

**Village of Woodbury
Planning Board Meeting
September 6, 2023**

Minutes of the Planning Board Meeting held on September 6, 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

Chairman Gerver opened the meeting with the Pledge of Allegiance.

- A. 228 Route 32 LLC – Public Hearing** for Amended Site Plan to include landscaping planting beds for runoff control in the existing shopping plaza. 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 Attorney Mike Tynan and Designer Willie Zambrano.

Engineer Natalie Barber acknowledged receiving plans with a listing of plants like Hydrangea, and Dogwood that would help retain and prevent any runoff caused by rain.

The Board had no additional comments; Chairman Gerver opened the floor to the public for comments regarding the 228 Route 32 LLC application.

There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to close the public hearing for 228 Route 32 LLC. 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 M. Pastel, to type 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

The Board decided on Hydrangea as the plant to be used for this project. The Chairman proceeded to read the highlighted sections and the Specific Conditions of the draft Resolution of Approval ARB for 228 Route 32 LLC application.

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. 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. All plant beds shall remain in a clean, orderly, and functioning condition to the satisfaction of the Building Inspector.

3. *All plantings shall be maintained in a healthy and vibrant condition, and all plantings, which die or become diseased, will be removed and replanted with the same plantings by the Applicant, subject to availability, with alternatives to be approved by the Village Engineer in consultation with the Building Department, unless otherwise approved by the Planning Board.*
4. *Any icing conditions that occur in the parking lot or on the sidewalks or walkways due to run off from the principal building (or features thereof) shall be remedied immediately upon notice thereof from the Building Inspector, to the satisfaction of the Building Inspector.*
5. *Prior to the signing of the plans by the Chairman, the Applicant shall:*
 - a. *Comply with the memorandum of the Village Engineer dated September 1, 2023, to the satisfaction of the Village Engineer.*
 - b. *Revise the plans to substitute decorative stone for the mulch layer shown on the “typical section through planter” detail.*

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to accept the Resolution of Approval with the conditions addressed and read 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	

B. Woodbury Common Pylon Sign – Public Hearing for Amended Site Plan and ARB for the addition of a pylon sign located between Entrances A and B on Route 32. Said property is located on Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lot 70.2.

Present Simon Property Vice President of Construction, William Pendergast

Mr. Pendergast gave a description and status of the application. The pylon sign was removed by the Department Of Transportation (DOT) when widening the road, not being able to put it back it was relocated to Nininger Road. The Zoning Board of Appeals (ZBA) had previously approved three signs in total. Due to the size of the third sign it was to be brought before the ZBA for a variance(s). The Applicant declined to appear before the ZBA for a variance(s). He noted they are still waiting for DOT to provide the designation, which seems to be taking some time with the paperwork, and mentioned soon receiving paperwork from Orange & Rockland on a utility easement that has been vacated.

M. Pastel questioned the compatibility of the size of the third sign. Mr. Pendergast said the third sign is much smaller than what they normally do.

Traffic Consultant Philip Grealy went over minor comments. He asked that the height and position of the sign that’s north of driveway B needs to be clarified. He also had minor comments regarding landscaping.

Engineer Barber mentioned other comments that were not addressed at this point of the meeting for instance sign illumination, hours of light operation, maintenance of the mound, and grading.

The Board had no additional comments; therefore, Chairman Gerver opened the floor to the public for comments regarding the Woodbury Common Pylon Sign application.

There were no comments from the public.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to close the public hearing for the Woodbury Common Pylon Sign application. 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 Kelly Naughton asked if the Applicant would reconsider appearing before the ZBA since the hearing notices were already sent out. Mr. Pendergast declined to appear before the ZBA, the Applicant agreed to reduce the signing.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to reaffirm SEQRA findings for Woodbury Commons Pylon Sign application. 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 Chairman expressed his concerns about the size of the sign. He believes it's too large of a sign for that area.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, for counsel to draft the Resolution of Approval for the Woodbury Common Pylon Sign application. 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. **Woodbury Design Center** – Review and discuss documents submitted for amended site plan special permit and ARB for the proposed conversion of four existing retail spaces into multiple boutique stores. Said property is located at 31 – 37 Centre Drive in Central Valley and is known on the Village of Woodbury Tax Maps as Section 225-2-1.12

General – This application is for nineteen (19) “boutique” stores and four (4) “design centers” in Woodbury Centre to replace four existing retail stores (formerly Staples, Waterford, Lenox, and Forever 21). The applicant proposes to divide the existing retail space into 19 showrooms of varying sizes ranging from 1,560 SF to 5,850 SF. Additionally, the design centers range from approximately 112 SF to 156 SF. Proposed exterior modifications include two (2) new wall signs to replace four (4) existing ones, construction of two new front entrances, new storefront windows, five new egress locations along the side of the building, and change of tenant sign panels on pylons within the Centre. The applicant provided existing and proposed floor plans and elevations, renderings of the proposed storefront and sign plans, and a site plan for you to consider their request.

Present Architect Jason Anderson

Architect Anderson proceeded to give a brief description of the application. Woodbury Fresh had received approval for the location of Lenox and Forever21. They are now proposing to take the space where Staples is located and combine the stores into one. The space will consist of boutiques geared more toward home goods, lighting, tiles, and furniture. Architect Anderson continued to describe certain aspects of the plan. He spoke of the egress and ingress for emergency vehicles and the store(s), the landscaping, there will be no changes to the loading docks or dumpster, and color/materials for the building. The stores potentially are to have a mezzanine to be used for storage, an IT room, or an office by the tenant. They will have two signs and note their locations.

The Board expressed their concerns primarily about the outside of the building. R. Cataggio asked about cart stations and Architect Anderson said there’s no cart station outside. The Chairman asked if the mezzanine would be compartmentalized, or cages, and Architect Anderson said it would be up to the tenant and from the Building Department’s standpoint. The mezzanine has to stay open no greater than 3,000 sq. ft. of space.

Engineer Barber discussed the seating area for the Design Center. Architect Anderson mentioned having a small booth/seating area for customers to discuss and or review with a representative of the store. She believes the mezzanine area should be narrowed to exactly what it would be used for and suggested adding a condition. She continued addressing comments from her memo dated September 1, 2023, that consisted of items like the bulk criteria, water, and sewer noting that the Village of Harriman supplies water to that site, parking calculations, waivers, as well as the limits of disturbance. She also noted that this application may need to be referred to the ZBA for the two wall signs.

Traffic Consultant Grealy mentioned his memo dated August 30, 2023; Architect Anderson has kindly addressed some.

Collier’s Engineering & Design Memo:

We have received a copy of the Woodbury Design and Home Center submission dated August 7, 2023, together with the Short Form EAF, which is also dated August 7, 2023. Based upon a review of the project description we recommend that the following be provided for our review.

1. Please have the Applicant's engineer prepare a trip generation comparison for the former retail space compared to the proposed boutique retail stores for each of the peak hours to ensure that there would be no significant increase in traffic as a result of the change in type of retail use.
2. Similarly, the parking should be reviewed for the proposed use as it relates to the total parking for the overall site.
3. It appears that there will be new access connections to the building for pedestrian access. If so, these access connections should be reviewed by the Applicant's engineer relative to their relationship to the Ring Road parking area and to determine whether additional signing and/or pedestrian crossings will be necessary. If these are only for emergency access use, this should be clarified.
4. The Applicant should describe how the loading activities will occur and review the existing loading docks relative to their positioning to ensure that there will be adequate area to maintain proper circulation around that area.
5. The Emergency Services Organizations (ESO) should also review the plans relative to the new pedestrian access points and the circulation near the loading areas.

The chairman expressed his concerns with the mezzanine section. Having a mezzanine with building materials overhead with limited access. Attorney Kelly Naughton said this is a Type II Action under SEQRA, needs a public hearing and as per signage, it would need to go to the ZBA.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to authorize any referrals for the Woodbury Design Center application to the ZBA. 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 M. Pastel, to type this 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 M. Pastel, to schedule a public hearing for the Woodbury Design Center application for October 18, 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	

T. DeLuca inquired how the stations would be built within the store. Architect Anderson said the walls would be out of glass, they started on the renderings, and it would be provided soon.

A motion was offered by Chairman Gerver, seconded by T. DeLuca, to have Engineer Natalie Barber refer the Woodbury Design Center application to the ESO . 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. Hartman ARB 10 Pheasant – Review and discuss ARB and Ridge preservation for the proposed addition to an existing single-family dwelling. Said property is located at 10 Pheasant Run in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 247 Block 2 Lot 7

Present Mr. Weinstock a representative from Hartman Designs

Mr. Weinstock described the application. An existing house with approximately 1,700 sq. ft. The Applicant would like to add an addition that will make the home approximately 2,000 sq. ft. altogether. Mr. Weinstock said there won't be any bedrooms,

and water usage will not increase. The addition would be a private Mikvah. It will be filled once every 3-4 months and it will be filtered. He continues to say it will not increase water usage. The Chairman recalled a separate application yet a similar application. He as well as the Board were familiar with the questions asked in that previous application and noted that this application is similar regarding water use, they will be using rainwater, not Municipal water. As per their religious beliefs, they are to use only rainwater.

Engineer Barber asked that the Applicant submit a narrative stating this Mikvah is for private use only, who it will be used by, and it will only consist of rainwater. She continued to go over comments from the H2M memo dated September 1, 2023, that need to be addressed or updated for their next submission. She spoke of the bulk criteria, ARB, landscaping, and Ridge Preservation to name a few. Mr. Weinstock acknowledges the comments Engineer Barber mentioned. When it came to tree removal, he said he would double-check though he believes there won't be any. The Chairman insists it is checked out noting and pointing out on the plans where the addition will be built and the dense area of trees. Mr. Weinstock assured the Board he would look into and address it. The Board discussed further certain things that stood out in the plan, for instance, the entrance/exit of the Mikvah.

Engineer Barber also noted a discrepancy. The floor plans of the home consisted of six bedrooms, while the Orange County Records show a number of four bedrooms. The Applicant should try to resolve this before going forward. Mr. Weinstock said he would double-check that as well.

The Chairman asked that this property be checked for deed restrictions as he may be confusing this property with another. Attorney Naughton said she would look it over. E. Yan had a question on water determination in a home. Engineer Barber said in a single-family home it's determined by the number of bedrooms, she continued to explain further. The Chairman asked that for ARB purposes to take photos of homes that are within a 300 sq ft. radius.

A motion was offered by Chairman Gerver, seconded by E. Yan, to type this 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	

- E. **ARB 19 Lake St** – Review and discuss ARB and Ridge preservation for the proposed demolition and reconstruction of the new single-family dwelling. Said property is located at 19 Lake Street in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 216 Block 5 Lot 27.3.

Present Yoel Eckstein

Mr. Eckstein described the application. An existing single-family house with three bedrooms. The Applicant wants to demolish the existing house and build a new one with five bedrooms. Two wings in the house, the right-wing has a kitchen and dining room, a family room, and a Master bedroom suite. The left-wing, has a study room, playroom, and a partially unfinished basement. There will be a covered deck in the entry and an uncovered deck in the back of the house. He continued to say the house is planned to sit in a certain way so there is a minimum number of trees removed. They've provided renderings of the house as well as information on colors and materials.

Engineer Barber mentioned the H2M memo dated September 1, 2023, and began to go over comments that were not addressed. There's a shed that the Applicant needs to relocate or get rid of, if not they will need to appear before the ZBA for a variance(s). Neighborhood pictures should be taken within 300 ft. of the home. The home has a private well and it is shown on the plan but not the septic. The moratorium excludes properties with private wells developed on or before July 30, 2021. The applicant should provide proof that the well is existing prior to that date. She also mentioned dumpsters on the property.

E. Yan asked whether a room with a closet is considered a bedroom. Engineer Barber and Attorney Naughton are in the process of discussing this issue with the Building Inspector. They will have an answer and get to the Board soon.

The Chairman asked about the dumpsters. Mr. Eckstein said his client had placed those dumpsters in for the neighboring houses to place their trash. He continued to say there was no plan to remove them but if the Board requests for the dumpsters to be removed it can be done. Mr. Eckstein continued to say they would remove the shed, update the plans to show the septic and check with the Building Inspector if the well is adequate for a five-bedroom home. The Board decided they would do a site visit. The Board okayed the colors/materials provided for this home. Mr. Eckstein was then provided with information as to how to provide proof for the private well and septic.

A motion was offered by Chairman Gerver, seconded by E. Yan, to type this 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

- F. **ARB 21 Vanderbilt** – Review and discuss ARB and Ridge Preservation for the proposed pool enclosure. Said property is located at 21 Vanderbilt in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 245 Block 1 Lot 102.

*R. Cataggio announced that he would recuse himself from this Application.

Present Yitzchok Stein for Ideal Design

Mr. Stein gave a brief description of the application and its status. He listed items that were to be addressed from his last visit before the Board. For instance, setbacks, landscaping, tree removal, and colors/materials. The Applicant wishes to have an enclosed pool since they live on a lot that has so much exposure.

Engineer Barber proceeded to go over her comments from the H2M memo dated September 1, 2023. The full enclosure of the pool will have to match the existing materials. The deck is over the lot coverage and Mr. Stein added that his client chose to go ahead with the pool enclosure and have the deck as a separate application. Understanding that by not addressing the enlarged deck, it will have to be removed; therefore, an updated plan will have to be resubmitted.

The Board explained to Mr. Stein that going forward with the pool enclosure application the Applicant will not receive a building permit unless the Applicant receives a variance(s) from the ZBA, or the enlarged deck built illegally on the property is removed. Mr. Stein said he and his client understand and they still would like to proceed. The Board offered to make a referral to the ZBA and Mr. Stein refused.

Attorney Naughton suggested a condition for the Resolution of Approval document where the Applicant will have to tear down the illegally built enlarged deck or go to the ZBA for a variance(s) prior to receiving a permit.

The Board discussed whether to have another public hearing noting the outcome of the one held previously and since the plans have not changed, they decided against it.

A motion was offered by Chairman Gerver, seconded by M. Pastel, to waive the public hearing for the ARB 21 Vanderbilt application. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairman Gerver, T. DeLuca, M. Pastel, E. Yan
NOES 0

**R. Cataggio recused from this application*

E. Yan asked if the pool house is a conditioned space. Mr. Stein said he did not know, but it would probably be temperature controlled. Mr. Stein was asked if the pool was going to be open all year round. Mr. Stein said no, just during the summer, hot days.

A motion was offered by Chairman Gerver, seconded by M. Pastel, for counsel to draft the Resolution of Approval with the conditions addressed by Attorney Naughton that no building permit shall be issued until a variance(s) is issued by the ZBA or the demolition of the enlarged deck. Chairman Gerver conducted a roll call of the Board which resulted in the motion being:

ADOPTED

AYES 4 Chairman Gerver, T. DeLuca, M. Pastel, E. Yan
NOES 0

**R. Cataggio recused from this application*

The Chairman asked that the plans be updated noting items that do not have a legal permit. Mr. Stein said his plans were updated according to the comments from the consultants. The Board and consultants accordingly advised him.

Adjournment:

With no further business to discuss, a motion was offered by Chairman Gerver, seconded by T. DeLuca, to adjourn the meeting at 8:58 PM.

ADOPTED

AYES 5

NOES 0

Chairman Gerver, R. Cataggio, T. DeLuca, M. Pastel, E. Yan

Claudia Valoy-Romanisin, Planning Board Secretary