

Town of Monroe Planning Board Regular Meeting MINUTES

— 03/19/2024

Town of Monroe Planning Board Regular Meeting (Tuesday, March 19, 2024)

Generated by Norinne McSweeney

Draft

Members Present:

Jeff Manson, Pat Shea, Nicholas Napoli, Robert Garstak

Members Absent:

Bonnie Franson, Dylan Penn, Lou Rivera

Planning Board Consultants:

Ashley Torre, Esq.

Shawn Arnott, PE

1. Welcome

Procedural: 1.1 Roll Call

Procedural: 1.2 Point out Fire Exits

Procedural: 1.3 Pledge of Allegiance

2. Returning Projects

Action, Discussion: 2.1 Monroe Commons (0182-2019) SBL # 2-1-10 Nininger Road Monroe, NY

Daniel Richmond - Zarin & Steinmetz

Vince Pietrzak - Pietrzak & Pfau

Ken Wersted - Creighton Manning

Jon Dahlgren- Tim Miller Associates

Additional Planning Board Consultant Mr. Aaron Werner from AKRF is present.

Deputy Chairman Manson - we are going through the Monroe Commons preliminary version of the Final EIS. We started working with Monroe Commons back in 2020. We declared a motion for a positive declaration and decided a full EIS, we did a scoping session determined what would be reviewed as part of the project and we'd work through the draft EIS until it's current format. Now we are preparing for the final format. Now I will have Ms. Torre explain more about the purposes this evening and going forward.

Ms. Torre:

- draft EIS had a public hearing and accepted comments on this
- FIES now is the Planning Board document, so it's something that's written in the Planning Board's voice, but it's typical with these the applicant prepares a version of that for the Planning Board to review and ultimately accept once it's determined to be adequate as its own.
- question is whether the FEIS addressing all the substantive comments that were previously made on the DEIS and whether it completely addresses all the required mitigation measures and all of those substantive comments. Mr. Werner is here from AKRF if the board has anything for him as well.

Mr. Werner:

- the public hearing was back in December and AKRF along with 5 other consultants have been working on this project (CHA, Weston & Sampson, KALA, Ms. Torre, and Mr. Arnott) we have all provided written comments in addition to comments that came in from the public and other involved agencies.
- since the public hearing the applicant has worked on responding to those comments and presenting any new information on the project which consisted of new plans that they worked on between the public hearing and this submission of the FEIS.
- The consultants put together our respective comments, they were sent out today. There is a lot of material to go through took a little longer to gather and get to the applicant. There are still some comments that need to be addressed we don't believe it's ready for it to be officially adopted as the final FEIS. - - - We are happy to hold meetings with the applicant to go over any additional questions, but ultimately they are going to have to resubmit.
- another item to be discussed tonight is that technically after the public hearing there's a 45 day period where your FEIS is supposed to be adopted. We are well past that. For the record it would make sense just for the board to come to an understanding with the applicant tonight that the extension of time on the adoption of the FEIS is necessary before it can be determined to be adequate.
- There are many comment memos to go through. I am happy to answer any questions I can. The traffic engineer is not here this evening, but can be available at another time.

Dan Richmond:

- We submitted a draft FEIS last month that we believed was complete and addressed all the substantive comments on the DEIS as SEQRA requires. We did receive your consultants memos today. We are hoping your board can deem the document complete tonight subject to making some of the revisions requested by your consultants. We have begun to review them and we have several questions about them, but again this project you noted has the positive declaration going back to 2020, but the project has been reviewed further back since then. We are looking forward to finally allowing this project to move forward to the approval so the

various agencies can issue their respective determinations. We look forward to continuing to work with your board on the site plan approval. Right now we are looking to draw the SEQRA process to a close. We are happy to work with your consultants and answer any questions they may have. We just received these memos at 3pm this afternoon and have not had adequate time to digest them. We are hoping your board can adopt a completeness determination tonight subject to making any of the revisions, which is a similar arrangement we had with the DEIS.

Mr. Arnott:

- a majority of my comments were with regards to the plans and SWPPP
- there were no new plans submitted nothing to compare the SWPPP with.
- Future submissions of the FEIS should include a plan set.
- the plans as were discussed at the last meeting were going to do additional geotechnical analysis between the completeness of the DEIS and the FEIS.
- the applicant did provide a blasting plan in lieu of additional geotechnical analysis.
- I have some comments on the blasting plan that was submitted with regards to the connections with VMG property.
- obviously there are utilities connections and access should those improvements not go all the way to the property line. How will the applicants traffic study and site plan work should those connections not be made at the time Monroe Commons is completed.

Ms. Torre:

- provided comment memo as well.
- There are a few things that it would be appropriate for the board to weigh in on and get the board's input.
- regarding comments 3-7 and their response to comment 37. I have some modification to language of their response, but for the Planning Board to consider whether you agree with the conclusion that in the event the proposed zoning amendments are not adopted or in the event it's determined that they do need a variance from the landscape buffer requirement adjacent to residential districts in Woodbury and the Village of Kiryas Joel. (inaudible)
- if you recall the project involves zoning amendments that are being considered by the Town Board.
- the applicants believe the Town Board is agreeable to adopting those proposed zoning amendments for the project and they also believe that they will get a favorable determination from the Building Inspector on the applicability of the landscape buffer provision.
- They're saying in the event those two items are not in their favor they are of the position that there would not be any significant impacts that would need to be addressed.

Mr. Richmond - SEQRA is about impacts analysis, the environmental impacts, it's not about which laws apply or what you know regulatory scheme applies. For example with respect to the 25 foot landscape buffer, we don't think it applies for particular legal reasons as we have

written to the Building Inspector, but more importantly I think to the SEQRA issue is that we have adequately mitigated the buffer. We are providing ample landscaping with minimal comments for KALA Landscaping on the landscaping plan on response to the FAS indicated that we worked hard to address our concerns. I think the Planning Board should feel comfortable regardless or not of whether the Building Inspector ultimately agrees with us with respect to whether or not the 25 foot landscape buffer doesn't apply because the neighboring property is not in the Town of Monroe. Regardless, we think that again from an impact analysis which is SEQRA's focus we think we've shown that those impacts have been avoided to the maximum extent practicable or mitigated as SEQRA requires.

Ms. Torre:

- that was my comment to the board, that it's for the board to state whether or not they agree with that conclusion so thank you for summarizing what you believe to be why it's been mitigated or why it's been addressed but I was just pointing out for the board to make sure you're on board with that.

Deputy Chairman Manson:

- so maybe we should take these up for discussion kind of point by point
- I too had a similar thought particularly in relation to the amendments to the zoning that you're going in front of the Town Board were those not to be granted by the Town Board is the applicant's intention to go to the ZBA with that and if the ZBA were to find against that what would we expect this project would look like. I guess if down the road there no approval was granted for those things, what kind of changes would we have to expect to this project because that goes to impact.

Mr. Richmond - to the point of an impact analysis with respect to the zoning amendments I think we've shown how this project as currently formulated avoids or minimizes the mitigates the significant adverse impacts of the maximum extent practical as SEQRA requires. If we have to go to the ZBA which I hope not to have to do because I think it's an unnecessary step for this project, but if we have to I think we're going to be able to show that we easily pass the applicable area variance balancing test. To your question of what if the Zoning Board rejected the variances, I know we have had several different options. We know what the applicant would like to do, if they would like to challenge that they have that option. They do have the option of seeing what the Zoning Boards impacts are, but again there would be lesser impacts, ultimately the Zoning Board would be then an involved agency in this review and they would be required to issue their own SEQRA findings as every involved agency must, so they could in their SEQRA findings address any impacts that they, I think we've shown that we have more than adequately addressed the project's impacts from that perspective, but that could be discussed with the Zoning Board.

Deputy Chairman Manson:

- I certainly understand the amendments that are being proposed to the Zoning. If someone could just give me a brief overview on the landscape buffer and what the issue is there for the benefit of myself and the rest of the board.

Ms. Torre - there's a requirement in the Code that when you have a non-residential use adjacent to a residential district, the Code requires there to be within the side and rear yards landscape buffer of 25 feet to screen those adjacent residential districts. The question here is whether that applies where the adjacent residential districts aren't located in the Town of Monroe, they're located in adjacent municipalities. It's my understanding that the applicant is going to be seeking a determination from the Building Inspector on whether this buffer requirement applies, but the question here is whether - because ultimately those things, whether they need variances or the zoning amendments that will have to happen before you could approve the project - but the question is whether in the event they needed variances you agree that they mitigated the impacts of any such variances to the maximum extent practicable.

Deputy Chairman Manson - okay asking the board if they have any thoughts

Member Shea - are we potentially getting the cart before the horse here. If we approve something tonight or take an action can it be improper.

Ms. Torre - you won't be taking any action on the the project this is in discussing the adequacy of the FEIS and whether there is anything else that needs to be addressed in terms of impacts from the potential need for these variances.

Member Shea - what potential action are we going to take tonight if any?

Ms. Torre - I would be recommending that you not be accepting the FEIS as complete yet, and I wouldn't be recommending any action this evening.

Member Napoli - let's just let the building department do their thing and everything seems like it's going along.

Deputy Chairman Manson - I'm comfortable that these issues have been addressed that particularly in relation to the amendments to the zoning we were talking about that day one this was always a part of that project and we've talked about it quite a bit. I think we understand what the issue is there and as far as the site plan approval we'll see what the Building Inspector says, but as far as the impact for SEQRA it's been addressed.

Ms. Torre continues with her comments:

- next one dealt with the terrain adaptable parking alternative. Back when you were reviewing the DEIS there was discussion about whether there would be a further alternative in that regard, whether you are satisfied with the analysis that's been presented in the DEIS or if you do feel there is further analysis warranted.

Mr. Richmond - I think we have adequately explored all alternatives, as you've indicated this is

not a new project for this board we have been before you several times, we've discussed multiple iterations of the project and its alternatives they were amply discussed in the DEIS including the terrain adaptable alternative. I can't recall if there was a specific comment on the terrain adoptive alternative.

Ms. Torre - the comment was that it didn't include an alternative with terrain adaptable parking and instead relied on the current proposal and said that's incorporated the terrain adaptable parking. The question for the board was whether they agree that that's sufficient or if they thought another alternative was warranted.

Mr. Richmond - at this point in the analysis we've really beat the alternatives to death. I think you know that is our belief, that we have tried to make this project as closely in harmony with the topography and the site's constraints as much as possible. We've respected the wetlands, we're having minimal impacts there. At this point I don't think there's any further need for further alternatives discussion.

Deputy Chairman Manson - we've talked a bit about a terrain adaptable option and frankly it didn't seem the best option from this site. We did do an extensive site visit and walk the entire property and frankly I don't think that would be a conducive solution for this type of project, if this was merely an office building perhaps it would be more of a consideration but I don't think it's in the best interest of those who would be coming to Monroe Commons to have a terrain adaptable parking solution so I don't think it was ever in great consideration in part for that reason.

Member Garstak - I'm just not clear, you're saying that you've looked at everything and we've beat it to death so to speak, but does that mean that you're willing to walk away from the project rather than change something. To look for that next alternative if it doesn't work the way it is.

Ms. Torre - maybe if I could clarify to the comment that it was whether the board agrees that the current proposal is the most terrain adaptable that would be appropriate and that no further analysis is warranted, my comment was meant to point that out for the board about whether you're agreeable to that.

Mr. Richmond - Mr. Garstak the project that's before your board has been a result of extensive discussions with your board and that's where my comment came from.

We're certainly committed to making this project happen and are going to advance it, my sole point is that I think as Mr. Manson indicated we've looked at various alternative ways to reform the project and I think again this has been a long process I think you know we had a DEIS that comprehensively looked over all these issues and it's been determined along the way that the terrain adoptive we've incorporated as much as possible into the current project and the area

of analysis should be getting smaller and smaller as we get closer to the finish line.

Member Napoli - What are we suggesting, what do what options do we like?

Deputy Chairman Manson - well, I think it comes down to do we feel that we adequately looked at the options that the DEIS examined the various options and put its best foot forward as far as what the best solution was. Going back again to the beginning of this project one of the key things that the applicant always stressed was we're looking to make this work in the space that's there uh there's a significant hill rising towards the back of the property the project takes advantage by setting the building back into that so it's less intrusive and obvious the parking works its way around the side in the back of the building to fit in with the terrain that's there as much as possible, so we have parking into level two parking into level three on the back so there is some terrain adaptability already in this project where it really came down to an issue was in the front parking lot in the big sheet of parking but for those of you who walk the project site that front area is relatively level to begin with so you're not going to get the advantage from terrain adaptability on top of what the inconvenience is to that of the patrons of the center I think we kind of move past that point.

Mr. Werner - I can just add that you did deem the DEIS complete and the analysis that they did on there was several alternatives there was a multiple building alternative there was a no Wetlands permit alternative there was this terrain adaptable alternative which they're saying their project as proposed is doing the best they can on that concept. Given the uses especially with the fact that there's retail going to be here with folks with carts moving it's difficult to navigate a slope with a shopping cart maybe with strollers with children especially also I think the terrain adaptable concept was introduced in the scoping process because of comments from Kala on having the landscaping and the storm water be in a way that can help the plants survive and also limit the grading and things like that. But you know as part of their process they have said that this is the best they can do to accommodate given the use and the patrons that are going to use this site.

Deputy Chairman Manson - I'm comfortable that it is.

Member Shea - I haven't been out there since the original walk through and I think I better understand what's going on now and where the potential disagreement or conflict is. I would be (inaudible) going forward with it given the explanation.

Ms. Torre - one more item about attracting residential growth and whether there was sufficient analysis. They had given some reasoning as far as where the people who are going to work at the establishment are likely to reside and why they wouldn't be expecting that it would attract new residential growth into the town. For the board to verify that you agree with that analysis or if you think something further was required.

Mr. Richmond - we did address it. Looking for the section now.

Ms. Torre - I'm not saying you didn't address that I'm just asking the board if they agree that it's sufficiently addressed.

Mr. Richmond - your letter quotes from the DEIS comment which we responded to in comment 22-2 of the FEIS where we discussed the fiscal and economics of the DEIS know that they provide a detail assessment. We talked about retail trade being the number one employer in the Town, we had a figure showing job sector relationships showing that retail businesses employ the largest percentage of Monroe residents is compared and we provided other analysis showing that the development is not expected to result in this significant residential growth to support the development rather would serve the growing community of Kiryas Joel, Palm Tree and employ hidden Town residents.

Ms. Torre - I wasn't saying you did not respond to the comment I was flagging it for the board to confirm whether they agree it's been sufficiently responded to.

Deputy Chairman Manson - I happen to review that section this afternoon I guess my question would be in relation to this a fair portion of the building is office space and I'm thinking back to when we reviewing the floor plans and that sort of thing, what kind of businesses would we anticipate those offices attracting and are we thinking the local Monroe, Palm Tree, Woodbury area businesses or from throughout Orange County.

Mr. Dahlgren - We made an assumption in the document and kind of throughout our analysis that a lot of the businesses would be related to Kiryas Joel, the Town of Palm Tree and local Woodbury, and Monroe in terms of both the retail and the offices in kind of supporting the growth in new businesses or possibly existing businesses in the Village who want to relocate to a new office space, so that was our assumption that it wouldn't be drawing from you know outside or New

York City it's primarily for local businesses.

Deputy Chairman Manson - when I was reading about that one of the things that we discussed along the way actually in relation to this and some other projects is the reality is there's a fair amount of retail in the Monroe Woodbury area already particularly between the commons and Harriman Commons and the complex where Walmart is and it's a mix of people who are employed there both those centers employ a lot of people from within 10 minutes of those centers there are also a lot of people who come into the area who live in other parts of the county or other parts of the state, I'm also employed by BJ's my store manager is from Brooklyn but I don't find that those retail situations are really bringing more people to live in Monroe people are living in all kinds of areas and they're coming to work in Monroe because there are opportunities here and that's kind of what I was curious about in relation to the offices. If it's really to provide some office space for businesses that don't have that in Palm Tree, Monroe, Woodbury and in the surrounding communities then it's a very similar situation in my mind and that the residential impacts are not that significant the the residential impacts will will come from the new residences not so much from the addition of Monroe Commons which will support the residential growth that's happening.

Member Shea - will this facility be closed on the Sabbath or like the other facilities in Kiryas Joel or will this be open at all times.

Mr. Dahlgren - I believe most of the businesses would be closed during the Sabbath, but the hotel would be open for people who are visiting the area for the Sabbath can't travel that day so they can walk to and from.

Member Shea - so that's the case it would most likely mimic the other buildings in Kiryas Joel in terms of accessibility which would probably limit the amount of traffic from non Kiryas Joel folks.

Mr. Gross - I think the answer is the spaces by itself will be rented out to wherever the clients will be. There's probably going to be in the medical areas, some offices as well as retail spaces that will be rented out to people that are not from the community and they will be open any time.

Deputy Chairman Manson - so for the gentleman with your hand up and for those joining us tonight we're at a point in the process where we're not taking public comment. We've had a couple of opportunities already and there may be a further opportunity as the project moves on and we get into the site plan and finalizing that. Keep in mind that we're working through State regulated process here, there was a extensive scoping session that involved the public and we welcomed comments then both in written and in commentary form. As well as, when we were working on the DEIS, but at this time of the process we're working through a technical portion of the project.

There was a resident in the audience who wished to speak and continued to interrupt the meeting.

Ms. Torre - if I could just weigh in, this isn't a public hearing and the board doesn't have a public comment section at their meeting so the board is in receipt of any written comments that you have and they'll address those as is appropriate but right now it's focusing on talking with the applicant about this document. I would acknowledge that any comments you had sent have already been shared with the board and addressed as appropriate.

The resident continued to speak not on a microphone difficult to understand.

Deputy Chairman Manson - continued to explain you don't have to be sitting on the panel to be part of the applicant team. I understand that sir but you're not one of the applicants so you you don't have an opportunity to speak at this meeting. This is a work session effectively for this portion of the project. Let me assure you we have spent more than three years working on this we're pretty familiar with some of the details thank you.

Resident continued to speak and was recording on his cell phone.

Another gentlemen in the audience from the MCC commission said that they submitted

comments and hadn't heard back from the board.

Ms. Torre - there was a public comment period on the DEIS and that's what this document's responding to anything that was given on that so if there are comments that are submitted again there's the way the process goes after this document's finalized there's going to be the next step is to adopt the findings before then that the FEIS does go out for the public to consider public can if they choose to submit comments the board's not obligated to respond to those or to do anything in response to them but if the board sees fit to address them.

Residents continuing to speak after being asked to stop.

Deputy Chairman Manson - it works according to the laws of New York State. Let me assure you, (resident again asking to speak saying they haven't received anything on project) again which has been provided on multiple occasions.

Ms. Torre - it's been published, it's been online that public hearing was in December I believe and then there was a written comment period. Again, you are free to submit your your written comments and they'll be considered as appropriate in accordance with the the regulations, but if we can keep moving on was the board agreeable with that there was no further analysis.

Member Shea - will there be another opportunity for public discussion or is that for us to decide?

Ms. Torre - you've already had a public hearing so whether there is a waiting period between the finalization of the FEIS and your next step in the SEQRA process which is adopting the finding statement. whether there are comments that would be submitted in that time period, the board's not obligated to respond to those or to change anything you know in response, but if something's raised that the board deems appropriate to respond to then you can at that time.

Deputy Chairman Manson - I think the simple answer to that Member Shea is through the rest of the FEIS process and finalizing the environmental there's not an opportunity for public comment there may be before the final resolution is or isn't adopted, but that's down the road and to be determined. Tonight we're working on environmental study.

(Resident speaking again with no microphone - information has changed since the last public comment has presented to the board and we haven't had the opportunity for comment on information you can't just go back to December and then other being submitted by you just can't do that six months later there's 15 different submissions I want to address specifically what we discussed about the retail. We have 15% vacancy rate and they're saying that it's going to provide jobs to who. I own a business and one of the biggest

Deputy Chairman Manson - sir enough I'm going to have to ask you to leave if you continue we have work to get done here it is important. One more comment before we move on if I can gentlemen. For those of you who are here tonight, for those of you who are watching tonight or later on in the town of Monroe our agenda is published in advance you can find that on the Town of Monroe website, the documents are being submitted are in a project folder through the Planning Board you can access this information. Not only is everyone welcome to attend

our meetings and observe what's going on in these meetings, observe, but we are broadcasted out on Channel 22, you are able to watch all of our meetings right through the town website under the board doc section and you can find the videos on YouTube. I strongly encourage people to watch what is going on here pay attention and look for your opportunities to get involved and to have participation, because that's when we need to hear from you please, thank you.

Another gentlemen in the audience from the MCC commission said that they submitted comments and hadn't heard back from the board.

Ms. Torre - explained that we would look into that matter and see if it is something to be addressed in this document. If it was a comment that was made on the DEIS during the public hearing on the DEIS or the written comment period that was extended after the hearing that's something that should be addressed in the FEIS and the applicant would be responding to that.

Mr. Werner - the written comment period was extended to December 15th and if those were sent to the Planning Board through an email or a letter before December 15th they should have been part of the DEIS comments appendices and should have been responded to in the document.

Ms. Torre - you could send those to the Planning Board if you have those. Do you know when or about when they were submitted?

Deputy Chairman Manson - we can certainly look into that concern and see when they were submitted and if they were submitted in as part of the process of reviewing DEIS then we would look to get those comments addressed.

Ms. Torre - we understand, we're going to look and see if we have those comments or if we need them to be resent. Tonight this is going through this document with the applicant and we need to get through that.

Mr. Richmond - if I could just briefly note that SEQRA requires that agency's carry out its terms and requirements with minimum procedural administrative delay avoid unnecessary duplication of reporting and review requirements and must expedite all SEQRA proceedings in the interest of prompt review. We have addressed all substantive comments on the DEIS as SEQRA requires, if there were substantive comments submitted on the DEIS that's the intent of the final environmental impact statement as your board is aware to address those comments. If people are saying they made comments back in the fall when their public hearing was open for an extended period of time as your consultant has noted they will be addressed and they will see their how their comments have been addressed in the final environmental impact statement which we are working towards completion.

Mr. Werner - I'll add that in our memo we because we went through the appendices the transcript all the letters and we noticed that there was a few comment that did come in that were not part of the record and not responded to so if there's more than what we identified in our comment which was an Orange County Planning letter and two resident emails if there's an additional letter from the Conservation Commission then that should have been provided on in the revised FEIS.

Ms. Torre - I have nothing else unless the applicant had any questions and I know you if you didn't have enough time to review the memo we could certainly discuss that.

Mr. Richmond - thank you Ms. Torre nothing further at this time on your memo

Mr. Werner - I just mentioned about the missing comments and responses that's right in the upfront material of our memo. We think that should be addressed in addition to anything else that might have come in by December 15th which was the deadline that should be responded to in the next submission. We also requested just for sake of you know ease of understanding and kind of an executive summary type of thing to have a table in the FEIS upfront that shows where we have impacts and what those mitigation measures are so it's clear that'll especially help develop the finding statement when we get to that point. The bulk of the comments that I have transmitted from AKRF are focusing on traffic and some mobile air quality related to Traffic that was the bulk of our review. The other consultants that looked at vegetation wildlife wetlands they have a lot in their letters too that need to be addressed. I can speak to at a high level the items that we focused on in our memo.

- I'll skip ahead to the traffic one of the comments that we had was the applicants identified about nine different intersections that have mitigation needed. Who is responsible for implementing the measures. Would it be the applicant themselves or between the Village of Kiryas Joel VMG and some other entities helping from other projects in the town. It is going to be a mixed bag of who is going to do what so one of the recommendations that we have one of the biggest ones was that for each of these mitigation measures we recommend that you know as part of the board's conditions of any approval on this that these mitigation before the C/O (inaudible) is issued for the project. The applicant probably hasn't had a chance to review that and comment but there's a lot of different intersections that are requiring measures that are directly related to traffic from the project. We felt in consultation with Ms. Torre as well we felt that having that as a condition would make sure that these are implemented before the project's operational.

Deputy Chairman Manson - I think that it was one of the engineers from Woodbury in their comments also spoke to the need to identify who ultimately is responsible for these various mitigations and that's a very important thing for us to understand as part of our decision so I would echo that it's we need that as part of the revisions.

Mr. Richmond - I think we did provide that Mr. Wersted our project traffic consultant can speak to that but we did provide detailed information on which mitigation measures who is responsible for each one.

Mr. Wersted - I can address this one because it's larger one and then we can go through the rest.

Mr. Werner - this is one of the larger ones. I'm not the traffic engineer my colleagues are not here tonight to talk to some of these we're happy to have a meeting to discuss these. But the issue of the different responsible parties on the mitigation and the timing if you want to go ahead and just summarize that you can. We weren't disagreeing with the list of who the parties were we just recommend because there's so much happening here and there's so many different parties involved that it's important that they actually get done before a C/O is issued on the project and there's condition of approval by the board is a way to do that.

Mr. Wersted - as Mr. Werner pointed out there's a number of improvements that are proposed and talked about in here and there's a variety of responsibilities for those. We did try to go and identify who is responsible for each of those but we can detail that a little bit better and also talk about the timing. There are some that are out to bid right now we're reviewing bids that were brought into Kiryas Joel for some of the improvements we're expecting those to go to construction this year but we can detail a little bit more on the anticipated timing of those including the ones that Monroe Commons is responsible for.

Deputy Chairman Manson - Mr. Richmond if you give me a little latitude I understand what improvements Monroe Commons is responsible for of the other improvements that are helpful for this project which one would you say is the most mission critical Mr. Wersted.

Mr. Wersted - right now I would say and it's not detailed in here but we've talked about it before Baker Town Road from County Road 105 all the way up to Acres. There's a roadway widening plan for right there right now effectively that all that whole area comes to a single always stop and that's what stops everything all the way back to the Route 17 Bridge. There are traffic signals proposed there there's roadway widening proposed through there and all of those went out to bid and The Village received bids last week or this week so that analysis is now being processed through and then I would expect in the next week or two they'll select a contractor and start to implement and initiate the construction of those improvements.

Deputy Chairman Manson - is the pedestrian bridge also a part of that project or is that separate? not specifically here.

Mr. Wersted - not specifically the Baker Town but it is part of the VMG responsibility. That too is also in design and anticipated to be constructed either this winter or early spring of 2425.

Mr. Werner - I would just say the FEIS that you have in hand right now it's response 9-12 on page 9-8 that really that outlines the different intersection mitigation measures and the responsible parties in brackets so I think they are going to respond and it sounds like expand on some of that also consider our comment about the the C/O issue. There's also some comments on the air quality analysis that they did which are more just providing some more

backup for us that we didn't see (inaudible). Lastly about the visual resources and you know the simulations that were done just to bring to the board's attention the applicant is going to be as part of the site plan process it sounds like based on the responses that we've seen they might be requesting some waivers on the lighting code specific to a couple things one maximum height some of them will be at 5 Feet requirement is ? it is a waiver some light spillage on driveway with the boundary of VMG there are residences there that will need the connections. There is some noncompliance on the light foot candle levels at the property line so that is a waiver.

Mr. Richmond - I think you would agree that the impact has been adequately discussed in the FEIS.

Mr. Werner - that's correct I just wanted to bring those to the attention of the board.

Ms. Torre - I think the next step would be if the applicant would like to submit a revised version of the preliminary FEIS addressing the comments of the the board's consultants and that could then be (inaudible)

Next submission is the 28th at noon.

Ms. Torre - if there's any questions or anything that the Consultants would like to discuss with the board's Consultants before then any clarity needed for any of the comments we could certainly be available for that.

Deputy Chairman Manson - board I'd like your thoughts on ultimately it comes down to I think that do we want to see the rest of these revisions or furthering of these revisions before we declare this complete or are we getting to a level of comfort at this point.

Member Napoli - seems like we have to keep our finger on the pulse on this one not only for our own due diligence but for the sake of the Town.

Member Shea - I would just say that I've been on the board for four years this is the most sophisticated and detailed project that I think we've come across and we by proof of all the consultants that we have so it's not an easy one to approve. I mean we've done a lot of work for a lot of years on this but I think you know for some of us on the board I'm still not clear on a few things and I need to catch up you know probably with our consultants to be more comfortable that we've answered all the questions that we need to answer and be as comfortable I think as you are Jeff.

Member Garstak - I kind of feel the same way my concerns on the project from when I first heard of it was that a lot of the traffic concerns which are being addressed but I think we need to look at the answers that as we move forward are going to be provided before we can make any kind of rational decision about anything.

Ms. Torre - I'm hearing the board I think the board does agree you would want to see the revised version of the FEIS accepting and I think that's appropriate.

Deputy Chairman Manson - I concur with the rest of the board members I'd like to see this tightened up a little bit more before we get to an approval. We too are catching up on some of the consultant memos and that sort of thing but I think we can look to get this all together and we'll all be a little bit more prepared in a month.

Mr. Richmond - thank you very much for your time this evening thank you to your consultants we appreciate all the effort. I appreciate Mr. Shea it is a detailed project and I think probably one of the most in-depth that's been ever reviewed by your board. We are available if your board has any questions or would like to meet to discuss any particular issues. We look forward to continuing to work with you.

Action Discussion: 2.2 **RT 17M Executive Offices** (0212-2023) SBL# 25-3-10 Rt 17M
Monroe NY

Applicant Representative:

Zachary Szabo - Engineering and Surveying Properties

Mr. Szabo -

- this project has been in front of the board before it's been a while the last time this was in front of the board was back in March of last year.
- there were some additional sketches that were provided
- we've attended some workshops to discuss how we're going to move forward with this project
- since then we're in receipt of a letter from Mr. Arnott's office from back in April of 2023 and we've provided a little bit more detailed plans.
- the the scope of the project is pretty much the same we're still proposing a 36000 square foot building for office space and associated parking.
- we've provided updated architectural different parking layout and different entrance layout.
- initially there had been discussions about extending the entrance and reworking the entrance at 17M
- further analysis into the property there was no easement that was provided on the western side of the property so we scrapped that idea and now we're just coming directly off the existing pavement that's there to access the site.
- there was another concern regarding the utility poles along the east side of the property we've also looked into that. Those utility poles service the residential homes to the south of the site and there is no Orange and Rockland easement for those utility poles.
- we are maintaining them we're not we're not planning to affect those utility polls they're to stay the same.
- at this point we believe that the project is in a place where we can circulate for lead agency.
- we believe we provided enough detail to start that process I believe that's where we left off
- I'm here to accept any comments from the board and from the Consultants

Ms. Torre - just a quick comment on the the lead agency so the board did at your last meeting declare your intent and it has been a while and the project was going through some changes so when it came back in I did do that circulation so okay the 30 days hasn't passed yet but by the next meeting you'll have received any objections or if the 30 days passes then you'd be able to assume lead agency status.

Mr. Arnott comments:

- so first is with regards to the building - this building's built into the hill the front elevation facing RT 17M has three floors exposed the back side has two.
- Based on the elevations and Architectural plans that were provided it's not clear that the height is maximum allow. That's a question for the applicant are they looking for a referral to the ZBA at this time or do you think you'll be looking to have the Architectural (inaudible).

Mr. Szabo - I don't believe at this time we're looking to go to the ZBA I think the intention was to meet that height requirement. I will go back to the architect and to the client and discuss that.

Mr. Arnott - If you're looking for an interpretation on that you can go to the Building Inspector yourself. I believe height is measured as great around the building.

Mr. Szabo - okay I'll look into that thank you.

Mr. Arnott - then I had some comments on parking. Off street parking loading actually requires commercial structure and based on size of the structure Section 57-50 of the code.

- With regards to the amount of parking on the site there is basically parking from lot line to lot line in order to meet the Zoning requirement. should demonstrate compliance with Section 57-51(T). The board does have the ability and I think we discussed it the last time this was actually before the board has the ability to reduce the number of parking spaces if the applicant requests it.

- next is with regard to the utility poles that have been mentioned. There will be a little bit of grading within the area below the overhead wires that the applicant is reserving for an easement that should be provided for the utility poles. That should warrant some review and acceptance from O&R for any work within the easement. - the applicant has now identified a wetland offsite that will require a 100 foot buffer pursuant to the Town's local Wetland law.

- additionally a permit will be required an application to the Planning Board for the Wetland buffer disturbance.

- A SWPPP is required where is the Wetland for disturbance of more than one acreage.

- some comments with regards to fire access for the site. The proposed access from the existing access drive to RT. 17M the grading exceeds 12% whereas the fire code restricts that to 10%.

- additionally since the building is proposed to be over 30 feet in height two access points will be required for the site.
- so that's that's a pretty significant layout concern for the building.
- there are a number of water comments. Based on some technical review meetings that the applicants had with Ms. Torre Chairwoman Franson myself and Ms. McSweeney the applicant is proposing to connect to Water District #8 that the Town currently owns which would be behind Quick Check so they are looking to extend that water main onto the site to provide portable water for the site. Additionally they're proposing a fire storage tank pumps house and well to supply the fire storage tank for fire suppression for the building which will be required based on the square footage and the occupancy.
- I have some technical comments with regards to the water additionally a DOH permit water will be required for the water main work.
- The applicant's going to need to get a permit from Orange County DPW and New York State DOT for the sewer main connection within Rt. 17M.

Ms. Torre comments:

- it does require referral to the Orange County Planning Department under GML 239 don't know whether the board feels there's sufficient information at this time or if you would like to await for a future submission.
- (inaudible) that much additional from what Mr. Arnott had mentioned
- there's some architectural details that have been provided you'll need a narrative with all of the materials colors and everything for all parts of the facade of the building and any exterior improvements including the lighting and the lighting spec Sheets.
- if you can also calculate the size of the sign under the code and just include a little signage table showing that complies with the square footage allow by the code - - you did give some details about the trees that are being removed if you could have noted the total number of trees being removed and the total being planted in place of the trees being removed. The Town does have the tree law that requires the one-on-one replacement or a fee in lieu of and make sure you have the tree protection details as well.
- then there are some standard tree plan map notes that I could provide for you.
- We had discussed this at a future meeting but the owner's endorsement was filled out it didn't have the person's name who was signing so that owner's endorsement should be filled out by it was a Jordan Stern who had signed last time and should note that he's a member in the LLC or whatever role he is owner LLC.
- did also discuss there's that access easement that goes across this property to believe the rear and you going to be providing a copy of that easement agreement I don't know if you've located that.

Deputy Chairman Manson - we're still in the circulation period for SEQRA so we need to wait for that to be completed. There are some things that need to be addressed at this point do you have any questions for us. We need to see a little bit more revisions before we're ready to send it off to Orange County Planning.

My only comment is if you're going to consider looking for a waiver on some of the parking as much as you can demonstrate about what the occupancy of the office space is going to be like how many tenants are possibly in ended that sort of thing. You can demonstrate need for parking spaces is going to be like how many tenants you know are possibly intended so you can demonstrate need for parking spaces. It's wall to wall parking and certainly if you have the ability and and we do decide to grant a waiver on some parking spaces obviously it would be beneficial to remove as many as possible that are in the Wetland buffer they're both most of the ones when you're getting closer to the entrance are fairly inconvenient to the building anyway they're there because they were required by code I suspect and and less through utility in need so what you can do to demonstrate that for us would be beneficial under waiver if you're requesting that.

Action Discussion: 2.3 **94 Seven Springs Rd** (0215-2023) SBL # 1-1-14 94 Seven Springs Rd Monroe NY

Ms. Torre - just need to reschedule the public hearing for April meeting subject to receiving documents requested

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to schedule the public hearing for April 16 2024 at 6:30 pm or as soon thereafter as it can be heard. Subject to the applicant submission of architectural plans and information required under the code the required engineering certification for the septic system and well information satisfactory to the Town Engineer.

Motion by Jeff Manson second by Nicholas Napoli.

Final Resolution: Motion Carries

Yea: Jeff Manson Pat Shea Nicholas Napoli Robert Garstak

3. Minutes

Action Discussion: 3.1 October 17 2023

tabled

Action Discussion: 3.2 November 9 2023

tabled

Action Discussion: 3.3 November 21 2023

tabled

Action Discussion: 3.4 December 19 2023

tabled

4. Adjournment

Action Discussion: 4.1 Adjourn Meeting

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

Motion by Robert Garstak second by Pat Shea.

Final Resolution: Motion Carries

Yea: Jeff Manson Pat Shea Nicholas Napoli Robert Garstak

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