

Minutes of the Zoning Board of Appeals Meeting held on October 13, 2021, at 7:30PM

Present: Kevin Abrams, Craig Brady, Evan Yan, Andrew Zoumas

Absent: Karen Ungerer, Chairwoman

Also Present: Attorney Kelly Naughton, Mayor Timothy Egan

Craig Brady opened the meeting with the pledge of allegiance, introduced the board and stated that the next meeting will be held on November 10, 2021.

**1. Executive Session:** N/A

**2. Approval and Acceptance of Previous Minutes:**

Motion was offered by E. Yan, seconded by A. Zoumas, to approve and accept the minutes of the meeting held on September 8, 2021. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

<b>ADOPTED</b>	AYES	3	Brady, Zoumas, Yan
	NOES	0	
	ABSTAIN	1	Abrams
	ABSENT	1	Ungerer

**3. New Business:**

**4. Action on Decisions:**

**A. Fischer -**

Review decision for area variances to permit the subdivision of 2.07 acres into two lots for the construction of a new single-family residence. Whereas pursuant to Section 310-7, properties in the R-1A district are required to have a minimum lot area of 1.0-acres and a minimum side yard setback of thirty (30) feet. The application proposes a minimum lot area of 0.91-acres and a side yard setback of 12.2 feet. Said property at 7 Schunnemunk Road, HM SBL 204-1-36.2.

C. Brady asked Mr. Niemotko, the representative for the applicant if he would like to defer the final vote to when all board members are present at the November meeting, Mr. Niemotko stated yes, thank you.

**5. Public Hearing – Part 1 –**

**A. Ferrara-**

Public Hearing requesting a variance for the construction of a six (6) foot fence in the side yard. Whereas pursuant to Section 146-5(B), no fence shall be more than four (4) feet in height in any side yard. Said property is located in the R-0.25A Zoning District at 2 Schoolhouse Road in Central Valley and is known on the Village of Woodbury Tax Maps as Section 230, Block 7, Lot 28.11.

Mr. & Mrs. Ferrara stated they applied for a 6-foot fence instead of the normal 4-foot that is allowed for multiple reasons. Mrs. Ferrara stated since July of this year, she and her family have had several issues with the neighbor, which resulted in several police reports filed and multiple town officials coming to the property and attempting to talk with the neighbor all without luck. She stated that their neighbor posted and continues to post very inappropriate signs, including a sign that states "No Trespassing We don't call 911 violators will be shot" that the Police Department asked him to take down. She stated she has two young daughters who play in the back yard along with several of the neighborhood children, who are afraid if their ball goes into the neighbor's yard and they go to retrieve it, that they will be shot on site. She then stated that having an additional two feet of fencing will allow for some privacy as well as piece of mind for themselves as well as their children. C. Brady opened the meeting up to public comment.

Mr. Gordon Laplante stated he is a property owner on the other side of the street and has noticed how awful the neighbor has been to the Ferrara's. C. Brady stated pictures were submitted.

A. Zoumas made a motion to close the public hearing, seconded by E. Yan. C. Brady conducted a roll call of the Board which resulted in the motion being:

<b>ADOPTED</b>	AYES	4	Abrams, Brady, Zoumas, Yan
	NOES	0	
	ABSENT	1	Ungerer

## 5. Deliberations on previous closed Public Hearing

### A. Ferrara

The following responses were provided in the "Statement of Ownership and Interest" provided by the applicant for an area variance and the Boards decision on each question follows:

1. *Will the granting of this variance produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties?* The applicant stated: No, the fence will not be seen from the main road, only halfway up the private road. The Board Agreed.
2. *Can the benefit you seek be achieved by some other feasible method other than variance?* The applicant stated: None. The Board Agreed.
3. *How substantial is the variance that you are requesting?* The applicant stated that they are looking for a six-foot fence instead of the four-foot fence that is allowed. The Board stated that under this circumstance it is not a substantial request.
4. *Will the granting of the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?* The applicant stated: No, it is a vinyl fence. The Board Agreed.
5. *Is the alleged difficulty self-created?* The applicant stated: No, the neighbor has two threatening signs facing our property. This is for the safety of the children and pets. The sign states a trespasser will be shot and they will not call 911. Several town officials including the Police have come out and asked for the signs to be removed and they are still in place. The children are afraid that if they kick a ball over the property line they will be killed. This is just an additional measure for safety and privacy so that the interaction with the neighbor is minimal. The Board Agreed.

A motion was made by A. Zoumas, seconded by E. Yan, they labeled this application a type 2 action and requested that the Attorney draft a favorable decision consistent with the facts and findings of the Zoning Board of Appeals. Pending the return of the 239 review from the county, C. Brady stated that they applicant must wait to build the fence until the final decision is read in and voted on at the next meeting.

<b>ADOPTED</b>	AYES	4	Abrams, Brady, Zoumas, Yan
	NOES	0	
	ABSENT	1	Ungerer

## 6. Public Hearing – Part 2-

### B. Beer World

Continuation of Public Hearing requesting variances from: (1) Section 310-32(B) to exceed the square footage for a retail establishment; (2) Section 310-30(D)(2)(d) to allow an additional wall sign in excess of what is permitted; and (3) Attachment 11 of Chapter 310 to allow additional wall sign area in excess of what is permitted. Said property is located in the LC Zoning District at 159 State Route 32 in Central Valley and is known on the Village of Woodbury Tax Maps as Section 226, Block 1, Lot 9.2.

Mr. Dominic Cordisco the applicant attorney stated that he as well as his associates hope to answer the questions the board had at the meeting last month. He then went on to introduce his associates. Mr. Sunny Patel, Owner of Beer World; Mr. Lou De Costanzo, Manager of the Franchise; Mr. Larry Marshal, Design Professional; Mr. John Safe, Project Engineer.

Mr. Larry Marshal stated they are looking to remove the existing improvements to the property and construct a beer world facility with a redemption center attached, currently the entire width of the property. He stated at this point there is access frontage all along the front of the site, but in the future, they plan on dedication of an entrance on Route 32 in compliance with NYS DOT regulations as well as lining up with the proposed hotel facility entrance across the street. They also plan on connecting the existing sidewalks which are located North and South on Route 32. He also stated that parking will be located on the side and rear of the proposed building, with a loading facility on the north end. Runoff from the site will be collected and treated to stormwater facilities located on the southeast side of the proposed building, he also stated that they will be keeping the existing drainage conditions to not upset the current flow as well as conforming with the DEC in terms of their regulations. He then stated the setbacks follow the minimum zoning setback lines of the Village, the site plan that is currently submitted shows that. He then stated that there is no need for elevated loading docks, due to all the products being removed by hand. The lighting and landscaping plans were given included in the packet for the proposed project however they are preliminary and awaiting comments from the board. He stated the northwest end of the property adjoins a residential zoning district and they have a proposed row of evergreen trees along the edge of the property to provide a visual and audible buffer. He stated the lighting plan has no significance of spillover to the adjoining properties and that the lighting levels are 0.1 or less and facing downward; stressing, that the site would not be "glowing". He then showed the board a rendering of the project pointing out a peaked roof that is unique to Beer World, as well as the siding and stone that is consistent with other Beer Worlds.

Attorney Naughton asked if Mr. Marshal had watched the last video where the board had multiple questions; after he stated he hadn't she suggested that he watch it and include a new submission for the board with all the questions answered. C. Brady stated he was going to ask Mr. Cordisco the same thing. Mr. Cordisco stated he felt that Mr. Marshals walk through plan tonight would answer most of the questions the board had. Attorney Naughton stated that one of the questions that Chairwoman Ungerer asked previously was how much of the site will be cleared and how much will remain. Mr. Marshal stated he had Mr. Cordisco's notes and will go through them point by point.

1. Plan demonstrating the limits of clearing as well as the minimum zoning setback lines – he stated in the plans the purple line shows what they would be clearing. C. Brady stated it seems to be about 87% of the site that will be cleared. Mr. Marshall stated that there is a significant amount of existing vegetation that would be removed from the site, which is show on the plans.
2. Smith Street was a clerical error on the elevation plan
3. Disturbance of wetlands – Mr. Marshal stated there are no wetlands on site nor would we be disturbing any of them. A. Zoumas asked if there were wetlands on the west side of property. C. Brady stated there are wetlands there, yes, but they are not on their property.
4. Stormwater - Mr. Marshal then went on to say that they have a full stormwater pollution prevention plan. The drainage from the north end of the building as well as the majority of the parking area would be conveyed down to a storm water basin that is in front of the facility that would drain back along the rear of the property and then drain down into a stormwater detention basin located in the northern corner ultimately draining out into a level that drains out to the most northern corner of the property; which would be reviewed by the Village/ Planning Board Engineer. K. Abrams asked how much water would be conveyed and how much will end up in the northern pond. He stated he has concerns for the neighboring properties, and the volume of water being rerouted, due to the residents having flooding issues to begin with. Mr. Marshal stated any development on a piece of property would increase the velocity of the flow of that water, however; they are required to control it set in place by DEC standards.
5. Water Usage – Mr. Marshal stated, less than a couple hundred gallons a day, so no big difference than a single-family residence.

Mr. Louis DiCostanzo stated he has worked for Beer World for the past 12 years and the company itself is big on community and giving back. They are involved with local Boy Scouts, and multiple sports teams. He then went on to say that by NYS Law, the company must have a redemption center attached to it and they must take any bottle or can back that they sell. These cans and bottles are brought back by the customer and is hand counted by the customer and associate, there are no automated machines, if they are brought back dirty the associate cleans them right away, double bags the bottles and sends them back to the distributor. The only type of water consumption would be one mop bucket at the end of the night. He then stated deliveries come between 9-11 in the

morning.

Brady stated that the size of the building and the size of the variants being requested are substantial, beyond what is typically allowed in the Village. He goes on to state he understands that they are looking to put in a "flagship store", but he would like to know what makes this different from the store in Middletown or Kingston and why this store is much bigger. E. Yan asked if there was some sort of requirement that is driving the size of stock in relation to the sales floor and how the company is ultimately arriving at that larger footprint for the building. Mr. DiCostanzo stated they needed more room for the redemption center and since they are not having any type of facility outside, they need more room inside. He then stated they support NYS very heavily and there have been a lot of local breweries that keep growing, with most of them demanding their product be placed in a refrigerator/cooler, and that makes the store expand due to the demand of craft beers. E. Yan also asked about how much noise is generated from the redemption center, and Mr. DiCostanzo stated none. A. Zoumas stated a new store is being built in Chester, and asked the square footage of that store, Mr. DiCostanzo stated they pushed that store to the limit, and it is 12,650 square feet.

E. Yan then asked about the signage, and stated the applicant is proposing three wall signs plus one freestanding sign, at the last meeting the board wanted clarification regarding the freestanding sign and the elevations of the sign. Mr. Cordisco stated in the next submission they will lay out the details of the signage.

Mrs. Ferrara stated she had a question about the signage due to pictures that were posted. Attorney Naughton stated it will be part of the next submission and they will go into more detail at the next meeting.

Attorney Naughton then stated this is going to proceed in an uncoordinated review by the ZBA and this board will review a part 2 EAF. The board will identify areas where there might be a potential adverse environmental impact and provide a copy to the applicant as well, they will have the ability to provide additional environmental information to try and address those items and mitigate them.

C. Brady stated that a letter was received from Sarah McMane where she states she lives on 362 Route 32 where she essentially asks that the board not grant the variances requested, due to a big store with large signage not keeping up with the aesthetics of Woodbury. A second letter was received from the Orange County Partnership President, Maureen Halahan, encouraging the approval of Beer World, on behalf of the partnership and its board of directors.

A. Zoumas made a motion seconded by E. Yan to continue the public hearing to November 10, 2021. C. Brady conducted a roll call of the Board which resulted in the motion being:

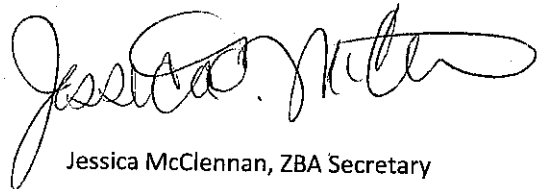
<b>ADOPTED</b>	AYES	4	Abrams, Brady, Zoumas, Yan
	NOES	0	
	ABSENT	1	Ungerer

**7. Building Inspectors Report: N/A**

**8. Adjournment**

With no further business to discuss, a motion was offered by K. Abrams, seconded by E. Yan, to adjourn the meeting at 8:35 PM.

<b>ADOPTED</b>	AYES	4	Abrams, Brady, Zoumas, Yan
	NOES	0	
	ABSENT	1	Ungerer



Jessica McClennan, ZBA Secretary