive aisle due to the awkward angle of vehicles leaving the drive-thru area and having to look over their shoulder for oncoming vehicles.*
4. *Also, relative to access to this area for Buildings 7 and 8, during construction appropriate internal signing should be provided to ensure that this area is contained from the rest of the site if other construction activities will be occurring after these spaces are occupied. A simple Work Zone Traffic Control (WZTC) plan may be appropriate depending on the timetable for the rest of the site.*
5. *The Applicant should also provide a copy of the New York State Department of Transportation (NYSDOT) "Notice to Proceed" and Highway Work Permit as available.*

Chairman Gerver and Traffic Consultant discussed pad sites that are not built out, adequate parking, availability of parking during construction, and so forth. To then asked if it was unreasonable to have the Applicant mark the plans as they submit them, and Traffic Consultant Grealy did not find it unreasonable.

Engineer Esposito noted this was their first Application, and a series of plan revisions have been submitted since November 2021, which may have caused some confusion. Due to Engineer Barber's help in setting some criteria, they can now move forward. He proceeded to introduce the team and the Applicant.

Regarding parking, Engineer Van Hise started by saying there's an update on the customer service area and a reduction in required parking. The Water and Sewer Demand Form also shows a decline. They believe that comments regarding stormwater were based on an earlier submission since many of those comments were resolved already. They will be more transparent about their resubmission. Engineer also pointed out that they will be clear about how they will access the different sites as the project moves forward and new tenants come on board.

The architectural plans were shared, and Architect Chuck Dietz began to go over the plans. He pointed out that his responsibility is for building 7 & 8. He will also be the architect for buildings two, three, and four. He pointed out features, colors, and materials that would be used. He pointed out how each building was done differently. Starbucks is one of the stores, and he went into detail on the preference of the brand. There's a drive-thru, pick-up window, and an outdoor dining area in front of the building. As of now, there's no tenant for building eight. He proceeded to mention materials Starbucks would like to use. Surrounding the outside dining area of tables, chairs, and umbrellas, they will place a decorative aluminum fence. Near the main entrance and pick-up window, there will be adding texture to the sidewalks, maybe adding some color to try and enhance the façades of the building. Regarding signage, the plan shows additional signage that is calculated to work as a sign and a directional point. Signage over the main entrance, queuing as a starting point toward the back of the building. There are two signs, the main identification sign, and the Starbucks drive-thru with the arrow sign. He also asked if the Board would allow an extra sign (directional) situated at the back of the building. The material list includes decorative lighting, natural stone, wood, brick, awnings, and flat canopies. Architect Dietz continued with measurements of distinctive features of the Starbucks building. Architect Dietz also pointed out that since there are no tenants other than Starbucks, they are proposing no variances now.

The Chairman asked how tall the rear and front parapet and Architect Dietz said 2 ½ ft. to 3 ft. tall. If the units become visible, some screens can be used over the years that can be clipped onto the unit and don't penetrate the roof. The screens come in an assortment of colors, and it looks like siding. E. Yan asked if Architect Dietz could provide a section showing the height of the parapet and site line since it's elevated. Chairman Gerver asked that the Applicant offer the rooftop units and a simulated view from one of the view corridors. Architect Dietz said that could be provided; there will be a roof plan with a rooftop unit layout and size. M. Pastel ask to see the differentiation between buildings seven and eight.

Chairman Gerver advised the Applicant that they may have to appear before the ZBA due to the amount of signage they requested. He also reminded the Applicant that the first tenant would set the tone for those that would follow, so a comprehensive sign package that complies with the code would be appreciated. Architect Dietz understood. Engineer Barber noted some additional signage on the plan that was not mentioned and offered to prepare a referral to the ZBA if the Board requires it.

Chairman Gerver asked if there are plans to prevent pedestrian conflicts regarding parking spots in the front of the outdoor seating area. For example, an aluminum fence won't stop a car from entering the outdoor dining. Architect Dietz said there is protection due to how the curb is placed. He suggested using decorative bollards in front of the fence, which will give protection. He could collaborate with Engineer Van Hise's office in that regard. E. Yan questioned the materials regarding brick and stone, and Architect Dietz said it's thin brick and stone. At the moment, he's involved in multiple shopping centers, and every other week he'll receive a call about a specific material not available. Still, the contractors on board are good at getting orders out online, and there's always an alternate or substitute they can use. E. Yan asked for more detail and a sample palette for the Boards view since this application sets the stage for the rest of the development. Architect Dietz said that could be done. Chairman Gerver noted that once the ARB approval goes through, the Applicant will be obliged to provide a list on the ARB sheet of all the materials. The Applicant will be held to use those materials only once approved by the Planning Board. As per signage, the Chairman warned the Applicant that if they are referred to the ZBA and given a variance to what they presented, they will be held to what was approved. Engineer Esposito said they would meet and review some details before deciding, especially since most of these retail brands are particular with their fonts. He asked if it was worth meeting with the ESO to review their plan and receive their input. The Chairman agreed that a meeting would be worthwhile. Chairman Gerver noted that the fire protection code has changed. It is now required to have a Knox Box in all the buildings; if this is not done, it will hold up the certificate of occupancy.

E Yan spoke of his concern with landscaping near storefronts since most use glass entrances. Architect Dietz made some suggestions to ease his worries. M. Pastel suggested that the main entrance have automatic handicap-accessible doors. Architect Dietz said they must have handicap-accessible doors due to state law, which they are proposing. There was further discussion on the pick-up window, decorative fencing, and signage package

The Applicant and his team thanked the Board and were appreciative of the feedback they received.

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by M. Pastel, to adjourn the meeting at 9:41 PM.

ADOPTED
AYES 5 Chairman Gerver, R. Cattagio, S. Capriglione, T. DeLuca, E. Yan
NOES 0

Claudia Valoy-Romanisin, Planning Board Secretary