

**Village of Woodbury  
Planning Board Meeting  
January 4, 2023**

Minutes of the Planning Board Meeting held on January 4, 2023, at 7:30 PM.

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

Representing the Village of Woodbury Planning Board:

Kelly Naughton, Attorney  
Natalie D. Barber, Engineer

Board Member(s) Absent: Thomas DeLuca

Chairman Gerver opened the meeting with the Pledge of allegiance.

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

A motion was offered by Chairman Gerver, seconded by M. Pastel, to approve and accept the minutes of the meeting held on December 21, 2022. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

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

**4. Regular Agenda:**

- A. Hartman Design/Vista Pearl LLC ARB** – Review draft resolution for ARB and Ridge Preservation for a proposed single-family dwelling. Said property is located at 19 Seven Springs Rd in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 215 Block 1 Lot 5.

This application received an exemption from the moratorium from the Board of Trustees.

Acknowledging the review of several pages of facts and findings, Chairman Gerver began to read the Specific Conditions of the draft Resolution of Approval ARB for Hartman Design/Vista Pearl LLC ARB by counsel.

*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. *If the existing dwelling being demolished is serviced by an oil tank, the oil tank shall be removed only upon prior notice to the Building Department, and shall be removed only in accordance with all State and local requirements for the removal of abandoned oil tanks.*
4. *Prior to the issuance of a building permit, the Applicant shall obtain approval from the Orange County Department of Public Works for the driveway proposed. If the County's approval differs materially from the approved driveway, in the opinion of the Code Enforcement Officer in consultation with the Village Engineer, then a building permit may not be issued unless and until the Applicant returns to the Planning Board for consideration of the revised driveway.*

5. *Prior to the signing of the renderings, the Applicant shall comply with the memorandum of the Village Planner dated December 27, 2021, to the satisfaction of the Village Planner.*
6. *Prior to signing of the renderings, the Applicant shall revise the ARB application and/or floor plans to consistently reflect the proposed gross floor area of the home.*

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to accept counsel’s draft Resolution of Approval as presented. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

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

- B. Eastgate Management 152 Seven Springs ARB** – Review draft resolution 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.

This application received an exemption from the moratorium from the Board of Trustees.

Acknowledging the review of several pages of facts and findings, Chairman Gerver began to read the Specific Conditions of the draft Resolution of Approval ARB for B. Eastgate Management 152 Seven Springs ARB by counsel.

*SPECIFIC CONDITIONS*

7. *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.*
8. *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.*
9. *Prior to the signing of the renderings, the Applicant shall comply with the memorandum of the Village Engineer dated December 16, 2022, to the satisfaction of the Village Engineer.*
10. *Prior to the issuance of a building permit, design drawings for the retaining walls shall be prepared by a New York State Licensed Professional Engineer, and provided to the Building Department.*
11. *Prior to the issuance of a building permit, the Applicant shall obtain approval from the Orange County Department of Public Works for the driveway and curb cut proposed. If the County’s approval differs materially from the approved driveway, in the opinion of the Code Enforcement Officer in consultation with the Village Engineer, then a building permit may not be issued unless and until the Applicant returns to the Planning Board for consideration of the revised driveway.*
12. *Prior to the signing of the renderings, the Applicant shall provide an Entity Disclosure Form and Authorization to Inspect Property Form, that have been properly filled out and executed.*
13. *Prior to signing of the renderings, the Applicant shall provide a revised ARB form to include retaining wall, fence materials, and gross floor area of the home.*

A motion was offered by Chairman Gerver, seconded by M. Pastel, to accept counsel’s draft Resolution of Approval as presented. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

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

### C. Woodbury Villas - Club House-

This application received an exemption from the moratorium from the Board of Trustees.

Acknowledging the review of several pages of facts and findings, Chairman Gerver began to read the Specific Conditions of the draft Resolution of Approval ARB for Woodbury Club House by counsel.

#### *SPECIFIC CONDITIONS*

1. *All obligations of the Applicant under its 2006 Final Subdivision, Site Plan and Special Permit Approval, as amended from time to time, and the associated Developer's Agreement(s), and all conditions of such Approvals and Agreement (including, but not limited to, all bonding obligations), shall remain in full force and effect and are incorporated into this Resolution as though specifically set forth at length herein, except as specifically modified as a result of this Approval and/or by the revised plans submitted in connection herewith.*
2. *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.*
3. *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.*
4. ***Prior to the signing of the plans, the Applicant shall comply with the memorandum of the Village Engineer dated October 13, 2022, and revise the plan as needed to the satisfaction of the Village Engineer.***
5. *Prior to any construction and installation of utilities or retaining walls on-site, the Applicant shall comply with the report of Kevin L. Patton dated December 1, 2021, and either (1) remove the fill (approximately 30-ft deep and sloping towards the South) that has been deposited on this site over the years and rebuild the pad in controlled lifts, or (2) drill soil borings to assess the fill and decide if the soils are suitable for in-place densification using deep dynamic compaction (DDC). The work shall be supervised by a New York State licensed geotechnical engineer and a certified report that the soils are suitable for construction of the plans approved herein shall be filed with the Building Department prior to construction of the building and retaining walls and installation of utilities.*
6. *The Applicant shall comply with the recommendations and notes indicated on the engineered plans prepared by Robert Race, P.E., last revised October 31, 2022, and a New York State licensed geotechnical engineer shall be present on site, at the Applicant's expense, to provide recommendations and reports, which shall be submitted to the Building Department during construction, as required by the engineered plans referenced herein.*
7. *The Applicant shall revise the plans to show "No Parking" signs located along the Applicant's property boundaries along Central Valley Line, and a note that additional "No Parking" signs shall be installed further along the roadways adjacent to Applicant's property if authorized by the applicable Homeowner's Association. The Applicant is required to diligently request that the Homeowners Association authorize such additional "No Parking" signs. Copies of all correspondence between the Applicant and the Homeowners Association in this regard shall be provided to the Building Department. Prior to operation as a clubhouse/recreational facility, all "No Parking" signs mandated herein, and all allowed by the Homeowner's Association, shall be installed to the satisfaction of the Village Building Inspector.*
8. *Ownership and maintenance of the pump station, forcemain and gravity sewer connections to the pump station shall be the responsibility of the Homeowners' Association.*
9. *General lighting of the clubhouse/recreational facilities shall be reduced to security levels after operating hours.*
10. *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. The Planning Board has considered the modest light spillage along the Western property line that abuts the Open Space parcel and has determined this would create no significant impact on the environment or community.*
11. *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.*

12. *The Applicant shall keep and maintain all areas surrounding the dumpsters/refuse collection facilities in neat and orderly condition.*
13. *Per the Code requirements (§ 310-31.4.E.(5)(d)) of the Water Quality Protection Overlay District, the Planning Board approves the transportation of contaminated snow within Village Boundaries when the snow storage area shown on the applicant's plan is insufficient. The applicant will provide a Snow Disposition Plan identifying the alternate snow disposal location and in accordance with guidance document issued by the NYSDEC to the satisfaction of the Village Engineer.*

Attorney Naughton proceeded, adding two more specific conditions.

14. Prior to the signing of the plans, proposed Water and Sewer facilities and connections shall be revised to the satisfaction of the Village Water and Sewer Superintendent and Village Engineer.
15. The Clubhouse shall not be used for religious purposes.

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

**ADOPTED**

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

- D. Ideal Design/65 Catskill High Rail/ARB** – Review documents submitted for proposed ARB and Ridge preservation for modifications to a single-family dwelling to include a 2-story rear addition and partial conversion of garage to mudroom and seasonal kitchen. Said property is located at 65 Catskill High Rail in Central Valley and is known on the Village of Woodbury Tax Maps as Section 255 Block 3 Lot 41.

A representative of the Applicant proceeded to give a summary of what the application entails. A two-story addition to an existing single-family house. The first floor will have a dining room, and the second floor will have an addition to the existing master bedroom.

Engineer Natalie Barber noted the Applicant's last appearance before the Board and proceeded to go over her memo dated December 29, 2022. She proceeded to note the Applicant's last appearance before the Board and noted additional materials like photos of neighboring homes, plot plans, and a survey for the Board and consultants' review.

*H2M Memo:*

*1. Zoning –*

*a) Use – (Informational) Single-family homes are permitted in the CCDOD/R-1A zone.*

*b) Bulk – The applicant provided a survey of the property, as well as plot plan. Based on the information submitted, it appears the action complies with the bulk requirements of the Zone.*

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

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

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

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

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

*We have the following comments on ARB:*

*a) Previously, the applicant provided colored renderings of the front and rear of the home, floorplans, elevations, and your ARB form for you to consider the Code ARB criteria noted above.*

b) The applicant's email to Building Department on November 8, 2022, indicates the proposal increases the gross floor area of the home by 1,091 SF. Accordingly, the total gross floor area of the home is proposed 3,284-SF. The information listed in the email should be included on the architectural plans. Applicant to revise.

c) The applicant provided two submissions containing photos of nearby homes for your review.

i. The first submission contained four (4) black and white photos of homes less than 300-ft from the applicant's lot. This submission may be helpful for you to consider the architectural style of the proposed home to neighboring homes.

ii. The second submission contained three (3) colored photos / renderings of homes ranging approximately 270- to 900-ft from the applicant's lot. This submission included the gross floor area of each home next to the address below the picture. Based on this information, the proposed home with addition is 12% smaller than the largest comparable home and 6% larger than the smallest comparable home.

d) The applicant should confirm whether they intend to match the color and material of the existing siding and roofing or if all façades of the home are to be treated with new materials. As requested at the last meeting, a photo of the existing structure should be provided for you to consider proposed changes.

e) (Repeated) The ARB form should be updated to reflect the total area of the home after the addition. The square footage listed is for the addition only.

f) (Repeated) The ARB form should list the materials and color of the proposed decking for you to consider.

3. Ridge Preservation – This property ranges greater than 850-ft above mean sea level (AMSL) triggering your review under the Code (§310-13) requirements for Ridge Preservation (threshold 600-ft AMSL). The nearest view corridors are County Route 105 and NYS Route 32. Our comments on Ridge Preservation follow:

a) The applicant should confirm whether the home is visible from the view corridor for you to consider applicability under this section of your Code. We note the applicant provided photos of the Dunderberg entrance to WP3. However, this is not the view corridor and is not representative of whether the home is visible from the same. b) (Repeated) Non-reflective windows are a requirement of your Code (§310-13.B.4). The applicant should include this as a note on the plans. We recommend you also include this as a condition of your potential action.

c) (Repeated) The Code (§310-13.B.(2)) requires the use of materials that blend the structure into the natural environment and have earth tone, neutral colors, and specifically excludes white as a permissible color. This section of the Code allows the Planning Board discretion to permit the use of non-natural building materials in connection with applications where the existing structure is constructed with non-natural materials. Upon confirmation from the applicant whether the proposed materials will match the existing, we recommend you consider compliance with the Code or waiver under this circumstance.

d) (Repeated) The applicant should confirm if any trees are to be removed to construct the proposed addition and deck. We note the Code (§310-13.B.(5)) requires trees greater than 8-inch diameter at breast height be preserved except where essential to the location of the structure. Applicant to confirm.

The representative confirmed no trees to remove on the property, per the Chairman's question regarding the siding. The representative confirmed they would be matching the existing siding, which is white, as they were granted to use in the previous meeting. The Chairman asked that the Applicant provide photos taken from the view corridor. He advised calling the Building Department for a map of the view corridors. He also suggested adding the square footage of the additional homes surrounding the property.

- 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.

The Applicant gave a brief summary of the application. He would like to close the garage and create it into a storage space.

Engineer Natalie Barber mentioned the Applicant's last appearance before the Board and proceeded to go over her memo dated December 16, 2022. She made a note of the Applicant's last appearance as well as the materials and responses to comments previously given. It was also indicated that there would be no internal space change except for closing the garage doors. This application may not necessitate photos of neighboring homes to compare under the similarity and dissimilarity criteria. As per Ridge Preservation, the Applicant advises that the home is not visible from the view corridor. Currently, the Water and Sewer demand form needs to be updated. The Applicant needs to update the form and state that there are no new proposed bedrooms.

She asked that it be made as a condition prohibiting new bedrooms as part o the approval. A public hearing remains to be scheduled or waived by the Board.

The Chairman mentioned waiving the public hearing, and M. Pastel announced his support.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to waive the public hearing for Neuman/ARB\_ Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

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

A motion was offered by Chairman Gerver, seconded by R. Cataggio, regarding Ridge Preservation. The home is not visible from County Route 105 or Route 32. Additionally, the proposal appears to conform to the guidelines and requirements of the Code. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

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

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

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

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

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

Chairman Gerver asked the Applicant to update the Water and Sewer demand form as discussed prior to their next appearance.

- F. **Lite Brite Signs/Hampton Inn** – Discuss and review documents submitted for ARB review of 2 signs proposed for the Hampton Inn located behind Woodbury Centre. Said property is located at 60 Centre Drive in Central Valley and is known on the Village of Woodbury Tax Maps as Section 225 Block 2 Lot 1.11.

Maria Rotondo representing the Applicant, said the Hampton Inn would like to place additional sign(s) on Route 6. They are proposing “Hampton Inn” letters and “Welcome” letters. The “Welcome” letters will be 6 square feet and non-illuminated, the “H” in Hampton Inn will be a 3-foot LED letter, and the rest will be smaller. The exact location of these signs was discussed. Engineer Barber mentioned to the Board that the Applicant is proposing to change the facing and lighting to the existing signs. She also noted that the code only allows one wall sign per use. The increase in this application by two additional signs will require a variance, therefore having the Applicant appear before the Zoning Board of Appeals.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to refer Lite Brite Signs/Hampton Inn to the Zoning Board of Appeals. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

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

- G. Woodbury Common Pylon Sign** – Discuss and review documents submitted for the proposed pylon sign with 6 tenant sign faces being placed in the area between Entrances A and B on Route 32. Said property is located on Woodbury Common property off Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lot 70<sub>2</sub>

This application was removed from tonight’s agenda as per the applicant's request to be placed at a later date.

**Adjournment:**

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by M. Pastel, to adjourn the meeting at 8:06 PM.

**ADOPTED**

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

Claudia Valoy-Romanisin, Planning Board Secretary