

Town of Monroe Planning Board Regular Meeting MINUTES

— 04/16/2019

Town of Monroe Planning Board Regular Meeting (Tuesday, April 16, 2019)

Generated by Norinne McSweeney

Members present

Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight, Jason Czerwinski, Jeff Manson, John Allegro

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 Sheri Torah - Trailer (0167-2018) SBL # 2-1-21.2

John Queenan - Lanc & Tully

applicant is requesting a 2 month extension on the approval from original date September 13, 2018

reason for extension is the company didn't have the standard 24 x 36 so they had to go to custom built trailers that were taking a longer time frame to get

2 month extension until May 20, 2019

Board requested from applicant the proposed Master plan that has been requested on previous occasions

No written resolution needed - make a note in file extension granted until May 20, 2019

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby grants the approval of the extension of the trailers for the Sheri Torah - Trailers for a period not to exceed two months from the date of expiration and a single extension time period being May 20, 2019.

Motion by Chairwoman - Bonnie Franson, second by James McKnight.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight, Jason Czerwinski, Jeff Manson, John Allegro

3. Public Hearing

Action, Discussion: 3.1 Eagle View Estates (Lake Rd) (0168-2018) SBL # 18-4-60 & 61

David Niemoetko - Architect representing applicant

Eagle View Estates Subdivision

continuation of public hearing

overview of project - conservation development consisting of 3 homes, 2 of the homes front Lakes Road the other home front Walton Terrace

all 3 homes serviced by municipal sewer - has prior approval per Mr. Niemoetko

all 3 homes will have wells for water service

currently meet Zoning code for a conventional and cluster development

Open to Public:

James Sikoryak - 41 Frances Lane Monroe, NY 10950

was not aware of meeting last month as never received registered letter

my biggest concern with this project is my well, which is literally at the very corner of my lot which backs on to the property being developed. My well is a 500 foot well that pours out red water and I am not exaggerating when I say that it is blood red and I have a filtration system in my basement in order to give me 250 gallons of water a day and that is all I am going to get.

So I am very very concerned how this is going to impact my well and I don't know how, i know there are architects and the planning and things like that but I'm concerned and it's something that I think needs to be addressed, the fact that my septic system is right there and everyone in my development has a septic as well we're not town I know the road Walton Terrace which is 100 yards from my house has septic. So that's my major concern, I mean yes I am upset that my view I was told when I bought the house 15 years ago can only be blocked to a certain extent because of the sewer issues, but I didn't pay much attention because it wasn't an issue 15 years ago. I was shown a pipe in the ground by the realtors, from an old hotel that was there and burned down, they could build to the right of the pipe but no to the left because of sewer issues. I am not original owner house was built in 2001 and I bought December 2004. Resident stressed his biggest concern was about his well and the current issues he has and how the development might exacerbate it. Mr. Sikoryak was asked to point out his well and septic on the large screen shot of his property.

Mark Edsall open issues from the March 19 comments still need to be addressed - see attached

provide a radius around the well make sure 200 ft from neighboring septic systems

Make sure meeting Department of Health standard for separation distances between a well and a septic in terms of where the proposed wells are and the septic system

All wells need to be clearly depicted for all three of the proposed lots and we need to verify spacing to the adjoining sanitary disposal system

Question came up about well testing. Code A65 8 L says that the Planning Board will require drilling of test wells according to the following schedule, Planning Board may vary the number of test wells or waive the requirement entirely in appropriate circumstances the Planning Board in consultation with the Town Engineer or hydrologist may specify the duration of the

pumping tests the extent of monitoring adjoining wells based upon the information presented by the applicant and existing hydro geological data for area in question. Number of lots from 1-5 number of wells to be drilled is one then six to ten is 2 and so on.

is existing well being use or new well - new well was response

Ward Brower - Conservation Commission - questioned size of dwellings makes a difference on water draw, since the property is on sewer there is no recharging from septic into the ground so you are de-watering the aquifer house - those are my concerns

Mr. Sikoryak came back up questioning the road in regard to emergency vehicles - access will be from Walton Terrace

reviewing with the public this is a cluster subdivision with a yield of 3 properties

Town to have hydro-geologist confer with Mark Edsall to make sure the necessary tests get performed on the wells in question

will keep Public Hearing upon awaiting results of water testing

One additional item that needs to be done Mike Donnelly discusses a letter that was sent outlining the remaining steps in the proposal for a cluster. In the beginning we had the conservation value analysis and planned and you approved the conventional layout with 3 lots and you moved forward and you're working on getting the cluster done but when you reached that the applicant is required to deliver to you what the new code calls a conservation easement baseline report that includes a number of things most importantly it need to identify what are the conservation values that you the Planning Board have determined are in need of protection and those have to be included within the conservation easement itself . I proposed to be your standard form a conservation easement that can be changed anyway you'd like it is relatively simple and generic but you need to tailor it under the general purpose by identifying the itemized protected things like slopes, wetlands, floodplains are the object here and I suggested we cross out ones that don't apply then it would have to be recorded also it runs by your town board meaning the Town Board is the grantee of the conservation easement but they need not accept it so another stop the applicant has to make is to the Town Board once the conservation easement terms have been worked out to see if they are willing to serve as grantee if they do not they're required to recommend another not-for-profit Land Trust that would be the grantee it doesn't provide if nobody will take it over but my recommendation then would be that a restrictive covenant be recorded in place of that and the town be given the authority but not the obligation to enforce.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby continues the Public Hearing on Eagle Ridge (Lakes Road) Subdivision with the date to be re-noticed at that time.

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

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight, Jason Czerwinski, Jeff Manson, John Allegro

Action, Discussion: 3.2 **Kingsville Synagogue** (0161-2018) SBL # 1-1-4.32

The project was called to the floor and Bonnie reviewed to the public what was going to happen as far as the opening of the Public Hearing, explained the necessity of have a motion to declare a Negative Declaration at this time, but pending any developing information the board may reopen the SEQRA process in the future.

Bonnie also mentioned that there were many emails coming in from surrounding neighbors that they are unavailable for tonight's meeting as it is Spring break for the schools and many people are out of town, so tonight Public Hearing will be opened but not closed tonight and will be carried over until the next Planning Board Regular meeting on May 9, 2019.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby issues a negative declaration for the purposes of opening the Public Hearing.

Motion by Jason Czerwinski, second by John Allegro.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight, Jason Czerwinski, Jeff Manson, John Allegro

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby opens the Public Hearing.

Motion by Chairwoman - Bonnie Franson, second by Jason Czerwinski.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight, Jason Czerwinski, Jeff Manson, John Allegro

David Niemotko Architect, representing the applicant

The application is for a gathering place at 10 Kingsville Dr

no change to the footprint of the house - the gathering place will be in the basement of the house

occupancy for 18 at peak times

access via Kingsville Dr in the Village of South Blooming Grove - existing house and parking area are within the Town of Monroe

proposing 10 parking spaces - 5 double loaded spots

house serviced by septic and well, septic system has been tested and meets requirements for occupants, witnessed by David himself

Opened hearing to the Public:

Alter Wagshal - resident at 10 Kingsville Dr , I have been residing here for the past 10 years only others in my community from my religion are my 2 brothers last couple of years more people of my religion and community have moved out to this area

I have lived in peace with my neighbors the last 10 years never had any issues
the fundamental things we do in our religion is pray, on the weekdays we don't need a
gathering area in the neighborhood because we can drive cars, but on the Saturday and
holidays we are strongly forbidden to drive or travel in a vehicle, it is extremely important to us
to go pray. Must pray with 10 adults so we would walk a mile each way 3 times a day on
Saturday, family members 3 and up go

is your intent to use the gathering place for Saturday and Holiday's or other times as well -
majority it will be Saturday & Holiday's with once or twice a year additional gathering here
this will not be servicing a community it will be serving 18 people, adults are 13 years and
older

can you provide a congregation map where the residents are coming from

question: gathering place is there a implicit use & limitation to frequency of use for the space
and the type of gathering conducted. concerns with upcoming changes parties with catered
affairs multiple times a week,

response by applicant: we are a small group we are not looking for large gatherings or catered
affairs, we are a quite group just looking for a place to pray

Mr. Donnelly added code general requirements some will become conditions of approval that
will limit the dates, the times, occupancy limits of the building code apply in the resolution, the
narrative that's submitted will be attached to the resolution and no activities that aren't within
the described activities need to be specific with dates, times and total occupants become
conditions of approval and become enforcement issues

Bonnie - definition itself limits the number of people in a gathering place to 50 and of course it
depends on the size property and building involved, also states the area of assembly shall not
occupy more than 30% of the total square footage of the residence excluding bedroom
quarters, bathrooms and kitchens

special use permit also has a renewal process and if the occupancy increases to a point
where it exceeds the certificate of occupancy they have to come back before the board
members are only male no female members in the pray - we don't pray together

Bonnie Rum - 64 Shore Dr Blooming Grove

concern of walking and or driving traffic through the Village of South Blooming Grove

Zoning is residential don't know regulations regarding Shul

questioning the curb cut she was under the understanding it was supposed to be closed

questioned the walking path along the side of the property

questioning taxes on the property in the future

Lillian Reheusser - 264 Seven Springs Mountain Road

brings up a different gathering place not the one in question before the board

doesn't want people using her property to get to and from gathering place

has taxi's coming late at night blowing horn, people outside screaming, drinking

Mr. Wagshal returned to respond some of the concerns

mentioned people walking on neighboring properties - these people are not coming to his gathering place but to another one in the area which he doesn't want to discuss, he put a fence up on his property to avoid people walking on his property as well

Regina Kelly's - 6 Kingsville Dr - letter read for the record - see attached

Mr. Wagshal came up and mentioned the comment on the curb cut - he has a legal easement with the Village of South Blooming Grove with permits and all

Spoke of Village of South Blooming Grove response letter

David to update plans with Mark Edsall and South Blooming Grove comments and resubmit prior to next months meeting

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to hold over the public hearing until the next board meeting on May 21, 2019.

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

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight, Jason Czerwinski, Jeff Manson, John Allegro

Action, Discussion: 3.3 **Hillside & Scott Subdivision** (0170-2018) SBL # 10-5-2,3,4

Bonnie - need to reaffirm the negative declaration. Explained to applicant, and Board Members that we need to finalize SEQRA before opening public hearing. Negative Declaration needs to be affirmed. In the event additional information comes up during public comment we can amend or modify that negative declaration.

Motion for Negative Declaration

Motion to Open Public Hearing

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby to declare that this action will not have a significant adverse impact on the environment and that a Negative Declaration is being issued.

Motion by Chairwoman - Bonnie Franson, second by Jason Czerwinski.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight, Jason Czerwinski, Jeff Manson, John Allegro

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby Opens the public hearing.

Motion by Chairwoman - Bonnie Franson, second by James McKnight.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight, Jason Czerwinski, Jeff Manson, John Allegro

Tom DePuy - DePuy Engineering and Land Surveying representing the applicant
3 existing tax lots Hillside & Scott proposed to consolidate and make into 5 lots
lots will get sewer service from the Town Sewer system or the Moodna Sewer Basin Group
there will be an extensive storm water system that was implementing some infiltration to
reduce any runoff, also some additional installation of storm sewer through the area
individual will be serviced by individual wells
extensive well studies have been performed and checked adjoining wells also, there was a
problem with the water so we proposed reverse osmosis systems for each of the houses in
order to handle the pollutants at hand
widen the road slightly in accordance with the State Building Code had to go to 26'

Public Comments:

Doris Horstmann President of the All Seasons Home Co-op 16A Scott Street Road-
concern with the Co-op has not been notified of anything that is going on in the area
when sold to Scott Street Developers we agreed to 5 lots and 5 lots only now it is becoming 6
Tom DePuy this proposal has not changed since 2006

Mike Donnelly reviewed history of project:

original application 2006

conditional final approval was granted in 2012 but lapsed

approved again in 2015 and it lapsed and the exact same application that was before the
board has now been reapplied for the third time

Ms. Horstmann last notification we had was 2 years prior to the moratorium

questioning size of houses - 1 dwelling 3 bedroom

questioning repairs to the road that were agreed upon at last meetings in 2015 - Mr. DePuy
said those changes are still to be done

Tom DePuy - we had proposed to put storm sewers down also implementing green

infrastructure to infiltrate water on the lots that were there also redo the ditch line

houses will face Scott Street and 3 driveways will enter on Scott Street

Co-op Attorney trying to reach out to Scott Street Developers regarding road maintenance
agreement gave a copy of road maintenance agreement to the board and some pictures of
the road (Scott Street)

Robert Adams - questioned cutting of trees

drainage down Heaton to his property (Part of Chester)

Tom DePuy - explained what is intended to help water issues, re-ditching and adding catch
basins, but can not do anything about Chester area

Michael Wellock & Christina LaPerle - 15 Hillside Ave (property in 1/2 Chester & 1/2 Monroe)
concerns about widen road only on half his property as he is in 2 municipalities

neighbors would not sign updated road improvement maintenance agreement
large construction trucks are going to destroy road that he will have to pay to fix, upset he is
going to lose land, has not seen anything prior to this meeting as to what is going to be done
Christina mentioned current issues with delivery trucks going off road into the drainage
Rich Strobel - 129 Cooper Street (Town Road)
gets all the water coming down off of Hillside - yard becomes a flood zone
previous highway super added a catch basin
map has not changed since 2005
2 catch basin proposed to help with the run off on to Cooper
drainage proposal far exceeds what would be required to address the additional pavement
that they are required to put in
Town Supervisor is at meeting and said Highway Superintendent, and he will go out to
Cooper Street to review situation

Mike Donnelly - we can not require improvements outside the subdivision, if the applicant
agrees to it is one thing
Public hearing being continued until May 21, 2019

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby to declare that this
action will not have a significant adverse impact on the environment and that a Negative
Declaration is being issued.

Motion by Chairwoman - Bonnie Franson, second by Jason Czerwinski.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight,
Jason Czerwinski, Jeff Manson, John Allegro

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby Opens the public
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Motion by Chairwoman - Bonnie Franson, second by James McKnight.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight,
Jason Czerwinski, Jeff Manson, John Allegro

4. Returning Projects

Discussion: 4.1 Bald Hill (0002-2000) SBL # 1-3-25.2 & 27.12

applicants representative unable to attend

Mike reviewed what remained open

conditions of the resolution of approval that need to be satisfied before the plans can be signed
don't need to review all but there are several that need Planning Board action prior to the

Town Board taking action specifically

a requirement in the original resolution that said the Planning Board must approve an extract of the bylaws setting forth the proposed covenants and restrictions intended to carry forth the conditions of the approval. They were sent to the Board and reviewed them and they did carry forth that except there was one exception - HOA bylaw abstract - except for condition 15 relating to the age restricted units. The Planning Board and the Town Board wanted to make sure that in the bylaws and the restrictive covenant that there is an adequate mechanism to ensure that the age restricted units will in fact be age restricted.

comments from the board due by April 23 at which point Mike will write a letter to Brian Nugent for the Town Board 5. **Adjournment**

Action: 5.1 Adjourn Meeting

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby adjourns tonight's meeting at 10:45 PM.

Motion by Chairwoman - Bonnie Franson, second by Jason Czerwinski.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight, Jason Czerwinski, Jeff Manson, John Allegro