

**Village of Woodbury
Planning Board Meeting
April 19, 2023**

Minutes of the Planning Board Meeting held on April 19, 2023, at 7:30 PM.

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

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

Board Member(s) Absent: Evan Yan

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 revised minutes of the meeting held on March 15, 2023. 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 0

4. **New Business: N/A**

5. **Regular Agenda:**

- A. **Gardens at Harriman Station** - Discuss the status of the application for proposed transit-oriented development. Said property is located on State Route 17 in the Village of Woodbury and is known on the Village of Woodbury tax maps as Section 243 Block 1 Lots 1 through 25.

Present Attorney Anthony Morando and Engineer Steve Esposito.

Attorney Morando began and stated their focus on tonight's meeting is on zoning, the Transit Village Zoning District (TVZD) that's in place. He proceeded to explain the process being that it's fairly new. Engineer Esposito went into the specifics and spoke on changes that took place with the permitted uses. They provided the Board with illustrations to give a better understanding. Engineer Esposito noted there are some questions, and they would like to meet with the Board's consultants.

Chairman Gerver recalls the Applicant having some permitting issues with the Department of Environmental Conservation (DEC). Engineer Esposito mentioned a permit plan originally done with the ICC back in the 1990s and now that the permit has lapsed so they need to redo the well because it's not consistent with today's standards. Engineer Esposito made it known that the goal of the zone is that 50% of all the residential units have to be two bedrooms or less and 20% of them have to be affordable.

R. Cataggio asked about the population and if there was a number to go by. Engineer Esposito said part of the overall project is a coordinated review with the Village of Harriman 12.6 acres and 112 plus acres in the Village of Woodbury. The concept plan consists of 1400 residential units, then the mixed used about 120 to 150,000 square feet. In Harriman, it would be 100 units totaling all 1500 units. R. Cataggio inquired about statistics of other Applicants working with the MTA to accommodate the increase of people traveling, he's concerned due to the station that currently exists can only hold about 40 people. Engineer Esposito said in their analysis they will then be able to answer that question.

- B. Shops at Woodbury** – Review draft resolution for the Amended Site plan of a previously approved mixed-use commercial center. Said property is located at the intersection of Locey Lane and Route 32 Melody Lane in Central Valley and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lots 34.1, 34.22 & 75.

Present Attorney Anthony Morando and Engineer Kevin Van-Hise.

Engineer Hise addressed the comments from the consultants and noted that the water and sewer form has been submitted and received back signed. They acknowledged that they were to receive acknowledgment from Harriman. Comments were received from their engineer, and they are close to getting that done. A comprehensive plan for the ESO was updated indicating which building is which and submitted. They were also asked to identify the dumpster in Building 3 served during off hours. He clarified that they will be able to comply with the comments from the consultant's memo.

Engineer Barber acknowledges reviewing the 83pg construction detail plan provided by Kimley Horn, but she continues to address comments that were not mentioned. There are some minor changes to the plan, comments that were related to the conditions of the Board's action were included in the draft resolution, and the parking waiver needs to be modified or reaffirmed reflecting the plan of 527 parking spaces noting a lesser degree of waiver is required.

Traffic Consultant Phillip Grealy stated that the Applicant had addressed the comments in his memo dated April 13, 2023. He agreed with Engineer Barber regarding the parking waiver. Regarding the waiver, Attorney Moranda said to leave the percentage at 19%.

Chairman Gerver then proceeded to read the Specific Conditions.

SPECIFIC CONDITIONS:

1. *All applicable conditions attached to the Resolution of Approval with Conditions dated April 21, 2021 for The Shops at Woodbury, LLC are hereby incorporated into this Resolution and are to remain in full force and effect, and this approval is subject to, and conditioned upon, satisfaction of those conditions as if they were set forth at length herein. To the extent that there is any inconsistency between such applicable conditions and the conditions set forth in this Amended Resolution of Approval with Conditions, the conditions of this Resolution control, unless the context dictates otherwise.*
2. *Prior to the signing of the plan by the Chairman:*
 - a. *All revisions to water facilities proposed in this amended application shall be reviewed by the Village of Harriman, and the Village of Harriman's consent to such revisions provided to the Village of Woodbury Building Department.*
 - b. *The Applicant shall prepare a master plan with numbering of tenant buildings on the property to the satisfaction of the Village Engineer, which shall be provided for use by the Emergency Service Organizations.*
 - c. *The Applicant shall comply with the memoranda of the Village Engineer dated March 31, 2023 and April 14, 2023, to the satisfaction of the Village Engineer.*
 - d. *The Applicant shall comply with the memoranda of the Village Traffic Engineer dated March 28, 2022 and April 13, 2023, to the satisfaction of the Village Traffic Engineer.*
3. *The freestanding sign and footprint of such sign is not approved as part of this application.*
4. *Refuse pick-up for the Building No. 3 dumpster shall be performed during off-hours of the facility, as it requires the truck enter the opposite direction of one-way traffic.*
5. *Prior to issuance of any Certificates of Occupancy, the NYS Route 17 access improvements shall be completed.*

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to accept counsel’s draft Resolution of Approval for The Shop At Woodbury. 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 0

C. Shops At Woodbury ARB Bldg. 4 – Review draft resolution for ARB of Building 4 (Aspen Dental) to be located within a 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.

Chairman Gerver began reading the first page of the draft Resolution of Approval and then proceeded to read the highlighted areas leading to the Specific Conditions.

NATURE OF APPLICATION

This application received conditional site plan and special permit approval on April 21, 2021, for the construction of a mixed-use commercial center with retail, restaurant and hotel uses, and received amended conditional site plan and special permit approval on April 19, 2023, which, among other amendments, permitted the use of “medical office”.

SPECIFIC CONDITIONS

1. *All conditions attached to the original grant of Site Plan and Special Permit Approval for The Shops at Woodbury, LLC, dated April 21, 2021, and Amended Site Plan and Special Permit Approval for The Shops at Woodbury, LLC, dated April 19, 2023, as well as all SEQRA Findings and the Consistency Finding, are to remain in full force and effect and this approval is subject to, and conditioned upon satisfaction of same as if those conditions were set forth herein at length.*
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. *Prior to the signing of the renderings, the Applicant shall:*
 - a) *Comply with the memorandum of the Village Engineer dated February 24, 2023, to the satisfaction of the Village Engineer.*
 - b) *Revise the renderings to change the roof color from ‘white’ (not permitted) to ‘black’ (permitted).*
4. *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.*

A motion was offered by Chairman Gerver, seconded by R. Cataggio, to accept counsel’s draft Resolution of Approval for The Shop At Woodbury ARB Bldg. 4 (Aspen Dental). . 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 0

D. Shops At Woodbury ARB Bldg. 9 – Review draft resolution for ARB of Building 9 (Courtyard by Marriott) to be located within a 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.

Chairman Gerver began reading the first page of the draft Resolution of Approval and then proceeded to read the highlighted areas leading to the Specific Conditions.

NATURE OF APPLICATION

...This application received amended conditional site plan and special permit approval on April 19, 2023, for the construction of a mixed-use commercial center with retail, restaurant and hotel uses.

SEQRA

...On April 19, 2023, the Planning Board reaffirmed its SEQRA Consistency Finding for this application.

Findings:

....This application is exempt from the current moratorium, as the project completed the SEQRA process prior to the effective date of the moratorium. (Exemption No. 5.)

SPECIFIC CONDITIONS

5. All conditions attached to the original grant of Site Plan and Special Permit Approval for The Shops at Woodbury, LLC, dated April 21, 2021, the Amended Site Plan and Special Permit Approval, dated April 19, 2023, and all SEQRA Findings and the Consistency Finding, are to remain in full force and effect and this approval is subject to, and conditioned upon satisfaction of same as if those conditions were set forth herein at length.
6. 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.
7. Prior to the signing of the renderings, the Applicant shall:
 - a) Comply with the memorandum of the Village Engineer dated March 10, 2023, to the satisfaction of the Village Engineer.
 - b) Comply with the memorandum of the Village Traffic Engineer dated March 10, 2023, to the satisfaction of the Village Traffic Engineer.
 - c) Provide a comprehensive list of accessory uses proposed to the Building Department. The present list includes a small lounge, business office, pool, cafe and dining area to serve breakfast to guests.
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.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to accept counsel’s draft Resolution of Approval for The Shop At Woodbury Bldg. 9 (Courtyard) with the modifications from Attorney Naughton made to 3c. 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	0	

- E. **ARB/Ideal Design/Glum 65 Catskill** – Review draft resolution 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.

Chairman Gerver gave a summary of where this application stands. This application was before the Board a few meetings prior, and a couple of Board members wanted to get a better look at the property. The Applicant complied with the Board's requests in order to move forward. He then began reading the first page of the draft Resolution of Approval and then proceeded to read the highlighted areas leading to the Specific Conditions.

FINDINGS

....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. 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 March 10, 2023, to the satisfaction of the Village Engineer.
4. The materials and colors used shall match the existing siding of the dwelling.
5. Prior to the issuance of a Certificate of Occupancy, the Applicant shall remove that portion of the existing stockade fence that encroaches onto the adjoining lot (Section 255, Block 3, Lot 10).
6. **POTENTIAL CONDITION: Add landscaping – shall be maintained in perpetuity.**

A motion was offered by Chairman Gerver, seconded by M. Pastel, to accept counsel’s draft Resolution of Approval for ARB/Ideal Design/Glum 65 Catskill. 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	0	

- F. Ideal Design/ARB/Achdus B2** -Review and discuss documents submitted for ARB and Ridge Preservation of a proposed addition to an existing seasonal dwelling. Said property is located in Achdus Unit B2 and is known on the Village of Woodbury Tax Maps as Section 213 Block 1 Lots 1.11.

Present Yitzchok Stein for Ideal Design.

Mr. Stein started by saying that the Applicant is proposing an addition to an existing unit. As per the previous approval come to find out that a variance is needed.

Engineer Barber confirms this application should be referred to the ZBA for a variance, though she continued to go over comments from the H2M Memeo. She noted a few items from her memo dated April 14, 2023. Mr. Stein was asked to clarify whether the home would be seasonal or not.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to have Engineer Barber write a referral letter to the Zoning Board of Appeals (ZBA) for a special use permit and for any variance that may be required. Chairman Gerver began to read the Specific Conditions.

ADOPTED

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

- G. Stein/Vanderbilt ARB** Review and discuss documents submitted for ARB and Ridge Preservation of proposed renovations and additions to include conversion of garage to living space, deck, and pool enclosure. Said property is located at 21 Vanderbilt Drive in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 245 Block 1 Lot 102.

Present Yitzchok Stein for Ideal Design.

Mr. Stein said the Applicant wants to renovate the garage into a living space and add a structure that would enclose the existing swimming pool in the backyard.

Engineer Barber went over her comments from her memo dated March 31, 2023, and began listing what the Applicant needs to address. To mention a few, the enclosure should not occupy more than 25% of the required yard, the plans received are incomplete, a plot plan should be submitted with an ARB and Ridge Preservation application., and comments on code requirements on setbacks and coverage as well. She also asked that the Applicant provide photos of the existing home, and photos from the view corridor. She mentioned colors/materials of the Applicant's choosing which were white and blue. White is prohibited as part of the ridge preservation criteria. No new bedrooms are proposed.

R. Cataggio questioned the date the application was filed, he also referred to certain questions on the water and sewer application. He raised related questions/comments that were mentioned by Engine.

T. DeLuca asks that the Applicant provide an overhead picture of the home.

- H. **Hartman/ARB 60 Southfield** – Review and discuss documents submitted for ARB and Ridge preservation of proposed addition to 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.

Present Larry Hartman from Hartman Designs

Mr. Hartman gave a brief description of the application. Gave details on the dwelling, rooms, and footprint.

Engineer Barber went over her memo, acknowledged what Mr. Hartman had submitted, and updated plans. The Chairman as well as the Board asked questions regarding the Ridge Preservation.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to list this application as a Type II Action under SEQRA. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

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

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to authorize counsel to draft a Resolution of Approval 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

R. Cataggio asked questions regarding the roof on the addition, whether it would be flat or pitched and Mr. Hartman said it would be a pitched roof.

- I. **Harbor Freight** – Review and discuss documents submitted for a proposed amended site plan to include larger loading dock, stair, trailer pad and forklift ramp to grade as well as cart corral in the parking lot. Said property is located at 23 Centre Drive and is known on the Village of Woodbury Tax Maps as Section 225-2-1.12.

Representative of Harbor Freight gave a brief description of the application.

Engineer Barber stated that the application needed to be presented to the Board. Comments were given to help the Applicant in order to move this application forward.

Traffic Consultant Grealy referred to his memo.

Chairman Gerver explained any submissions for the Board’s review will need to be in two weeks prior to the appearance of the Applicant before the Board. The Chairman continued to ask questions regarding deliveries and pick-ups. T. DeLuca asked about any additional equipment that will be placed on the roof. There were questions regarding cart removal.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to schedule the public hearing for Harbor Freight on May 17, 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

The representative was advised that May 3rd would be day the Applicant would have to make the submissions for this Board’s review.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to list this application as a Type II Action under SEQRA. 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

Attorney Naughton explained that due to the GML determination the public hearing would have to be set for May 2023.

H. LL No. 7:

Attorney Naughton went over the modification in the language for Local Law No. 7 and asked the Board for their feedback. Engineer Barber referred to her memo which consisted of a description of the local law and her recommendations. Traffic Consultant Grealy coordinated with Attorney Naughton’s input.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, authorizing Attorney Naughton to draft the Board’s comments and deliberation. A. 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 M. Pastel, to adjourn the meeting at 8:56 PM.

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

Claudia Valoy-Romanisin, Planning Board Secretary