

**Village of Woodbury
Planning Board Meeting
November 16, 2022**

Minutes of the Planning Board Meeting held on November 16, 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
Philip Grealy, Traffic Consultant

Board Member(s) Absent: No

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 Thomas DeLuca, to approve and accept the minutes of the meeting held on October 19, 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. **New Business: N/A**
5. **Regular Agenda:**

- A. **Boselli/ARB** – Review draft resolution for proposed ARB for sunroom addition to single-family dwelling on the existing rear deck. Said property is located at 191 Roselawn Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 213 Block 1 Lot 103.

Present Applicant, John and Diane Boselli.

Attorney Kelly Naughton announced an amendment on page 3 in the Resolution of Approval, due to receiving a report from the Orange County Department of Planning.

After confirming the Board's review of several pages of facts and findings, and to the satisfaction of the Village Engineer and Village Water and Sewer Department, no increase in the use of water, this application is exempt from the current building moratorium. Chairman Gerver began to read the Specific Conditions of the draft Resolution of Approval ARB for John and Diane Boselli.

SPECIFIC CONDITIONS

1. *No building permit shall be issued authorizing construction of structures inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board as part of this approval, nor shall any Certificate of Occupancy issue for any structures constructed except in conformance with such renderings. Any deviation from such renderings will require further Planning Board review.*
2. *All new windows shall be constructed of or coated with non-reflective material or anti-reflection window film will be applied to any new low-e windows installed.*
3. *Prior to the signing of the renderings, the Applicant shall comply with the memorandum of the Village Engineer dated October 27, 2022, to the satisfaction of the Village Engineer.*

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to accept counsel's draft Resolution of Approval for Boselli/ARB. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

- B. Homewood Suites** - Review and discuss scoping document received for the site plan of the proposed 97-room hotel, including guest amenities, parking, and associated utilities. Said property is located at NYS Route 32 and Turner Road in Central Valley and is known on the Village of Woodbury Tax Maps as Section 226 Block 1 Lots 6.1, 7, and 8.

Prior to tonight's meeting, Attorney Naughton had spoken with the Applicant's council. She noted that the scoping document is available on the Village of Woodbury website, and therefore the Board's next step is to schedule the public scoping session.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to schedule the public scoping session for the Homewood Suites application on December 7, 2022.

ADOPTED

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

Attorney Naughton noted that consultants should have their comments for the Board for the December 7th meeting. She continues that a scoping document may be adopted within 60 days of receipt of the current one. If not, SEQRA authorizes the Applicant to prepare a DEIS based on the submitted scope. Chairman Gerver reiterated what Attorney Naughton had said on the scoping document and added that if the public wishes to give their feedback but does not wish to come to the meeting on December 7th, they are welcome to submit their comments to the Building Department.

- 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.

Chairman Gerver noted that the Board had yet to receive updated information from the Applicant.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to close the public hearing 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. OC BMW – Public Hearing** for amended site plan, special permit, and Architectural Review Board approval. Said property is located along Maher Lane and Larkin Drive in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 225, Block 1, Lots 10.421 and 10.421-1.

Present General Manager of OC BMW Sami Ozder and Engineer Peter Catizone

Chairman Gerver announced that the public hearing was published in the Times Herald-Record on November 11, 2022, as well as notices mailed out to the surrounding property holders via US Mail.

Engineer Barber noted that the only outstanding item was the revised lighting design from the Applicant. Engineer Catizone added by saying the updated lighting plan consisted of two lights in two areas. The northeast corner is near Larkin, and the northwest is near the commercial property. The designer lowered the mounting height for both sides. He said this update would be provided to the Board the next day.

The Board had no additional comments; therefore, Chairman Gerver opened the floor to the public for comments regarding the OC BMW.

Danielle Corsello from Highland Mills is a long-time customer of Orange County BMW and wanted to know why they were changing the look and why they were planning to use stucco. Chairman Gerver explained as well as Mr. Ozder, that it is a corporate requirement, and due to the franchise requirement, they are required to oblige.

There were no other comments from the public.

A motion was offered by Chairman Gerver and seconded by M. Pastell to close the public hearing for Orange County BMW. 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 M. Pastel, seconded by E. Yan, for counsel to draft the Resolution of Approval for Orange County BMW subject to the revised lighting plan. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

- E. Fisher – Public Hearing** for site plan and ARB review submitted for a two-lot subdivision application involving ARB and Ridge Preservation review. Said property is located at 7 Schunnemunk Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 204, Block 1, Lot 36.2.

Present Architect David Niemotko

Chairman Gerver announced that the public hearing was published in the Times Herald-Record on November 11, 2022, as well as notices mailed out to the surrounding property holders via US Mail.

Engineer Barber stated that the Applicant provided no new materials. There are some outstanding comments, so there should be a new submission. She added that this application is submitted to the current moratorium. Architect Niemotko said they are aware of the outstanding comments Engineer Barber mentioned and are awaiting updates from the surveyor to update their site plan for submission. Chairman Gerver advised that if they authorize the drafting of the Resolution of Approval, the Board is not allowed to take action until a granted waiver is given from the Village Board of Trustees per the water or the moratorium, and Architect Niemotko understood.

The Board had no additional comments; therefore, Chairman Gerver opened the floor to the public for comments regarding the Fisher application.

Kristen Campione from Highland Mills asked when the one-acre lot was zoned to be subdivided. Upon moving into Woodbury, she had looked to purchase the property, and it was a two-zone lot. Attorney Naughton advised Ms. Campione to email the Building Department for information as she as well will look into it and get back to her. Ms. Campione commented that she had seen surveyors on her property, though she noticed there weren't any pins to spot the property lines. It was explained that there are times that other methods are used to make the property lines, for instance, using nails or monuments; most of the time, it is not visible to the naked eye. Ms. Campione was told that before disturbing the land, a sign/label or marking would be visible to mark the property. Architect Niemotko added that there are iron rods to mark the land.

There were no other comments from the public.

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to close the public hearing for Fisher. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

- F. **Hartman/ARB 22/24 Catskill High Rail** – Review and discuss the application submitted for an Amended Site Plan, Special Permit, Ridge Preservation, and ARB of the proposed Shul addition to Single Family Dwelling. Said property is located at 22 & 24 Catskill High Rail and is known on the Village of Woodbury Tax Maps as Section 254 Block 7 Lot 1 & 2.

Present Shlomy Gelb from Hartmann Designs and Engineer Michael Morgante.

Mr. Gelb gave a description of the application and noted what was approved previously as well as the submitted packet consisting of 15 pages, showing the floor plans, which were then shared on screen. A single-family home with an addition to the existing home, adding a shul and a mikvah for the community. Within the pages, renderings of the property, a list of materials, colors, and photos of neighboring homes. There was a condition to provide parking, so the adjacent property was purchased to serve as a parking area. They plan to merge the property con satisfy the condition of parking. Mr. Gelb shared the plans and other information from the submitted packet on screen. Chairman Gerver confirmed that the rabbi would be living on the premises. He also asked if the retaining wall issue was addressed, and Mr. Gelb said all of the consultant's comments and the Building Departments would be addressed in the next submission.

Engineer Barber noted that the second lot was previously accepted for dedication by the Village Board per the County tax records. An indication that Woodbury Villas still own the lot, but it's understood that both properties have been deeded to 24 Catskill High Rail. She asks that it be confirmed whether or not there were any restrictions associated with the transfer of that lot. She deferred to Attorney Naughton on this issue. Engineer Barber continued by going over her memo and mentioned the bulk criteria, her conversation with the Building Inspector regarding the combination of the lots, and how it will be considered a corner lot. Therefore, the Applicant is expected to revise their plans accordingly, how the lot needs to satisfy the requirements of two uses and bulk regulations, justification for the 16 parking spaces, the water, and sewer demand form needs to be provided, signage, provide erosion and sediment control and post-construction stormwater management,

management of snow, landscaping, ARB, Ridge Preservation, similarity and dissimilarity with the surrounding homes, refuse collection to name a few. Engineer Barber pointed out there are other comments, but rather wait for the revised plan.

Chairman Gerver pointed out that the previous approval had some substantial burden, and he asked if these would be transferred or if the Applicant would have to provide a new substantial burden if waivers were to be requested. Attorney Naughton replied, saying it depends on what the Applicant is submitting. If the Applicant's substantial burden waives the same as the prior application, then the Board can reaffirm, though she thinks it may be different, for example, the additional parking lot. Chairman Gerver explained to Mr. Gelb the next possible steps the Applicant can take.

Attorney Naughton confirmed the property was transferred to 24 Catskill; the County's website is incorrect. The Village transferred the property for the purpose of use as a parking lot, and it was specified in the transfer no buildings or structures shall be permitted to be constructed, which addresses the substantial burden request from the last application.

Traffic Consultant Phillip Grealy addressed his November 9, 2022 memo that was distributed accordingly.

Colliers Engineering and Design Memo:

- 1. An indication of the number of expected staff and attendees at the Shul and at what days and times during which these will occur.*
- 2. Estimates of the trip generation for the building during typical and peak time periods. This should also include a description of the anticipated mode of travel, i.e., walking, car, taxi, bus, etc. Note that the trip estimates should be compared to the Institute of Transportation Engineers (ITE) standards or other published information.*
- 3. The pedestrian access paths should be identified including along Catskill High Rail and Adalake Fairway. The Applicant should identify the location of any existing or proposed crosswalks as well as any signing or other proposed treatments of such.*
- 4. The proposed driveway connection to serve the 16-space parking lot on Adalake Fairway should provide additional information including the sight distances looking left and right of the access.*
- 5. Provide additional information on the adequacy of the proposed number of parking spaces based on the responses to Items 1 and 2 above.*

Mr. Gelb introduced their Engineer, Michael Morgante, who will address all of Traffic Consultant Grealy's comments in his memo by the December 7, 2022, meeting.

- G. Woodbury Townhouses** – Review and discuss revised plans and materials submitted for the Site Plan Special Permit, ARB, and Water Protection Overlay of the 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 and Engineer Michael Morgante

Engineer Morgante began by addressing the latest submission. He spoke of the stormwater calculations, the plan-mapped riparian buffers, and the updated EAF. He admitted there are a lot of other issues that need to be addressed, though they are before the Board tonight for some help in addressing those issues/comments from the consultants.

Engineer Barber clarified that the threshold issues Engineer Morgante referenced to are associated with the water quality protection overlay and issues with zoning. She noted that the Board might consider a referral to the ZBA for variants, and based on the plan, it would be for density and parking in the front yard. She proceeded to go over her comments in her memo and noted that the Board had declared itself to be the lead agency and that council prepared a part two EAF for the Board to consider. Regarding water and sewer, she's requested additional information regarding connections. The

application is subject to the moratorium, and although there are no exceptions to the calculations, the plans will be reviewed with the Water and Sewer Administrator.

Attorney Naughton noted that the Board could refer this application to the ZBA, though it should be a parallel path of communication between the Boards. With the revised plan, part one of the EAF will need to be updated to address concerns and issues discussed in this meeting. To be fair, the Chairman took note of the consultant's advice to refer the Applicant to the ZBA, and wait for the new submission and a revised version of the EAF.

Traffic Consultant Grealy quickly went over his memo dated November 9, 2022, that outlined recommended improvements and key highlights.

Collier's Engineering & Design Memo:

- 1. Estimates of the peak hour trip generation should be provided based on the Institute of Transportation Engineers (ITE) Trip Generation Handbook, 11th Edition, 2021.*
- 2. Sight distances should be provided on the plans at the intersection of the proposed access connection to Falkirk Avenue.*
- 3. An evaluation of the feasibility/consideration of sidewalks along Falkirk Avenue from the site to Smith Clove Road should be presented as it relates to access from the site to commercial facilities in the area.*
- 4. The intersection of Falkirk Avenue and Smith Clove Road should be reviewed relative to sight distance and current operating conditions.*
- 5. Peak hour traffic volumes at the intersection of Falkirk Avenue and Smith Clove Road should be identified to determine any operating issues. These should be identified for both AM and PM Peak Hours.*
- 6. Some information should be provided on school bus accessibility and/or school bus routes in the vicinity.*
- 7. While the 12-unit development alone may not result in a significant impact on area traffic, the cumulative effect of this and other projects in the area should be considered as part of the review.*

A motion was offered by Chairman Gerver, seconded by E. Yan, to refer the application Woodbury Townhouses to the Zoning Board of Appeals for needed variances. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

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

Present Shlomy Gelb from Hartman Designs

Mr. Gelb gave a brief summary of this application. Going over previous comments, they revised the site plan accordingly. The slopes, grading, and the proposed landscaping by the Board and is now waiting for an approval from the Board.

Engineer Barber noted the Board’s request to consider mitigations for the portion of the lot that the developer cleared since it should have been retained in the original approval. See if the proposed landscaping plan is appropriate for the previously concluded SEQRA. She noted that the Board had waived the public hearing requirement since it’s not visible from the view corridor. She mentioned the request for a foundation plan that was not added to their submission and, therefore, should be submitted. She asked that the number of bedrooms be confirmed and that the projected water and sewer demand form and the ARB form be updated with the inclusion of the gross floor area of the home. In the rest of her comments, she asked that it be managed as condition(s) of the Board’s actions. Mr. Gelb then entered into discussions regarding the grading, where Engineer Barber gave some suggestions as to how to address that issue. The Board then discussed landscaping and agreed that it should not be bare, and a few plants should be planted.

A motion was offered by Chairman Gerver, seconded by E. Yan, for counsel to draft the Resolution of Approval for Hartman/Lebowitz 39 Catskill High Rail. 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	

6. Board Member Comment: For all to have a happy Thanksgiving.

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by T. DeLuca, to adjourn the meeting at 9:04 PM.

ADOPTED

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

Claudia Valoy-Romanisin, Planning Board Secretary