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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

DECEMBER 5, 2007

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REGULAR MEETING

SUMMIT AVENUE PROPERTIES - TAX MAP 228-9-1 & 4

Chairman Sewitt explained that this applicant was asking for an extension of their preliminary approval for a three lot subdivision located off Summit Avenue and Oak Concourse in Central Valley. He then read into the record a letter from a Thomas Fiola dated November 27th expressing concern about the location of a water pump station in the vicinity of his property.

After some discussion, M. Hunter made a motion to extend this preliminary approval to June 4, 2008. She added that the applicant could return at the May 21st meeting, if necessary. S. Conroy seconded the motion. The vote was as follows:

G. Sewitt - In Favor
T. Bompensiero - In Favor
M. Hunter - In Favor
S. Conroy - In Favor

ORANGE NURSERY - TAX MAP 210-1-49

Chairman Sewitt explained that this was to be a continuation of a public hearing for approval of an amended site plan and special permit to include retail sales and a sign for property located at 1129 Route 32 in Highland Mills. He further explained that at the previous meeting when this applicant appeared it was decided that the Board should do a site visit. He said they had a very eventful and illuminating site visit during which many issues were discussed. He asked the applicant to explain the changes that were made to the site plan as a result of those discussions.

Paul Gdansky, engineer for the applicant, appeared and explained that the site visit was conducted on October 21, 2007. He then explained how the plan had changed, showing the areas designated for temporary storage of stone, the stone wall that would replace the previously proposed chain link fence, and a stone wall along the front of the property to act as screening along with the 15 evergreens which presently exist. There was some discussion regarding the use of these evergreens as rotating storage, along with the area just behind them.

Mr. Gdansky also noted that they had moved the location of the retail area to make it closer to the parking area. There will also be a stone wall constructed around the retail area to designate the area more clearly. There is also an area near the front entrance which will be replaced with gravel.

Chairman Sewitt asked D. Lindsay if he had any comments or questions. D. Lindsay asked for a clarification regarding the revolving plant storage in the front of the property. Chairman Sewitt explained that if the first row of trees was permanent and everything behind it constantly rotated, the trees would die, and would constantly need to be replaced. These trees will be maintained in a healthy and vibrant condition, but will be rotated occasionally and replaced with new trees. D. Lindsay was concerned about the amount of activity this would require on Route 32. He wondered how often these plantings would be rotated. He asked the applicant to explain how this would be accomplished. The applicant noted that the trees are planted in wood chips and when a tree is purchased, another tree is installed in it's place. Mr. Gdansky noted that the fifteen evergreens in the front will be very large trees which are not sold very often. He said maybe once every six or eight weeks. These trees will be mostly permanent, but the nursery stock behind the trees will be rotating.

ORANGE NURSERY - TAX MAP 210-1-49 (CONT.)

The next issue D. Lindsay brought up was the stone storage proposed for the site. He said there would be a significant amount. Chairman Sewitt explained that this was discussed at the site visit and it was decided that the applicant would include this information on his current submission. D. Lindsay said that the applicant had shown the areas where they propose to store the stone and that they had tabulated the areas to add up to approximately an acre of stone storage. He suggested that the Board discuss whether or not they thought this amount of stone would still constitute an accessory use. Chairman Sewitt then noted for the record that the Zoning Board also had a concern because the sign was being changed to include the words "stone supply", that the applicant would be selling stone as a retail item. He reminded them that the retail area is limited to sales of items that are grown on the property. Stone should be sold on a wholesale basis only. The applicant agreed that this was their intent. R. Golden added that, since a variance was received from the ZBA, the applicant will have to comply with all the conditions in the variance. The applicant had no problem with that.

Chairman Sewitt explained that the original application called for the retail area to be enclosed by a chain link fence. The new plan calls for this area to be outlined in stone. The 300 square feet for this area will be measured from the outside of this stone wall. The applicant will use the interior of the wall to display some of their items for sale.

M. Stach asked about the evergreens that would be used up front for screening and wondered if the Board thought that 15 trees would be adequate. The applicant said they would place as many trees as would be needed for adequate screening, with a minimum of 15. This will be shown on the plans, as well as reflected in the resolution of approval. R. Golden asked about the rotating stock behind these trees and wondered if the Board wanted to require a minimum number there as well. The Board felt that the 15 trees in front would be an adequate screen and did not want to require any minimums for the rotating stock.

The Board then began discussing the amount of stone that would be stored on the property. Chairman Sewitt noted that the applicant had shown 45,750 square feet of stone storage, with an additional 10,000 as shadow storage, for a total of 55,750 square feet of stone. This would constitute a little over an acre of property. Chairman Sewitt asked if this stone storage space would allow enough room for the landscaping business to function properly if all of the proposed space was used. He was concerned that there may be problems on Route 32, or on the site itself. Mr. Gdansky said that this would not be an issue. D. Lindsay noted that it would now be up to the Board to determine if this amount of stone storage could still be considered an accessory use. It was noted that the entire site consists of almost 19 acres. The applicant proposes using one acre. After some discussion the Board agreed that the one acre was acceptable to be considered an accessory use.

D. Lindsay pointed out that some sections of the map read "palleted storage" while others just say "temporary". The applicant assured the Board that all stored stone would be on pallets. There would be no loose stone stored in these areas. Loose stone will be stored in the bins that were previously approved.

ORANGE NURSERY - TAX MAP 210-1-49 (CONT.)

At this point Chairman Sewitt opened the floor for public comments and questions. Lenny Calone asked where Orange Nursery was located. Dick Manly asked how many square feet there were in an acre. D. Lindsay said that this was not a builders acre that the Board was using.

There were no further questions or comments, so T. Bompensiero made a motion to close the public hearing. M. Hunter seconded the motion. The vote was as follows:

G. Sewitt - In Favor
T. Bompensiero - In Favor
M. Hunter - In Favor
S. Conroy - In Favor

There was some discussion regarding SEQRA. R. Golden suggested that the Board could make a determination that the modifications that are being proposed are not of such a nature as to require any further SEQRA review than has already been done. S. Conroy pointed out that the SEQRA review was done and a Negative Declaration made back in 2005. M. Hunter made a motion that the modifications that are being proposed are not of such a nature as to require further SEQRA review. T. Bompensiero seconded the motion. The vote was as follows:

G. Sewitt - In Favor
T. Bompensiero - In Favor
M. Hunter - In Favor
S. Conroy - In Favor

M. Stach noted, for the record, that there was an Orange County Department of Planning 239 review which recommended approval of this application.

T. Bompensiero made a motion to authorize the Planning Board attorney to prepare a resolution of approval for this application. M. Hunter seconded the motion. The vote was as follows:

G. Sewitt - In Favor
T. Bompensiero - In Favor
M. Hunter - In Favor
S. Conroy - In Favor

There was some discussion regarding the construction of the hoop houses. Chairman Sewitt did not recall seeing any renderings of these structures. The applicant then gave the Board photos of the hoop houses that he was proposing to use. They will be clear plastic. However, during the summer months they will be covered with black burlap. The manufacturer of the hoop houses is Clearspan, and the size will be 38' x 96'.

CWS INC. COURTS/ROUTE 32 - TAX MAP 226-1-16

Chairman Sewitt explained that this was a site plan review and public hearing for ARB for a proposed conversion of a former Mobil station to office space. He then read the Notice of Public Hearing which appeared in the Times Herald Record on Friday, November 30, 2007. The property is located at 279 Route 32 in Central Valley.

Pat Brady appeared as engineer for the applicant and explained that since the last meeting they had addressed the Planning Board's comments as well as the comments from the Town Engineer and Town Planner. They have also provided information for ARB review regarding the materials and colors for the proposed building renovations.

Mr. Brady went on to explain that the parking has been moved back out of the fifty foot front yard setback as required in the zoning. He said that currently there is a paved area and a gravel area where the old gasoline tanks had been removed. This area will all be paved. Striping will also be provided in the parking area. As suggested by the Town Engineer, the front area will be designated "No Parking". Also, a planter will be installed to limit the access for parking on the side of the building where the clothing drop boxes currently exist. Mr. Brady said they had revised the Environmental Assessment Form as required and provided a storm water analysis report to show that the site improvements will not cause any ponding or flooding.

Access to the property has been limited as suggested by S. Turner at the previous meeting with the northerly entrance being used for both ingress and egress and the southerly entrance for ingress only. There will be signage provided which reads "No Exit" at the southerly location.

The location for the dumpster area has been shown with the proper screening, if a dumpster is required. The applicant has also provided a sign detail for the proposed business, as well as curbing details, handicapped striping and such.

There was some discussion regarding the signage. S. Conroy pointed out that originally the Board was told that there was to be a sign on the building and none on the roadway. Now it appears that there is to be a sign on the roadway and none on the building. Mr. Brady confirmed that there was to be a sign on the roadway and none on the building. D. Lindsay added that if the applicant wants a sign on the building he will have to return to the Planning Board. This will be made a condition of the resolution of approval.

D. Lindsay explained that there was also a report provided by the applicant on the environmental status of the site. The report was prepared for Mobil Oil Corporation in May of 1998 and gives the site a "clean bill of health".

Mr. Brady had provided photos to the Board and Chairman Sewitt wanted to point out that the photos were of an existing building in Monroe which was a former service station as well. This conversion will be similar.

Chairman Sewitt asked M. Stach if he had any comments. He said that the Board had received a revised EAF which S. Turner had reviewed and found no potential impacts. He recommended adoption of a Negative Declaration of significance. S. Conroy noted that it would also be an Unlisted Action under SEQRA.

CWS INC. CORTS/ROUTE 32 - TAX MAP 226-1-16 (CONT.)

Chairman Sewitt asked the applicant to review the components of the ARB for the benefit of the public. At this point, M. Hunter wanted to thank Mr. Corts for having his engineer go through the Board's comments so thoroughly. She said he did a good job in his response to those comments.

Mr. Brady then showed the photos of the existing building, and the building in Monroe that has been renovated. He said the existing building will be finished in stucco and cultured stone. The stucco will be a beige color, and the cultured stone will be a color called coral sand. The windows will be replaced with Anderson windows. The Board then reviewed the ARB form which the applicant had submitted which denotes the colors and materials to be used. It was noted that the stone would be Chardonnay dressed field stone, and the stucco would be Surewall sand finish in a French vanilla color.

At this point Chairman Sewitt opened the floor for public comments and questions. Lenny Calone said that the applicant had done a great job, but asked about the pad for the dumpster. Mr. Brady then showed the Board where the dumpster pad is located. He said this would be used, if needed, with an enclosure. He then showed the location of the concrete pad in the photo of the existing building. Chairman Sewitt pointed out that this applicant has stated that they have no use for a dumpster at this time. D. Lindsay noted that this was also covered on the site plan, with a note stating "proposed dumpster location, if required".

There were no further comments or questions from the public, so M. Hunter made a motion to close the public hearing. S. Conroy seconded the motion. The vote was as follows:

G. Sewitt - In Favor
T. Bompensiero - In Favor
M. Hunter - In Favor
S. Conroy - In Favor

S. Conroy made a motion to declare the Village of Woodbury Planning Board lead agency for this application. M. Hunter seconded the motion. The vote was as follows:

G. Sewitt - In Favor
T. Bompensiero - In Favor
M. Hunter - In Favor
S. Conroy - In Favor

M. Stach pointed out that normally, because of the size of the building, this application would be classified as a Type Two action not subject to SEQRA. However, S. Turner recommended in his memo that because of the previous use of the site as a gas station it should be classified as an Unlisted Action under SEQRA. M. Hunter made a motion to declare this an Unlisted Action under SEQRA. T. Bompensiero seconded the motion. The vote was as follows:

G. Sewitt - In Favor
T. Bompensiero - In Favor
M. Hunter - In Favor
S. Conroy - In Favor

CWS INC. COURTS/ROUTE 32 - TAX MAP 226-1-16 (CONT.)

M. Hunter made a motion for a Negative Declaration of Significance under SEQRA for this application. S. Conroy seconded the motion. The vote was as follows:

G. Sewitt - In Favor
T. Bompensiero - In Favor
M. Hunter - In Favor
S. Conroy - In Favor

T. Bompensiero made a motion to authorize the Planning Board attorney to prepare a resolution of approval for this application. S. Conroy seconded the motion. The vote was as follows:

G. Sewitt - In Favor
T. Bompensiero - In Favor
M. Hunter - In Favor
S. Conroy - In Favor

AMENDED SIGN ORDINANCE

Chairman Sewitt explained that the Village Board is reviewing and amending the sign ordinance and had asked the Planning Board to review and discuss the ordinance that is being prepared. He noted that S. Turner is not in attendance this evening and the Planning Board would prefer to have his input on this subject, due to his experience. He then suggested an item-by-item review of the document, allowing the Board to comment along the way. He then began with some of the suggestions he had, beginning on page 5 under Design Guidelines, number 5, letter e. It reads, "no more than two typefaces should be used on any one sign or group of signs indicating one message". He asked if a logo would be considered a typeface and, if so, suggested that three typefaces be allowed. R. Golden suggested language which states, "more than two typefaces exclusive of logos".

Chairman Sewitt then moved on to letter E on the same page under Computation of Sign Area. It reads, "the area of a sign shall be computed from the algebraic sum". He believed it should be the "arithmetic" sum.

On page 8 there was a section regarding real estate signs. These signs were to be allowed for a period not to exceed five hours. Chairman Sewitt felt that five hours was not a long enough period of time and suggested eight hours instead.

On page 10, number 6 there is a section which reads, "all costs and expenses incurred by the Village of Woodbury in causing the removal or repair of any sign as specified in this section shall be collected from the owner of the premises on which such sign is located. Payment shall be made in not less than five days after the receipt of a written demand. Upon failure to make such payment, such costs and expenses shall be assessed against said owner and shall be paid and collected as part of the Village and County tax next due and payable. In addition, the Village may commence any other action or proceeding to collect such costs and expenses". He wondered if this was worded in such a way that the attorney's fees and costs of any action would be paid by the violator.

AMENDED SIGN ORDINANCE (CONT.)

The next item which Chairman Sewitt wanted to discuss was not covered in the document, and that was Grand Openings. He wondered if there were some way to allow some type of sign or balloon that would not block any access points or affect driver visibility to be temporarily erected for 30 to 45 days to herald the opening of any new business in the Village. R. Golden explained that this would be opened to a lot of manipulation unless it is very clearly defined what a Grand Opening is and how many times you can have one. Chairman Sewitt was suggesting a first-time opening for a new or even existing business. He proposed that a refundable deposit could be required, refundable at the end of the time period of 30 to 45 days.

Chairman Sewitt also suggested allowing larger sign areas for buildings which don't have signs on all four sides due to their location, meaning that one or more sides of the building are not visible.

T. Bompensiero cited page 7, number 6 which said that no address sign should exceed two square feet. He wondered if this was adequate. After some discussion it was decided that it was. R. Golden pointed out that it also stated the sign "shall show only numerical address designation". He suggested "numerical/alphabetical" addresses.

M. Hunter pointed out that the enhanced 911 address system required every building in town to have numbers of a certain height affixed to the front. She said she did not see that addressed in this document. D. Lindsay pointed out that this may be covered elsewhere in the code. He then went to check the code book. M. Hunter cited page 4, number 2 regarding permit applications for signs. She said this application should also be carried over to the Planning Board when an applicant comes before them, as it would have all the current information the Planning Board would need for ARB approval.

At this point D. Lindsay noted that there is a section in the code which deals with 911 numbering. It would be in Chapter 99, and states that residential numbers have to be four inches in height and commercial building numbers have to be eight inches in height, but no more than twelve inches. This would make the two square foot cited above adequate.

There was some discussion regarding the size of political signs. M. Hunter thought they should be limited in size. This comment will be passed on to the Village Board.

S. Conroy had a concern about non-conforming signs. She cited page 9 of the document. She said that some communities have a phasing plan by which older, non-conforming signs are allowed to remain for a period of time before they need to be made conforming. She wondered if this was something that the Village Board would want to consider. Chairman Sewitt felt that as long as the sign was well-maintained and in good working order it should be allowed to remain. However, he agreed that this was a determination for the Village Board. R. Golden cited a law in the Village of Babylon regarding this issue. He said it could be done. He added that billboards would be an exception to this law.

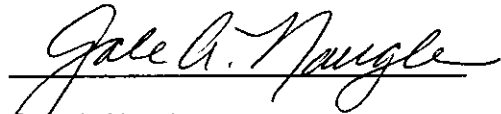
S. Conroy noted that there was a reference to a signage table. She said the Board had not seen it yet. Copies of this table were then provided to the Board members. After the distribution of this table a discussion ensued regarding the fact that the Planning Board would only have input on signage in the LIO or IB zones. Currently the Planning Board approves signs in all the zones. The Board agreed that the list of Planning Board approval zones should include the CR, LC and most likely the HB as well.

AMENDED SIGN ORDINANCE (CONT.)

M. Hunter noted that S. Turner had asked in his memo if a banner is a flag or a form of advertisement. She cited a car dealership which has banners on the light poles bearing their logo. She wondered if this would be considered additional advertising, and wanted this clarified for any future ARB approvals.

There was no further business for the Board to discuss. M. Hunter wanted to wish everyone a Happy Holiday. Chairman Sewitt did the same and thanked everyone for their support during the past year. He then asked for a motion to adjourn the last meeting of the year for the Village of Woodbury Planning Board. M. Hunter made the motion to adjourn. T. Bompensiero seconded the motion. The vote was unanimous and the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gale A. Naugle". The signature is written in black ink and is positioned above a horizontal line.

Gale A. Naugle
Planning Board Secretary