

**Village of Woodbury  
Planning Board Meeting  
February 1, 2023**

Minutes of the Planning Board Meeting held on February 1, 2023, at 7:30 PM.

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

Village of Woodbury Planning Board Consultants:  
Kelly Naughton, Attorney  
Natalie D. Barber, Engineer

Board Member(s) Absent: None

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. **Regular Agenda:**

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

Present Pastor Elijah Ogunyemi.

Engineer Natalie Barber elaborated on the size and number of colors the code allows regarding signage. There were some slight changes in the size and colors from what the applicant provided to the Board, but they, in the end, had no issues. The final sign will fit.

After confirming the Board's review of several pages of facts and findings, Chairman Gerver began to read the Specific Conditions of the draft Resolution of Approval ARB for God's Grace Ministry application.

**SPECIFIC CONDITIONS**

1. *All conditions of prior approvals in connection with this property shall continue to be in full force and effect, and this Resolution does not supersede or otherwise modify such prior approvals and conditions except as specifically set forth in this Resolution.*
2. *No building permit shall be issued authorizing the construction or renovation 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 be issued for any structures constructed except in conformance with such renderings. Any deviation from such renderings will require further Planning Board review.*
3. *Prior to the issuance of a Certificate of Occupancy, the Applicant shall be required to conform with all requirements of the New York State Fire Code for a place of assembly to the satisfaction of the Building Inspector.*
4. *Prior to the signing of the plans by the Chairman, the Applicant shall:*
  - a. *Comply with the memorandum of the Village Engineer dated July 29, 2022, to the satisfaction of the Village Engineer.*
  - b. *Signage condition.*

Attorney Kelly Naughton noted that the specific condition 4b would be adjusted, limiting it to its current size. It has already been satisfied so that it can be cleared for the Building Inspector for any inspections.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to accept counsel's draft Resolution of Approval. 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. Hamaspik of Orange - Public Hearing** for proposed Site Plan and Special Permit for change of use to indoor commercial recreation facility. Said property is located at 8 Laura Lane in Central Valley and is known as Village of Woodbury Tax Maps as Section 226 Block 1 Lot 24.2.

Present Engineer John Petroccione.

Engineer Petroccione gave a brief of the application to the public. He proceeded to add the schedule for the transportation of the children to and from the facility. Due to the large number of attendees in this meeting, the Chairman had asked that people state their names and where they're from and respectfully direct their questions and comments to the Board continued to say this application has been on the Village of Woodbury website for several months. The Board has undergone several iterations of plans and reviews before the public hearing. The Chairman also announced that the Applicant had undertaken environmental remediation, a required document to be submitted to the Building Department. It was also stated that the upon this application going forward, the Applicant would extend an eight-inch water main underneath the train trestle into the site to provide a fire hydrant and proper fire protection.

Chairman Gerver opened the floor to the public for comments.

Mr. Gordon LaPlante lives in Central Valley. He expressed concerns about traffic, speeding vehicles, and safety. The area is relatively quiet, and children tend to be outside playing. He asked if there were limits on buses and cars and what would happen if they were surpassed. He also inquired about the water main and the time frame for cleaning the site since the area will be busy with trucks and other vehicles.

Ellen Hoffman, who resides near the site, had questions regarding a draining ditch. The previous owners cleaned and maintained the ditch at least twice a year. She asked if the new owners would continue this type of maintenance. Ms. Hoffman expressed concerns about the number of buses entering and exiting the site and the bridge's clearance. She also asked who would be doing the cleaning of the junkyard.

Maria Hunter said she was happy to learn that the property would be used better. She also suggested vehicle routes.

Ann McGuinness resides on Estrada Road. She found it surprising that a junkyard would be used to host children. She has concerns about the project and the funding. She asks that the Board review, collect and analyze information before making a decision. She adds that the community will be watching and will hold those responsible accountable. Ms. McGuinness also questioned if the property would be tax-exempt.

Mary Hoffman resides in Central Valley, asked how the community can stay informed about the status and progress of the project. She also inquired about the time frame of approval from the Board. Ms. Hoffman also asked about the number of people the space could hold.

Trevor McGinley from Central Valley asked about the proposed number of buses, how it would be monitored, and if there are any plans for future growth in this project. Also, if the public had concerns or complaints, he asked how they could be addressed.

Susan Lynch resides in Central Valley, questioned a narrative dated August 10<sup>th</sup> submitted to the Building Department mentioning the allowance of growth in the number of children. (Chairman clarified that there was another submission dated

November 10, 2022.). She had comments regarding the water usage, and it wasn't clear to her how the usage numbers came about compared to past numbers, fire access, and service. She asked if there would be any weekend use at the facility.

In response to the public comments, the Chairman, the Board, and consultants explained that due to the use, the Applicant is required to apply for a special permit, therefore, requiring them to appear before the Planning Board and request that the site be approved. For this use, conditions are applied in the Resolution of Approval document. Legally the permit can be pulled for review by the Board and or Building Inspector mid-year due to complaints regarding the site. Attorney Naughton added that those complaints must be founded for the Building Inspector to start an investigation. The Chairman addressed the concern of buses due to the worries of traffic. According to the Applicant, the buses will bring the children, then wait for them to leave the facility Monday through Friday, so there is no constant in and out of the site. Attorney Naughton confirmed that the Applicant had limited their hours, and the facility will not be used on weekends. Certain types of buses are only allowed due to the bridge's height, which has been considered. The Chairman added that it is a legal requirement to notify those within a radius of 300 feet for a public hearing. Keeping up with the application, it is recommended that people visit the Village of Woodbury website for information regarding applications before the Board(s). For the application to move forward, Attorney Naughton added the steps leading up to approval from the Board. Engineer Barber addressed water usage comments and mentioned that this application is not exempt from the moratorium. Also, the Planning Board is only allowed to approve receiving an exemption from the Village Board.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to close the public hearing for Hamaspik of Orange. The Board will accept written comments on this application until February 22, 2023. 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. **HLB Enterprises – Public Hearing** for proposed Site Plan and Special Permit for interior renovations and conversion of existing lease space to restaurant use. Said property is located in Unit #9 of the Old Glory Mall at 95 Maher Lane and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lot 41.

Present the Applicant, Harold Beckett.

Mr. Beckett gave a summary of the application to the public.

Chairman Gerver opened the floor to the public for comments regarding HLB Enterprises.

There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by E. Yan, to close a public hearing for HLB Enterprises. 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

Chairman Gerver confirmed receiving the updated water and sewage form. Engineer Barber has no comments. The form was sent to the Water Superintendent for review.

A motion was offered by Chairman Gerver, seconded by M. Pastel, for counsel to draft the Resolution of Approval for HLB Enterprises. 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. **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 70.2

Present Bill Pendergast from Simon Property Group.

Mr. Pendergast began giving a summary. The original entrance on Rt. 32 had a sign, and the Department of Transportation had widened the road, therefore removing the sign; due to the distance, the sign could not be returned to its original spot due to its size.

Engineer Barber noted that the code allows one freestanding sign per site. The Applicant had received a variance for the second freestanding sign. This application will have to be referred to the Zoning Board of Appeals for a third freestanding sign. As per the renderings received, it indicates the signs to be larger than permitted. Mr. Pendergast said that a new rendering had been submitted with modified measurements.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to have Engineer Natalie Barber draft a referral to the ZBA on behalf of Woodbury Common Pylon Sign. Chairman Gerver began to read the Specific Conditions.

**ADOPTED**

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

- E. **Schlesinger** - Review revised materials submitted for the proposed 3-lot subdivision located off Sequoia Trail and Schunnemunk Rd in Highland Mills. Said property is known on the Village of Woodbury Tax Maps as Section 204 Block 1 Lots 2 & 3.

Present Engineer David Higgins.

Engineer Barber noted there's a resolution of approval to go over, but she had some suggestions on conditions that she had made in her memo dated January 27, 2023. Counsel has reviewed the recommended conditions except for one.

*H2M Memo:*

*2. Lot Lines – The applicant provided correspondence from the Orange County Tax Map department indicating compliance with filing requirements. Modifications to the mapping provided appears to resolve the question on Village of Woodbury and Village of South Blooming Grove boundaries such that all of the subject properties including three that were previously identified as lots in South Blooming Grove are within the Village of Woodbury (applicant to confirm). Additionally, two of the lots that were previously shown as being in South Blooming Grove appear to be merged. We recommend the applicant discuss the recent revisions with the Board and Counsel for confirmation that no further action is required for the Board prior to making a decision. (Discuss with Counsel)*

*We have the following comments on lot lines and changes to the plat as a result of the resolution of the municipal boundary lines:*

*a) General Note No. 1 on Sheet 1 of the plan set should be revised to eliminate reference to lots in "South Blooming Grove" and "218-1-3". (Plan Revision)*

Engineer Barber continued to touch on some of the conditions she suggested on her memo that may change parts of the resolution of approval.

Attorney Naughton spoke with Orange County and the Applicant making sure everyone was on the same page. Two of the four parcels in the applicate are listed as within the Village of South Blooming Grove. Currently, they have section block and lot numbers under Village of South Blooming Grove, which is filing an error with the Orange County maps and the County Clerk's office. These parcels are located within the Village of Woodbury, so this application merges with those 4-lots and

then re-subdivides into 3-lots. Therefore, in documentation, there are no tax lot numbers for the Village of Woodbury, even if it's located within the Village of Woodbury. There are two parcels in the Village of Woodbury and two parcels within the Village of Woodbury bearing the Village of South Blooming Grove. As per the county, as long as the plans are clear, it does not change any Town boundaries or Village boundaries though it corrects the boundary issue on this project.

Attorney Naughton said the resolution of approval has several changes and proceeded to read them. She then moved to read the Specific Conditions with the additional modifications.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to accept counsel draft Resolution of Approval for Schlesinger. 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. **Iglesia Ni Cristo ARB** – Review and discuss an application for the construction of 2 steeples on the existing church building. Said property is located at 520 Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 220 Block 5 Lot 17.

Present Architect Raymond Frank.

Architect Frank began by mentioning the facade renovations that are to take place for the improvement of the Church. There will be decorative molding designs, two new steeple towers on the side of the façade, and signage at the front main entrance of the Church. He mentioned receiving H2M's memo, addressing comments, and having new drawings for the Board in his possession.

Engineer Barber reiterated what Architect Frank had mentioned for the Board and public and reviewed her memo. The Applicant is proposing to paint the rear, and side walls of the building, new shingles, and two new wall signs are proposed. Construction of the towers with steeples compliance with the bull criteria of the code is necessary. The Applicant should provide a plan showing setbacks from the property line; variance will be needed. She noted that there are provisions in the code under LUPA that allow the Board to consider substantial burden waivers if needed. Engineer Barber suggested that the Applicant looks over the ARB form, compare it with renderings, and ask that the Applicant provide photos. She feels it would be helpful. Regarding signage, the Building Inspector was contacted to determine the size of all signs.

Chairman Gerver confirmed that the seal above the front door is their branding and requested a close-up picture and submit it to the Building Department along with the requirements listed in the ARB form. Architect Frank confirmed that the steeple would be even with the roofline. M. Pastel questioned the ramp and asked that the Applicant update the plans by including it. Architect Frank confirmed in the following submissions that the drawings would reflect the actual colors and materials samples. T. DeLuca asked about the stained-glass windows on the side of the building, and Architect Frank said they would keep it as is. He then assured the Board he would drop off the new submissions by tomorrow.

**Adjournment:**

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by T. DeLuca, to adjourn the meeting at 8:50 PM.

**ADOPTED**

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

Claudia Valoy-Romanisin, Planning Board Secretary