

Town of Monroe Planning Board Regular Meeting MINUTES

— 01/16/2024

Town of Monroe Planning Board Regular Meeting (Tuesday, January 16, 2024)

Generated by Norinne McSweeney

DRAFT

Members Present:

Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Dylan Penn, Robert Garstak

Members Absent:

Nick Napoli

Alternate Members Present:

Lou Rivera

Planning Board Consultants:

Ashley Torre, Esq. Via Zoom

Shawn Arnott, PE

1. Welcome

Procedural: 1.1 Roll Call

Procedural: 1.2 Point out Fire Exits

Procedural: 1.3 Pledge of Allegiance

2. Appointments

Action, Discussion: 2.1 **Appointing of Acting Chair for 2024**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to appoint Jeff Manson as the Acting Chairman when necessary.

Motion by Chairperson - Bonnie Franson, second by Pat Shea.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Dylan Penn, Robert Garstak

Action, Discussion: 2.2 **Appointing of Planning Board Attorney for 2024**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to appoint Naughton & Torre as the Planning Board Attorney for the term of 2024 with Ashley Torre as out representative.

Motion by Chairperson - Bonnie Franson, second by Jeff Manson.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Dylan Penn, Robert Garstak

Action, Discussion: 2.3 **Appointing of Planning Board Engineer for 2024**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to appoint MHE Engineering as our consultant for 2024 with Shawn Arnott as our representative.

Motion by Chairperson - Bonnie Franson, second by Dylan Penn.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Dylan Penn, Robert Garstak

3. **New Public Hearing**

Action, Discussion: 3.1 **Pallotti Village** (0196-2021) SBL # 33-1-1.21 98 Harriman Heights Road, Monroe, NY

Applicant Representative:

Mike Morgante - Arden Consulting Engineers

Mr. Morgante -

- last meeting gave an extensive presentation on the town wetland buffer
- it was going to be disturbed on the southern side and the northern side of the property we outlined it on the map that was on the TV screen
- a few questions from the public that were addressed
- hearing was held open due to the notification timeline
- I can quickly do an overview if the board would like otherwise I think the board is in position to potentially take action on the wetland permit

Chairwoman Franson - we have been asked about disturbances to the wetland buffer but we never really talked about the use of the lake or the water rights do the parcel owners have to the lake.

Mr. Morgante - I would have to look at the deeds themselves for residence to access the lake

Chairwoman - now that we are attaching the apartment building to the property with the lake might need to take it up again with the subdivision

Mr. Arnott - there is a standard memo procedure for delineating the wetlands with requirements for the markers.

Chairwoman Franson - brings up on the screen for review resolution of conditional approval for local wetland permit

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to close this public hearing.

Motion by Chairperson - Bonnie Franson, second by Robert Garstak.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Dylan Penn, Robert Garstak

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the resolution of conditional approval for the local wetlands disturbance permit Parish Property Managing Inc. known as Pallotti Village project 0196-2021 subject to the revisions we discussed this evening.

Motion by Chairperson - Bonnie Franson, second by Jeff Manson.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Dylan Penn, Robert Garstak

4. Returning Projects

Action, Discussion: 4.1 **127 Seven Springs Road** (0204-2022) SBL #1-1-41.2 127 Seven Springs Road, Monroe, NY

Applicant Representative:

Chris Fritzl - Lanc & Tully

Mr. Fritzl - gave a review since last appearing before the board.

- last meeting Chairwoman Franson requested a layout with a single curb cut
- we worked with Mr. Arnott's office to provide that
- completed some soil testing for the septic layouts which proved adequate results that will be added to next submission
- received Mr. Arnott's comments pretty standard
- we need to do a SWPPP septic design
- move forward with the grading

Chairwoman Franson - bringing site up on TV screens

- talk about the number of lots and any changes from previous layout

Mr. Fritzl:

- there use to be 3 separate curb cuts
- moved the one lot to the Northern side of the property worked better with the setbacks and the layout avoiding a flag lot
- created 3 access drives to meet at one shared entrance which is code compliant

Mr. Arnott comments:

- regarding the shared curb cut my opinion is the length into the property is creating a private road which will have to meet private road specifications in the subdivision section turnarounds for fire etc.

- my suggestion was to pull those where the driveways split further towards the right-a-way line so that they more or less split at the right-a-way line not so far into lot 2 or 3

Chairwoman Franson - the piece that would be considered the private road up to where the 3 are sharing the right of way.

Mr. Arnott - between the curb cut and where they split. It would have to meet the private road specifications. There is a limit on the number of houses (4) unless they front on a public street (6). It would have to meet the private road specifications for the portion beyond the right-of-way line. All they have to do is pull where the driveway splits back about 30-40 feet so it splits at the right-a-way line then it is a shared curb cut.

Ms. Torre - the special use permit for two families says you can't have a driveway that's over 24 feet wide at any point within the front yard

Mr. Arnott - Private road spec requires 26 feet

Ms. Torre -under the special use permit criteria 57-13(u) for the two families there's only allowed to be one driveway for both dwelling units and the driveway can't be more than 24 feet at any given point within the front yard depending on the width for lot 3 might exceed 24 feet.

continued discussion with applicant, Planning Board and consultants regarding the driveway and the width.

Mr. Arnott comments continue:

- there is an existing single family house on this lot the plans should clearly note that it will be demolished and any other component such as the well and septic those portions of the existing improvements should be noted to be demolished.

- clarify the notes regarding disturbances one place says over 5 acres another says less. It appears that over 1 acre is going to be disturbed so a SWPPP will have to be prepared.

- no grading has been proposed yet so that will have to be incorporated into the plans as well as the SWPPP.

- As Mr. Fritzl noted MHE did witness the percolation testing for the septic system, those designs should be included on the plans along with the wells and within the 100 ft setback of the property line.

- should get the highway superintendent's input on the shared curb cut and any issues he may have with drainage.

- metes and bounds descriptions will have to be added to all the property lines existing and proposed.

- the dedication portion of the project we'll have to work out with Ms. Torre

- we spoke about the tree plan that will have to be prepared
- some additional comments on the EAF, the newest application submitted site plan and special use permit weren't noted on the EAF and weren't checked off on the application.
- the 2 family trigger site plan and special use
- it will have to go to OCDP, but we will wait for the SWPPP and the septic designs
- discuss SEQRA

Ms. Torre comments:

- under SEQRA you did previously declare your intent to be lead agency and to authorizing the circulation of the lead agency notice when you receive the revised EAF
- involved agencies would be Town of Monroe Town Board, Town of Monroe High department, and NYS DEC
- interested agencies OCDP, Village of Kiryas Joel, Town of Palm Tree and the Village of South Blooming Grove they would need the GML 239n notice
- we spoke about the special use permit criteria, still working out the septic engineering details will have to be verified with MHE office.
- We spoke about the single driveway
- protection of Woodland Character once the tree plan is complete that will help you evaluate that criteria. Basically, that says except as necessary to provide driveway and utility connection there shall be no grading or removal of natural vegetation for the first 50% of the required front yard closest to the front lot line.
- spoke on architectural review
- will need a revised owners endorsement from Seven Springs Realty LLC that authorizes the applicant who is listed as Golden Stone Consulting LLC. We have an owners endorsement authorizing Lanc & Tully
- well testing for one well is required. Applicant should submit well testing protocol that will be sent to the Planning Board's consultant Weston and Sampson
- the plan needs to show the boundary of the 2 family overlay district. It shows other zones OSR3, SR10 and RPO but if it could also show the delineation of the 2 family overlay.
- General note # 4 could indicate that the property is also in the OSR3, RPO and 2 family overlay districts but that all the developments limited to the portion that are in the SR10 and 2 family overlay
- there will be some standard map notes, SWPPP map notes for the tree plan map notes, you should also include map notes regarding ridgeline preserve overlay district to explain what restrictions are on development within the portion of the property within the RPO in the event anything is proposed in the future
- under the bulk table could you add an asterisk noting that the Building Inspector had determined that the minimum bulk in the row entitled with central sewer facilities applies under section 57-21.1 (e) and that is why those are the bulks that are shown in the table.

Action, Discussion: 4.2 **Master Class Motors** (0220-2023) SBL # 3-1-25 18 Stair Way,
Monroe, NY

Applicant Representative:

Lou Gordon

Mr. Gordon:

- situation at Master Class there were no handicapped parking signs Building Inspector came up and saw the signs were placed accordingly.
- while he was there he saw debris and junk at the neighbor on the left side thought it was our stuff and he said we were running a business out of my pole barn
- the pole barn is located behind Master Class and we use that for coming up there, but we don't sell anything out of there.
- had to get a new survey of the property so I got Lanc and Tully to do a survey

Chairwoman Franson:

- looking at the property on the TV screen what is going on back here

Mr. Gordon - the whole property is Master Class the gun portion is run by my sister in law.

- I put a pole barn up for keeping my landscaping equipment which I run out of the pole barn

Chairwoman Franson - is there parking up there for employees.

Mr. Gordon - my son and I park our vehicles up there when we leave in the landscape trucks

Mr. Arnott:

- just a couple of comments because it appears the use doesn't fit in the Zone
- referral to ZBA to get a use variance
- should the use variance be successful I had some comments for the applicant to consider when they come back to this board.
- providing additional survey information for access because it looks like it's on the adjacent lot
- site plan reference an older approval from 1995 if they could provide that site plan approval

Ms. Torre comments:

- the applicant it looking to change the use of this existing one building to change the use to storage of landscaping equipment for an offsite company

Chairwoman Franson - explained to applicant what Ms. Torre is asking? Your looking to be able to use this site officially for storage of landscaping equipment trucks etc. for an additional business on the property.

Mr. Gordon - we store all our equipment here and do landscaping all over Orange County.

Chairwoman Franson - reviewed so there is no other location to store the equipment. You are looking to get a formal blessing that it's allowed to go there.

Mr. Gordon - correct. We also use the equipment to maintain the Master Class property.

Chairwoman Franson - Master Class owns the Property and is run by your sister-in-law and she allowed you to use the back of the property.

Mr. Gordon - correct and when we built the pole barn we did everything legitimate. We had the Building Inspector come over and inspected everything, a few things needed to be corrected we did that and Mr. Maldonado came back and completed the inspection.

Mr. Gordon - everything was good and then June or July Mr. Maldonado was all upset with us. We had all our electrical inspections, he told us where to put a telephone pole everything was done legitimately.

Chairwoman Franson - I am just not understanding what brought this about.

Ms. Torre - so they did get a building permit in 2016 and a certificate of occupancy in 2017, but that was to allow the use as a storage maintenance building only to be used by the Master Class Shooter Supply so it was accessory to that existing use and it wasn't permitted for any storage of landscaping equipment or materials or anything like that. They were issued a violation because it is currently being used in this fashion and that is on hold now as they are before you. Ultimately you will need to go to the ZBA for a Use Variance so that does require a determination from the Building Inspector. It is not something that the Planning Board can refer. I did speak with Mr. Maldonado and I have an email from him saying that the use is not permitted and requires a variance. I can forward that to there consultant to use to get before the ZBA. That is the biggest issue is that the use isn't permitted which of course is a high standard before the ZBA. The other alternative would be to petition to change the Zoning to get this allowed in the GB district.

Chairwoman Franson - then explained to the applicant what he has to do with going to the ZBA and that Ms. Torre will forward the letter from the Building Inspector on to Mr. Higgins at Lanc & Tully to work with him on the next steps. We can't go any further here until the Use is resolved. Do you have any questions? Do you understand what your next step is?

Mr. Gordon - we are not running a landscaping business there we just park our equipment there.

Chairwoman Franson - the issue is it's not related to Master Class and so it's a separate use.

Mr. Gordon - at the time my sister-in-law wanted to subdivide but we couldn't because it was moratorium.

Chairwoman Franson - subdividing it may not help you as because of the use.

Member Manson - addresses Ms. Torre I was looking at the schedule of district regulations and unless a landscaping business would be considered a non-nuance industry I don't see any district where that type of business might be allowed could that be correct?

Ms. Torre - my understanding of it was that it would be under the building or landscaping material storage yard. In reading the application it would fall under the building or landscape material storage yard which is a building or area of land where building materials landscape materials equipment and or supplies used to exclusively as part of a contractor's business involving the construction of buildings or landscaping are stored.

Member Manson - It's subject to a special use and it would be in the LI or HI Zone.

Chairwoman Franson - I was talking about a Zoning amendment but the other alternative would be for you to go to the Town Board and talk to them about whether they would want to add this to this Zoning district. So right now there's General Business zoning and it allows a variety of different uses. For instance automotive service station, indoor pistol range, done specifically with that property in mind, and they could consider adding that building landscaper contractor storage to this zoning district.

Ms. Torre - just for when and if they come back to you. The application paperwork nothing was signed or not signed by the right people. just make sure the forms are signed by the proper party of the LLC

5. Minutes

Action, Discussion: 5.1 **August 10, 2023**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve August 10, 2023 minutes.

Motion by Pat Shea, second by Robert Garstak.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Dylan Penn, Robert Garstak

Action, Discussion: 5.2 **August 29, 2023**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the August 29, 2023 minutes.

Motion by Chairperson - Bonnie Franson, second by Jeff Manson.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Dylan Penn

Abstain: Robert Garstak

Action, Discussion: 5.3 **September 14, 2023**

Tabled

Action, Discussion: 5.4 **September 19, 2023**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the September 19, 2023 minutes.

Motion by Chairperson - Bonnie Franson, second by Robert Garstak.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Robert Garstak

Abstain: Dylan Penn

Action, Discussion: 5.5 **October 17, 2023**

tabled

Action, Discussion: 5.6 **November 9, 2023**

tabled

Action, Discussion: 5.7 **November 21, 2023**

tabled

Action, Discussion: 5.8 **December 19, 2023**

tabled

6. Adjournment

Action, Discussion: 6.1 **Adjourn Meeting**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to adjourn.

Motion by Chairperson - Bonnie Franson, second by Robert Garstak.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Dylan Penn, Robert Garstak