

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

Minutes of the Planning Board Meeting held on December 21, 2022, at 7:30 PM.

Board Members Present:

Richard Cataggio  
Thomas DeLuca  
Michael Pastel (left early)  
Evan Yan

Representing for the Village of Woodbury Planning Board:

Kelly Naughton, Attorney  
Natalie D. Barber, Engineer

Board Member(s) Absent: Christopher Gerver, Chairman

Also Present: Mayor Andrew Giacomazza

Thomas DeLuca opened with the Pledge of Allegiance.

**1. Approval and Acceptance of Previous Minutes:**

Motion was offered by T. DeLuca, seconded by E. Yan, to approve and accept the minutes of the meeting held on November 16, 2022. T. DeLuca, conducted a roll call of the Board which resulted in the motion being:

<b>ADOPTED</b>	AYES	4	R. Cataggio, T. DeLuca, M. Pastel, E. Yan
	NOES	0	
	ABSENT	1	Chairman Gerver

Motion was offered by T. DeLuca, seconded by E. Yan, to approve and accept the minutes of the meeting held on December 7, 2022. T. DeLuca conducted a roll call of the Board which resulted in the motion being:

<b>ADOPTED</b>	AYES	4	R. Cataggio, T. DeLuca, M. Pastel, E. Yan
	NOES	0	
	ABSENT	1	Chairman Gerver

**2. Regular Agenda**

**A. Farkas/28 First Ave –**

Review draft resolution for ARB and Ridge Preservation for proposed addition to a Single-family dwelling. Said property is located at 28 First Avenue in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 214 Block 1 Lot 9.

**RESOLUTION OF APPROVAL**

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve this Architectural Review Board and Ridge Preservation application as said proposal is depicted on the plans identified above and upon the conditions outlined below, each of which is binding upon Abraham S. Farkas, and all successors in interest, assignees, and future grantees, and the Chairperson (or his designee) is authorized to sign the renderings upon satisfaction of those conditions below noted to be conditions precedent to such signing.

**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. No trees are permitted to be removed as part of this approval.
4. Prior to the signing of the renderings, the Applicant shall comply with the memorandum of the Village Engineer dated August 30, 2022, to the satisfaction of the Village Engineer.

5. Prior to Building Permit, the plans for culvert relocation shall be reviewed with the Building Department to confirm no impacts to adjacent property owners. Plans should contain sufficient information on proposed grading around addition and to relocated culvert to ensure proper drainage.

**GENERAL CONDITIONS**

This Resolution of Approval is further conditioned upon all other approvals that are needed by operation of federal, State or local laws, regulations and orders, whether or not noted above in the Specific Conditions of this Resolution, including, but not limited to the United States Army Corps of Engineers, New York State Department of Environmental Conservation, New York State Department of Health, Orange County Department of Health, the Village of Woodbury Board of Trustees, and compliance with the Woodbury Village Code, New York State Uniform Fire Prevention and Building Code, and all federal, State and local laws and regulations.

The project site shall be secured from unauthorized entry during all phases of construction until issuance of the final Certificate of Occupancy to the satisfaction of the Code Enforcement Officer.

The site shall be maintained in a clean, neat, and orderly fashion during all phases of construction to the satisfaction of the Code Enforcement Officer.

This Approval is conditioned upon the Applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Village of Woodbury Building Department within sixty days of the date of this Approval.

This Approval is additionally conditioned upon the applicant delivering (prior to the issuance of any Building Permit) proof that a copy of the final approved plans has been filed with the Orange County Department of Public Works, or proof that such filing is not required.

This approval is further conditioned upon the applicant delivering (prior to signing of the plans) proof, in writing, that all fees in regard to this project have been fully paid, including, but not limited to, all engineering, planning, and legal fees. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid.

A FAILURE to comply with any such condition in a timely manner shall result, without further action, in a lapsing of this Approval.

Attorney Naughton noted that the applicant was exempt from the building moratorium and the applicant proved that there will be no increase in the use of water.

Motion was offered by T. DeLuca, seconded by E. Yan, to pass resolution upon corrections and the Chairman signing. T. DeLuca conducted a roll call of the Board which resulted in the motion being:

<b>ADOPTED</b>	AYES	4	R. Cataggio, T. DeLuca, M. Pastel, E. Yan
	NOES	0	
	ABSENT	1	Chairman Gerver

**B. Klein/ARB --**

Review and discuss documents submitted for ARB and Ridge Preservation of proposed 1,352 sq. ft. addition to an existing single-family dwelling. Said property is located at 16 Country Hollow in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 247 Block 5 lot 8.

The applicant stated plans were submitted to show additions to the front, right side, and rear of the home, as well as a wrap around deck and patio. The revised materials include a survey, scaled site plan, and other materials that address the boards comments on the application.

Village Engineer Barber stated that this application is a pre-existing, non-conforming. The location of the stairs to the existing basement is changing from the existing to proposed condition. The applicant should confirm the uses (existing playroom, office, garage) will be unchanged. As noted previously, four-bedrooms are proposed in lieu of the existing three-bedroom home. The Projected Water and Sewer Demand is revised. The property is served by a private water district and Village of Woodbury Sewer. We forwarded the Projected Water and Sewer Demand form to your Water and Sewer Administrator to consider. The application is subject to the moratorium and would need to receive a hardship waiver from the Village Board.

Attorney Naughton stated that this application is a Type II action under SEQRA. Motion was offered by T. DeLuca, seconded by M. Pastel, that the proposed action is a Type II under SEQRA. T. DeLuca conducted a roll call of the Board which resulted in the motion being:

<b>ADOPTED</b>	AYES	4	R. Cataggio, T. DeLuca, M. Pastel, E. Yan
	NOES	0	
	ABSENT	1	Chairman Gerver

Attorney Naughton then stated that the GML 239 referral was received from the County on May 20, 2022, where it was left up to local determination. She then stated that the Planning Board can either schedule or waive a public hearing upon a

determination that there is no apparent significant impact to the surrounding neighbors or neighborhood. She also stated the Planning Board may waive or adjust the requirements of all or part of this ridge preservation section upon an applicant presenting clear and convincing evidence that: (a) The structures or affected land areas will not be visible from a designated view corridor. If such evidence is dependent upon existing or new landscaping or natural buffers, the Planning Board, acting as Architectural Review Board, may require an easement of record be filed with the County Clerk to preserve such landscaping or buffers; and/or (b) Owing to prior land development by others, the purpose and policy of this ridge preservation section cannot be substantially achieved by conformance with these regulations.

Motion was offered by T. DeLuca, seconded by R. Cataggio, to wave the public hearing. T. DeLuca conducted a roll call of the Board which resulted in the motion being:

<b>ADOPTED</b>	AYES	4	R. Cataggio, T. DeLuca, M. Pastel, E. Yan
	NOES	0	
	ABSENT	1	Chairman Gerver

Motion was offered by T. DeLuca, seconded by R. Cataggio, to have Attorney Naughton draft a resolution. T. DeLuca conducted a roll call of the Board which resulted in the motion being:

<b>ADOPTED</b>	AYES	4	R. Cataggio, T. DeLuca, M. Pastel, E. Yan
	NOES	0	
	ABSENT	1	Chairman Gerver

**C. Homewood Suites –**

Review and adopt scope for a proposed 97-room hotel, including amenities such as an indoor pool, small meeting room, exercise, limited dining, lobby/lounge, and an outdoor courtyard, on three parcels with a combined acreage of 3.23 +/- acres, known as Section 226, Block 1, Lots 6.1, 7 and 8 on the Village tax maps. The property is located in the Limited Commercial (LC) district, and within the Hotel Overlay (HO) district.

Mr. Steve Esposito and Mr. Will Frank were there on behalf of the applicant. Mr. Steve Esposito stated they are on the agenda for the evening to adopt the final scoping document.

Attorney Naughton stated comments were received from multiple members of the public as well as herself and Village Engineer Barber. Attorney Naughton stated this application is subject to the moratorium.

Attorney Naughton then stated there were multiple changes to the scoping documents and went on to list them all.

On Page one the phone number as well as the email address was added.

Page 8, number 7 was deleted.

Page 18, first paragraph, the applicant requested that this statement be removed, stating "This is vague, undefinable, and immeasurable" and not part of a narrow scope. Mr. Steve Esposito stated it was vague and asked Attorney Naughton to give examples. Attorney Naughton stated that they could place visual resources on Route 32, Route 6, within the Woodbury Commons, and on Turner Road.

On page 21 a statement was added to part A, 4<sup>th</sup> bullet point under Sanitary Sewer that now states (A tabulation of approved and un-built projects *(which will be provided by the Village Engineer, in consultation with the Building Inspector)* for which sewer capacity has been allocated should be provided to consider available capacity.

On page 22 a statement was added to part A 5<sup>th</sup> bullet point under water that now states A tabulation of approved and un-built projects *(which will be provided by the Village Engineer, in consultation with the Building Inspector)* for which water capacity has been allocated should be provided to consider available capacity.

On page 22 a statement was added, and a portion deleted under part B Sanitary Sewer 4<sup>th</sup> bullet point *which now reads onsite improvements and provide sewer relocation plan in the Appendix. The plan should discuss demolition and/or abandonment of existing facilities no longer in use, a bypass plan during construction and/or temporary facilities required, details for tie-in to existing sewers and/or manholes, etc. The construction sequence and personnel required for inspections, and notification procedures should be identified. Discuss ownership and maintenance considerations and easements required for the project.*

On page 23 part 9, Cultural Resources was taken out completely and Noise was changed to be part 9.

On page 24, Chapter IV Construction Sequencing bullet point six was removed and the 7<sup>th</sup> and 8<sup>th</sup> bullet points were changed to the following. Bullet point 7 states *(This section shall reference mitigation measures detailed in Chapter 5: Stormwater.)* Bullet point 8 now states *(This section shall reference mitigation measures detailed in Chapter 4: Vegetation and Wildlife.)*

Attorney Naughton then stated Planning Board declared its intent to be Lead Agency (2019); the Board assumed Lead Agency on 2-3-21. This was re-typed as a Type 1 action based upon new DOH Type I SEQRA. The Board adopted the proposed FEAF Part 2 and issued a Positive Declaration on October 5, 2022. She then stated that the Board must adopt a modified scoping document.

R. Cataggio asked about sewer usage and wondered what the impact would be on the down stream pump station. Village Engineer Barber stated that she didn't have specific numbers at this time but is provided a report quarterly from the Harriman Sewage treatment facility. R. Cataggio stated he would like to see that report and the impact this would have in the future.

Motion was offered by T. DeLuca, seconded by R. Cataggio, to have Attorney Naughton finalize the scoping document.

T. DeLuca conducted a roll call of the Board which resulted in the motion being:

<b>ADOPTED</b>	AYES	4	R. Cataggio, T. Deluca, M. Pastel, E. Yan
	NOES	0	
	ABSENT	1	Chairman Gerver

**D. Skytop Rd LLC/ARB –**

Review revised documents submitted for ARB, Ridge Preservation and Water Quality Protection Overlay of proposed demolition and reconstruction of a Single-Family Dwelling. Said property is located at 18 Skytop Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 217 Block 3 Lot 7.

Mr. Jay Myrow and Mr. Anthony Meluzo were present representing the applicant. Mr. Myrow stated that this will be a complete rebuild with a completely new foundation. He then stated that the Building Inspector stated they would need a new foundation, due to the current foundation not being sturdy enough. He stated that this is a pre-existing, non-conforming and requests that the Planning Board grant a waiver due to his reluctance to be referred to the Zoning Board of Appeals and his fear that they would not allow a variance of this magnitude. He then stated he would like to exhaust all options prior to going to the ZBA.

Village Engineer Barber stated the Riparian Zone requires a 50-ft undisturbed riparian zone around regulated water bodies and the code requires the following be considered and a finding made by the Board. She then went on to say that the prohibited activities were as follows: No disposal, deposit, or discharge of solid or liquid wastes onto any land or waters in the Overlay District except for cleaning cars, driveways, or patios. No outdoor storage of hazardous materials, petroleum products, fertilizers, herbicides, pesticides except if in protective structures approved by the Building Inspector.

Attorney Naughton suggested since the Building Inspector is having the applicant change the foundation and it is required that the house is 50 feet away from the Riparian Zone then maybe the applicant wouldn't have to go to the ZBA due to the house currently being 16 feet away from the water. She then suggested that the applicant look into different options of how to proceed. Attorney Naughton wanted the record to reflect that there is currently no issue on access to the property and the only issue is the riparian zone. Mr. Myrow stated they will look into it and have all documents submitted by January 4<sup>th</sup> and requested to be placed on the January 18<sup>th</sup> agenda. Attorney Naughton stated she can't promise that they will be placed on the agenda for that date.

R. Cataggio asked why there was LLC on the application. Attorney Naughton stated that an Entity Disclosure form was submitted.

Attorney Naughton stated that this application is a Type II action under SEQRA. Motion was offered by T. DeLuca, seconded by M. Pastel, that the proposed action is a Type II under SEQRA. T. DeLuca conducted a roll call of the Board which resulted in the motion being:

<b>ADOPTED</b>	AYES	4	R. Cataggio, T. Deluca, M. Pastel, E. Yan
	NOES	0	
	ABSENT	1	Chairman Gerver

**M. Pastel left the meeting at this point in time.**

**E. Neuman/ARB –**

Review revised documents submitted for proposed ARB modifications to a single-family dwelling to include removal and enclosure of garage doors adding windows and entry door. Said property is located at 19 Hill Avenue in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 219 Block 10 Lot 5.

**Applicant was not present when called upon at the meeting.**

**F. Eastgate Management 152 Seven Springs ARB –**

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

Mr. Patrick Hutton was present on behalf of the applicant. He stated that he received a hardship moratorium waiver from the Village Board the night before.

Village Engineer Barber stated single family homes are permitted in the R-2A and the applicants plan appears to comply with the bulk requirements for the zone. The applicant's property is served by an existing private well and due to the applicant receiving the waiver from the Village Board, the Planning Board can now act on this application. She then stated the height of the retaining walls require design by a professional engineer and a requirement for design drawings must be submitted to the building department. The applicant provided material cut sheets for the proposed retaining wall material for the board to consider, if it is acceptable to the Planning Board the information should be listed on the ARB application form. The applicant provided a green chain link fence that follows the property line around where the retaining wall are proposed, if this is acceptable it should be listed on the ARB application form. The applicant also must supply the color choice for the retaining walls.

Attorney Naughton stated the Planning Board labeled this application a Type II under SEQRA on September 7, 2022, they received the GML for local determination on April 4, 2022, and the public hearing was waived on June 15, 2022. She then stated that the Entity Disclosure form needs to be updated.

Village Engineer Barber asked the applicant to supply her with a completed ARB application form specifically stating what color they chose for the retaining wall and to clarify that they will be placing a chain link fence on the property.

Motion was offered by T. DeLuca, seconded by R. Cataggio, to authorize Attorney Naughton to draft a resolution of approval pending the requests from the Village Engineer Barber have been supplied by the applicant. T. DeLuca conducted a roll call of the Board which resulted in the motion being:

<b>ADOPTED</b>	AYES	3	R. Cataggio, T. Deluca, E. Yan
	NOES	0	
	ABSENT	1	Chairman Gerver

**G. Monroe Commons-**

Review documents submitted for proposed site plan for clearing and grading associated with development on adjacent property in the Town of Monroe. Said property is located on Nininger Road and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lot 30.

Mr. Mark Siemers stated he was the Engineer on the project and is representing the applicant. He stated information has been provided to the Village of Woodbury Planning Board by the Town of Monroe Planning Board since 2020. The Town of Monroe is reviewing an application for development of a four-story commercial building to include hotel, retail, and office space on a property within the Town of Monroe. To support the development, the applicant proposes two new wells and treatment facility, stormwater management facilities, parking and access improvements, and sewer connection to Orange County Sewer District. Since 2020 a lot of work has been done with the consultants and the Town of Monroe planning board to reduce the layout and impact of the project while still providing the desired services to the surrounding communities. He stated that the project consists of one large four story building with a footprint of 86,287 square feet on the first and second floors and 76,400 square feet on the third and fourth. The bottom two floors will contain retail uses, the third floor will be split between offices and a 39- room hotel and the fourth floor will be office space. There are two proposed access driveways that come off Nininger Road as show on the site plan. Parking lots will be tiered so every floor will have access. The Town of Monroe suggested a graded vegetated slope behind the building and parking areas to make the building more visually attractive than providing a large concrete retaining wall. The proposed improvements as far as storm water is located in the Town of Monroe and the only improvement on the Village of Woodbury Parcel would be the clearing and grading to allow for the construction of the parking lots and changes the Village of Woodbury's role in SEQRA from interested agency to an involved agency. The parcel in the Village of Woodbury is 12.3 acres in size and they would be clearing and grading about 2.48 acres of it. The excavated volume of the slope is approximately 35,900 cubic yards of which will be used for fill in the Town of Monroe parcel underneath the parking areas, which will be taken off the Village parcel and trucked on roads and used as fill. He then stated that he received the comment letter and is ready to answer any questions.

Village Engineer Barber stated since this is the first time in front of this board it is helpful that the applicant responds to comments in writing. The applicant should submit a letter going one by one so there is clarification on the items in question; and as such would streamline the review process. She then went on to say that Mr. Siemers described the application which is brought on by a commercial development within the Town of Monroe and requires grading and clearing on a parcel within the Village of Woodbury. Mr. Siemers did provide some details regarding acreage and the volume of the clearing; however there were technical things the board must ask and clarify. She stated that while this is in front of the board for site plan approval for the clearing and grading project it also impacts the Village's ridge preservation section because its above elevation 600 and it is also impacted by the water quality protection overlay because there is a small tributary that runs from the north through the corner of this property through the town property and comes back into the Village. She stated that this project is impactful for the ridge preservation criteria because it does make things more visible, but due to the WP3 subdivision and the 200-foot buffer along the western edge the clearing that would occur on this site may not really be visible because of the vegetation that preserved due to that buffer. The ridge preservation criteria also discuss any

opportunities to limit the amount of clearing that's required in the limit of the removal of trees that have a greater diameter of eight inches. She stated it was recommended to the applicant that those considerations be trimmed back as much as possible. She then stated plans were requested for the water quality protection overlay and how regulations would impact this development, grading operation plans, slope stabilization techniques, and cross sectioned and clearing limits to be shown on the plan as well as being staked in the field prior to a disturbance. She then stated that as far as storm water and erosion and sediment control a SWIP is going to be required for the overall development. The applicant has advanced their SEQRA process and that is already prepared, and the Village should receive a copy of that for the Planning Board's review and consideration.

Mr. Siemers stated the DEIS is currently being prepared and the SWIP should be submitted in the next couple of weeks and will have all the documents submitted by the end of January.

T. DeLuca asked if there were specific places for visual analysis that the Board should look for. Village Engineer Barber stated they should look around the school and where the interchanges are.

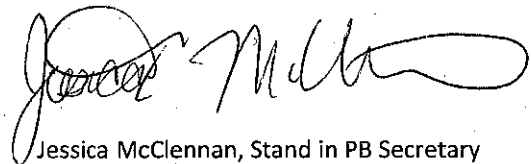
E. Yan asked how far back on the plan does the clearing go up the slope on the Village's side. Mr. Siemers stated approximately 180 feet.

Attorney Naughton stated the board does not need to take any action and the referral was sent to the County where they stated it was up to local determination. They are still waiting for the DEIS and the SEQRA and the applicant is not ready for a public hearing, but the board will await the submission of the DEIS. The applicant would then have to wait for the finding statement before re-appearing in front of the board.

**3. Adjournment**

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

<b>ADOPTED</b>	AYES	3	R. Cataggio, T. DeLuca, E. Yan
	NOES	0	
	ABSENT	1	Chairman Gerver



Jessica McClennan, Stand in PB Secretary