

**Village of Woodbury  
Planning Board Meeting  
March 15, 2023**

Minutes of the Planning Board Meeting held on March 15, 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  
Philip Grealy, Traffic Consultant

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. **Klein/ARB** - Review and discuss documents submitted for ARB and Ridge Preservation of the 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.

A representative of the Applicant Shein Klein began to briefly describe the application. It consists of adding a small addition in the front and right of the house. From their last appearance before the Board, they were missing a waiver for the moratorium which they obtained on February 9, 2023, from the Village Board of Trustees.

The Chairman proceeded to read the Specific Conditions of the draft Resolution of Approval ARB for Shein Klein.

**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 December 16, 2022, to the satisfaction of the Village Engineer.*
4. *No trees shall be removed for the construction of the proposed addition and deck.*

A motion was offered by Chairman Gerver, seconded by E. Yan, to accept counsel's draft Resolution of Approval for Klein 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. **Iglesia Ni Cristo ARB** – Review Draft resolution for the construction of 2 steeples on the existing church building. Said property is located at 520 Route 32 in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 220 Block 5 Lot 17.

The Board acknowledged the review of counsel’s draft resolution for Iglesia Ni Cristo ARB, and Chairman Gerver proceeded to read the Specific Conditions.

SPECIFIC CONDITIONS

5. *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.*
6. *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.*
7. *Prior to the signing of the renderings, the Applicant shall comply with the memorandum of the Village Engineer dated February 9, 2023, to the satisfaction of the Village Engineer.*
8. *Sign lighting will be extinguished at or before 12:00 midnight of each day.*

A motion was offered by T. DeLuca, seconded by E. Yan, to accept counsel’s draft Resolution of Approval for Iglesia Ni Cristo 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	

- C. **ARB/Avrohom/8 Sunny Lane** – Review Draft resolution for ARB and Ridge Preservation of the proposed second-floor addition to an existing single-family dwelling. Said property is located at 8 Sunny Lane in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 217 Block 1 Lot 5.

The Board acknowledged the review of counsel’s draft resolution for Avrohom/8 Sunny Lane ARB, and Chairman Gerver proceeded to read the highlighted section under Findings and the Specific Conditions.

FINDINGS

*The Planning Board has determined that approval of this Application will substantially serve the purpose and policy of the Ridge Preservation provisions of the Village of Woodbury Code § 310-13, and, subject to compliance in full with the conditions hereinafter imposed, **the residence shall not be visible from any designated ridge preservation view corridor or will blend into the hillside.** The Planning Board hereby approves the above noted plans, illustrations and materials submitted by the Applicant. **In connection with this Finding, the Planning Board has determined, in accordance with Village Code § 310-13(B)(7)(b), that the requirement of Village Code § 310-13 (Ridge Preservation) for the applicant to submit a photo-simulation is hereby waived, as the structure affected will not be visible from a designated view corridor.***

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 February 9, 2023, to the satisfaction of the Village Engineer.*
4. *No trees shall be removed to construct the second story addition and deck improvements.*

5. *By this Resolution of Approval, the Planning Board is not approving the use of or the propriety of the location of the encroachments on the subject lot or the adjoining lots.*

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to accept counsel’s draft Resolution of Approval for Avrohom/8 Sunny Lane 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

**D. ARB/Ideal Design/Glum 65 Catskill – Public Hearing** for 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 Ideal Design spoke on behalf of the Applicant, summarizing the application. The addition will be located on the rear side of the house, matching all existing materials. At their last appearance before the Board, they were asked to provide an updated Ridge Preservation photo to determine if it’s visible from the view corridor. He said the fence encroachment on the Village’s property was removed. He also acknowledged adding planting that was requested.

Chairman Gerver opened the floor to the public for the public hearing and the record noted that the Building Department as well as the Board received a written correspondence weeks prior from one of the neighbors about the ARB/Ideal Design/Glum 65 Catskill project.

Ms. Jaime Walker, a neighbor of the Applicant, said they are wonderful neighbors and wish nothing but the best for them; however, as a homeowner, she would like to preserve her investment and well-being for not only herself but for her family also. She’s aware of the changes and issues in Woodbury Junction. She recalled water and drain issues and the cutting down of trees in a forever green space amongst other things. The addition being built is directly behind her home and it will completely block her scenic view of the mountains from her backyard. She mentioned spending thousands of dollars contributing to replacing trees that were illegally cut down to help add to the privacy. Although she is aware more people are moving to Woodbury, Ms. Walker questioned why there are more and bigger homes built in Woodbury Junction when there’s a shortage of water. She continues to say her view is already slowly dissipated and what she has left will have her viewing the side of a building. She believes the Information provided to the Building Department about 63 Catskill is inaccurate and proceeded to provide the Board pictures of her home and her backyard. She also added that the water and sewer form was not filled out by the Applicant. She asks that the Board take into consideration her comments and not allow the addition.

There were no further comments from the public.

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to close the public hearing for ARB/Ideal Design/Glum 65 Catskill. 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

T. DeLuca asked if trees will be cut down in the rear and the Ideal Design representative said there are no existing trees on the property, they will be adding trees to the landscaping since the original developer failed to do so. He proceeded to discuss the property 63 Catskill is set back from the Applicant’s property. Chairman Gerver added that the house on the left of the Applicant is set higher than the house on the right, having a clear view into the Applicant’s backyard. Which is why it was recommended that the Applicant provide screening. It’s unfortunate, the area where there used to be full of trees is now decimated because of the previous developer. There was further discussion on the type of trees that would be used for screening, photos, clarification that there will be no changes to the front of the home, the setbacks, renderings, ridge preservation, and ARB. About ridge preservation, having reviewed the elevations, and renderings. E. Yan questioned the ridgeline and after further review, he did not agree.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, the home is not subject to Ridge Preservation. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

**ADOPTED**

AYES	4	Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel
NOES	1	E. Yan

Engineer Barber mentioned the Applicant’s late submission addressed some of her outstanding comments. She was able to look at those comments which consisted of similarity and dissimilarity criteria, and photos from the view corridor and its visible. She noted the Applicant providing a landscaping plan to help provide a screen for the neighboring properties. She continued to say that if the Board need more time to consider they have the authority to do so given the Applicant’s late submission. Chairman Gerver proceed to read the general standards for ARB review.

*“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.”*

The Ideal Design representative noted that the owner has permission to build his addition on the rules set forth by the Board. They do not need any extra variances; they are abiding by the zoning codes, so he doesn’t think this application should be disapproved. Attorney Kelly Naughton noted legally under ARB review scenic view does not come into play whether or not something is blocking someone’s view. She proceeded to read a language under ARB, an addition to the standards the Chairman had read out loud, revealing the intent of the ARB. She continued to say the Board is to review the impact on a particular neighborhood a Board. It is not the Board’s responsibility to protect the view from a private location, such an act is done from a public location, similar to ridge preservation. After further discussion, members of the Boards will be making a site visit. It was suggested that the Applicant provide a photo from the neighboring property’s location towards the view shed mentioned during the public hearing to help the Board fully see the potential impact. Another suggested option was to provide an aerial image to make it simple. A suggestion the representative of the Applicant agreed to provide.

The Board agreed to move this application to April 19, 2023 agenda for action.

**E. BM Assoc/11 Bond St – Public Hearing** for Special Permit and Site Plan for proposed change of use from light industry to warehouse. Said property is located at 11 Bond Street in Central Valley and is known on the Village of Woodbury Tax Maps as Section 226-1-91.

Mr. Rosenberg a representative of the Applicant, explained this application consists of the changing of a tenant. There will be minimal changes to the existing warehouse. There will be no major changes to the site. They will be removing the air system and adding parking spaces.

Chairman Gerver noted there are some outstanding documents. The Board has yet to receive letters from FEMA and the Department of Health, consenting to the Planning Board to proceed as Lead Agency to complete SEQRA. Although the Board proceeded to review the draft resolution, making it clear they cannot adopt the resolution of approval until they receive notice.

The Chairman proceeded to read the highlighted area under “Findings” to then continue reading the “Specific Conditions”.

**FINDINGS:**

*“Village Code § 310-7 and the Schedule of Zoning District Regulations for the LIO district requires maximum coverage of 65%. In connection with this project, the Building Inspector has determined that the existing coverage (greater than 65%) is a legally pre-existing nonconforming condition. No variances from the Zoning Board of Appeals are necessary.*

*The Applicant has demonstrated to the satisfaction of the Village Water Department and Village Engineer that there is no increase in the use of water with this application, and therefore is exempt from the current moratorium.”*

**SPECIFIC CONDITIONS**

1. *Prior to the signing of the plans by the Chairman, the Applicant shall comply with the memorandum of the Village Engineer dated March 10, 2023, to the satisfaction of the Village Engineer.*
2. *All waste shall be placed inside the dumpsters as shown on the plans, and the area surrounding the dumpsters shall be kept in a neat condition.*
3. *No goods or materials shall be stored outdoors.*
4. *Offices within the warehouse are accessory to the warehouse use and are not intended as a separate use.*
5. *No signage is proposed or approved as part of this action.*

Chairman Gerver opened the floor to the public for comments regarding the BM Assoc/11 Bond St.

Resident Tom Hicks stated that he lives close to the warehouse and spoke in reference to the buffer zone. He expressed his concerns about the zones, saying they are not maintained. He hasn't reached out to the Building Department to file a complaint. He became aware of this application via public notice and wanted to express his concerns. He was advised to reach out to the Building Department and was made aware that although the owners of the property are responsible for the upkeep the Building Department can enforce it. Mr. Hicks was also told that the footprint of the property will not be changing, there's no addition. Changes will be made to the inside of the building. The client has made the Board aware that there will only be two shipping containers a week for medical materials, for instance, scrubs. The items will be packaged and distributed via carrier companies like UPS and FedEx.

There were no comments from the public.

A motion was offered by T. DeLuca, seconded by M. Pastel, to close the public hearing for BM Assoc/11 Bond St. 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	

The Board agreed to move this application to April 5, 2023 agenda for action.

- F. **Hartman/ARB 60 Southfield** – Review and discuss documents submitted for ARB and Ridge preservation of the proposed addition to a single-family dwelling. Said property is located at 60 Southfield Falls and is known on the Village of Woodbury Tax Maps as Section 226 Block 1 Lot 91.

A representative from Hartman Design gave a summary of the application. They are proposing an addition in the rear of the home and a new deck. He spoke of the site plan that was submitted in detail going over the measurements. The representative spoke of the floor plans including the addition. He stated there will be no additional bedrooms.

Engineer Barber began by going over her comments, and addressing the representative comments. She asks that the Applicant double-check the Orange County GIS imagery measurement of the lot lines, they could be slightly off. Also, make sure it's in compliance with the code. The intent is to match existing colors and materials for the addition. The applicant should provide photos of the left and right sides of the home, and a summary of the floor area should be provided demonstrating the changes from the existing to the proposed. The ARB form should be updated including the colors and materials of the deck. Photographs of the home situated 600 ft. to 3,000 ft. from the subject property so the Board can consider the similarity and dissimilarity criteria under the code. Information on the size of the nearby homes within 300 ft. Confirmation whether the site is visible from the View Corridor. She asked that the Applicant provide information on whether or not there will be the removal of trees. The Water and Sewer form should be completed and signed. The Hartman Design representative said they will try their best to get all the outstanding information Engineer Barber mentioned. He added that it was very difficult to obtain the survey from the original

engineer. Engineer Barber advised that the Applicant obtain a certified or a pdf stamped approved for it to be sufficient. He was also asked to update the view corridor photos. It was also stated the Board members will visit the site in person.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to waive the public hearing for Hartman/ARB 60 Southfield. 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

- G. Shops At Woodbury ARB Bldg. 9** – Review ARB documents submitted for Building 9 (Courtyard by Marriot) to be located within the previously approved mixed-use commercial center. Said property is located at the intersection of Locey Lane and Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lots 34.1, 34.22 & 75.

Attorney Anthony Morando began by announcing what has been submitted. Engineer Steve Esposito began describing the details of the site plan. He stated that the Marriott Courtyard has a signature look so it will be just like any of the other Marriott Courtyard hotels. He showed two renderings of the building, pointing out the entrance, parking, façade of the building, rear of the building as well as other decorative points of the building. He also showed colors and materials that will be used. The Marriott Courtyard initially had two signs, but comply with having one as per code. The sign will be submitted in the next set of plans. The roof plan was also shown. Engineer Esposito noted a comment regarding stairs above the roof. The pedestrian access to the roof exceeded the maximum building height, therefore it was eliminated. It will be reflected in the next set of plans. Those plans will show a bilco hatch and a ship’s ladder up to the roof for it to comply. There was further discussion on colors and materials.

Chairman Gerver questioned the bilco hatch with the ladder accessing the roof. He expressed his concerns with the width of the hatch and ladder, knowing it can be tough for a fireman with equipment to climb through. Engineer Esposito took into consideration his concerns and said they will enlarge it as much as they can. M. Pastel asked if the roof of the building can be seen from Rt 6. Engineer Esposito said the building is set on the highest level of the site, so the building will be seen from Rt. 6. He doesn’t believe the roof will be seen unless you’re at the high point of Rt. 6. The Board had some concerns about the architectural look of the hotel, not flowing with the rest of the buildings on site. It was questioned if the Marriott Courtyard had any other designs for their hotels. The Board requested to have a storyboard with the materials and colors that will be used to be submitted.

Engineer Barber stated there are minor revisions required for the ARB form. She proceeded to name a few items outstanding. The confirmation from the Applicant that they will use non-reflective windows. Information that was discussed in their previous meeting regarding dumpster enclosures. Additional information on the proposed sign, for instance, the size. She noted that the stairs mentioned by Engineer Esposito did not comply so she’s looking forward to seeing the next submission. Engineer Barber also advised that if a public hearing should be set, it’s suggested to be held on April 5<sup>th</sup> along with the other applications under Shops of Woodbury.

Traffic Consultant Philip Grealy mentioned his memo that was submitted on March 10, 2023, and briefly went over the comments.

*Collier’s Engineering & Design Memo:*

*Building 9 – Courtyard by Marriot*

- 1. Loading Area Addition – The vehicle maneuvering plan (Drawing C2.0) demonstrates the ability of the garbage vehicle to access the dumpster enclosure adequately.*
- 2. On Sheet C1.0, the loading space also appears to be appropriately positioned in the northwest corner; however, it should also include signing restricting that area to delivery vehicles only.*
- 3. On Sheet C1.0, due to the expected pedestrian flows from the parking area to the hotel building entrance, we would recommend adding pedestrian signs (W-11-2) in each direction to supplement the crosswalk pavement markings indicated on the plan.*
- 4. What material is the proposed Garden Wall shown around the rear courtyard? Depending on that response, should any bollards be considered around that area?*

5. We recommend that an “All-Way Stop” and center line striping be added to the intersection of the N-S and E-W circulation road intersection near the southeast corner of the hotel building since the sight lines appear to be somewhat restricted by the building and traffic movement should be controlled accordingly.

6. On Sheet C1.0, due to the location of the access doors on the south side of the building, we recommend adding a striped crosswalk across that portion of the east/west roadway with corresponding signing.

7. It should be clarified if there are still any “land banked” parking spaces on the overall site and if so, due to the nature of the hotel use, it may be appropriate to include a separate note on this Building 9 site plan regarding the responsibility to construct any such spaces, if determined necessary, at the direction of the Building Inspector.

Traffic Consultant expressed his parking concerns. He wants to make sure there is ample parking.

Chairman Gerver asked that the Applicant provide Marriott Courtyard corporate design standards. The Board expressed concerns since this building will be so visible on the hill and they would like the design to fit within the rest of the buildings.

A motion was offered by Chairman Gerver, seconded by E. Yan, to schedule a public hearing for Shops At Woodbury ARB Bldg. 9 (Courtyard by Marriot) on April 5, 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

Due to a discussion regarding a sign, in a previous meeting with the Applicant. They decided to go with their previous sign plan, therefore it would require a variance from the Zoning Board of Appeals.

A motion was offered by Chairman Gerver, seconded by E. Yan, to refer Shops At Woodbury ARB Bldg. 9 (Courtyard by Marriot) to the Zoning Board of Appeals for a variance. 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. LL No 1** – Review and discuss referral of Introductory Local Law No 1 of 2023 entitled “A Local Law Creating Chapter 255 (“Short Term Rentals”) of the Code of the Village of Woodbury.

Attorney Naughton expressed how this is a very important law for all, including the Board of Trustees. The state is considering a legislature to regulate short-term rentals. She has kept a close eye on this law that has been adopted around the state. She pointed out there have been some challenges in drafting the law and legal challenges to laws already adopted. To the Chairman’s understanding, Woodbury doesn’t have the right to intervene or take into consideration anything on the internet to be used as proof that a building is being used as a rental home, for example, an Airbnb. He questioned how this law can be enforced. To answer his question, it was said that unless the perpetrator turns themselves in or there’s an emergency involving the Fire Department, another was if there is probable cause or an administrative search warrant.

It was found out that there is a provision in the law about the presumption of a property being used as a short-term rental. Its reference is in section 255.2. The Chairman suggested incorporating the right of entry by the Building Department. Engineer Barber then gave her suggestions stated in her memo. There was an extensive discussion going over the suggestions given by Engineer Barber in her detailed memo. One of her suggestions regarded adding advertising as such to be considered as evidence. There were other suggestions regarding changes to a certain language and ways to prevent any loopholes. Engineer Barber went over the following definitions with the Board and consul.

*H2M Memo:*

*Recommendations/Information –*

1. §255-1. Definitions: We recommend the definition of STR be revised to indicate “Any or all portions of a single-family dwelling...”.

2. §255-1. Definitions: You may wish to discuss with Counsel the reasoning behind the thirty-one (31) consecutive day threshold; It may be worth clarifying if the threshold is intended to prevent the STR for more than 31-days by one single tenant or 31-days back-to-back by multiple users.
3. §255-1. Definitions: The definition mentions month-to-month tenancies, which is not discussed elsewhere in the Code. We recommend this be removed or defined.
4. §255-2. Presumption of dwelling "unit": We recommend "unit" be removed from the title of this section since the standards (§255-5.A.1) section indicates only single-family dwellings are permitted for STR.
5. §255-2.A.1. Presumption of dwelling unit: Understanding rentals are limited to thirty-one (31) days or less by the definition, the language in the presumption criteria seems to indicate the period applies to the listing and/or advertisement. Perhaps it is appropriate to remove the time limit, such that any property listed on STR website is presumed a STR; we defer to Counsel's opinion on language for this.
6. §255-3.B. Required Permit: Where this section discusses renewals required and transfer of property, we recommend you discuss with Building Department and develop a method for tracking approved STR's and their renewal dates.
7. §255-4.A. Application Requirements: We recommend the Board consider whether the application should include a statement regarding what portions, or if all, of the dwelling will be used as a short-term rental.
8. §255-4.A.6 Application Requirements: We recommend this section be amended to require a plot plan to address the location of buildings and required parking, and that the acceptability of the plan be up to the Code Enforcement Officer. The following language is suggested: "As determined by your Village Code Enforcement Officer, an accurate, suitable plot plan of property and floor plan for each level of the dwelling that can be occupied... The floor plans does not need to be prepared by a professional...".
9. §255-4.B. Application Requirements: If you agree with the comment above, then this section should be revised to indicate "All completed applications are subject to a plot plan and floor plan review..."
10. §255-4.C. Application Requirements: This section discusses "sleeping capacity", where other sections of the Law discuss maximum occupancy/capacity; We recommend this be revised for consistency.
11. §255-5.A.1 Short-term rental standards: The Code does not discuss three-family dwellings elsewhere, rather dwelling units. We recommend you consider removing this language for consistency.
12. §255-5.A.11 Short-term rental standards: Perhaps this section should specifically identify "visitors" be included in the occupancy restrictions. Additionally, this may be a good location to prohibit parties or events at an STR.
13. §255-5.A.12 Short-term rental standards: This Section discusses "overnight" occupancy where for consistency, we recommend "maximum" occupancy. Additionally, septic systems for single-family homes are typically designed per bedroom, rather than per person. Accordingly, you may wish to state an assumption that for the purposes of septic system design under this section, two persons per bedroom are used.
14. §255-5.A.15 Short-term rental standards: An inspection report is required for proof of septic system adequacy; we recommend you consider what proof could be submitted for water supply meeting all State requirements. In this case, properties served by municipal or private water supply company would be assumed acceptable; however, you may wish for individual well supply owners to submit proof of water quality testing meeting standards for individual water supply wells set forth by the New York State Department of Health.
15. §255-5.A.16 Short-term rental standards: Signs are permitted for short-term rentals, one sign for each of the property road frontage. Typically, STR's are so well blended in the community and identifiable most easily by property address. We recommend you consider whether a sign for advertising the STR is appropriate.
16. §255-5.D.3. Rental contract / Good neighbor statement: We recommend the Board consider whether outdoor lighting should be limited to the same time restrictions as quiet hours and/or any other appropriate restrictions for the same.
17. §255-6.A. Procedure upon filing application: This Section references the Town versus Village, minor typo.
18. §255-8.B. Compliance and penalties: We recommend you consider whether on first violations a warning would be appropriate.
19. §255-5.C. Penalties: We recommend you consider with advice from Counsel if parts 1 and 2 in this section are duplicative or conflicting, it's not clear if civil penalties (in part 2) are different from fines (in part 1). Additionally, it is evident that Owners of the property for failure to comply with the requirements of the STR law should be held liable for compliance under the Chapter; however, we recommend you discuss if it is the intent to impose penalties on a renter who does not comply with the rules of the quiet hours or other user requirements of the space. We recommend you review this with Counsel.
20. Other: We recommend the law be referred to the Building Department for their comments; additionally, we recommend you consider with Counsel whether the ZBA should weigh in on the law as applications could be referred to their Board for variances associated with the same.

Examples of situations were presented to Attorney Naughton so that she can provide legal advice. Attorney Naughton noted all suggested changes and ideas to then present to the Board of Trustees later. The Building Department will be referred to as an extension of this discussion.

- I. **LL No 5** – Review and discuss referral of Introductory Local Law No 5 of 2023 entitled “A Local Law Amending Chapters 272 (“Subdivision of Land”) and 310 (“Zoning”) of the Code of the Village of Woodbury to include provisions for the Abandonment of Applications.

The Chairman stated that he asks the consul for guidance on applications that have been abandoned. There are provisions for negative accounts, but none for those open applications with positive balances. The Board is wondering how to close those applications after a significant amount of time has passed. Engineer Barber went over her memo dated March 10, 2023. It consists of a list of suggestions for the Board to discuss.

*H2M Memo:*

*Recommendations/Information –*

- 1. The law is concisely written and is intended to allow the Board to deem an application abandoned after 12 months of inactivity.*
- 2. We recommend you discuss with the Building Department a procedure for tracking applications approaching abandonment and notifying the applicants of the same.*
- 3. The law specifies “12 months without reasonable steps having been taken by the Applicant to advance the application”; in some cases (e.g., applications like the Garden’s at Harriman, Woodbury Common Phase V) larger projects that require coordination and approval with other agencies may be working out of the view of the Board and your consultants. Perhaps it would be beneficial for a section of the Code to require applicants to appear before the Board every 9 to 12-months (single period to be decided) for an update or risk abandonment.*
- 4. We recommend you confirm the language regarding “deposits” includes escrow accounts.*
- 5. Where applications proposed for abandonment are negative escrow, and although the abandonment of the application requires reimbursement to the Village, we recommend you consider whether a lien on the property should be required or some other mechanism to ensure payment to the Village.*

The Board had a lengthy discussion and made some of their recommendations and suggestions. Examples of situations were presented to Attorney Naughton so that she can provide legal advice. Attorney Naughton noted all suggested changes and ideas to then present to the Board of Trustees later. The Building Department will be referred to as an extension of this discussion.

A motion was offered by T. DeLuca seconded by M. Pastel, authorizing counsel to draft two separate reports on Local Law 1 and Local Law 5 for the Village Board of Trustees based on the discussion held in tonight’s meeting. 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

**Adjournment:**

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by T. DeLuca, to adjourn the meeting at 10.30 PM.

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

Claudia Valoy-Romanisin, Planning Board Secretary