

Town of Monroe Planning Board Regular Meeting MINUTES

— 04/18/2023

Town of Monroe Planning Board Regular Meeting (Tuesday, April 18, 2023)

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Draft

Members Present

Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli, Robert Garstak (Alt)

Alternate Members:

Luis Rivera

Members Absent:

Dylan Penn

Planning Board Consultants:

Ashley Torre, Esq.

Quinn Mullarkey, MHE Engineer

1. Welcome

Procedural: 1.1 Point out Fire Exits

Procedural: 1.2 Roll Call

Procedural: 1.3 Pledge of Allegiance

2. Returning Projects

Action, Discussion: 2.1 **Henry Farms** (0209-2022) SBL # 29-1-2.52 Intersection of Lakes Rd and Camp Monroe Monroe, NY

Applicant Representative:

Vince Pietrzak - Pietrzak & Pfau

Jon Dahlgren - Tim Miller Associates

John Gallucci - Esq.

Mr. Pietrzak the most recent submission was a detailed set of plans for a 70 lot subdivision, it included all the details grading, erosion control. We included the requested bulk tables for each lot, we are showing the wetlands disturbances, 50% slopes on each lot and the amount that's disturbed. The entrance details, the county road profiles, landscaping plans and all the construction details along with wetland mitigations, all the drainage with site details. Basically tonight we want to run through a list of items we have questions and concerns and wanted to

discuss with the board.

Chairwoman Franson I would like to check with Ms. Torre as to what the process is. We had requested to utilize certain consultants in our review, still wanted to check whether these lots seem reasonable not sure of the current status.

Ms. Torre so this matter was involved in litigation and there was that Court Stipulation with the Town Board where the applicant was to come before you and you had three months to give your initial comments on the amendment application, the scope of the review that would be required in order to complete SEQRA, and what other consultants you would need and proposed budget. You did that back in March and recently the applicant entered into another Stipulation with the Town. They originally had 30 days to advise whether they were okay with your initial comments, scope of review and budget and whether they wanted to proceed with the amendment application or opt out and be restored to the Court's trial calendar. Under the new Stipulation there's some new timelines that have been added and they're here tonight on one of those, to review and discuss your initial comment letter that you had given, things that they had wanted clarification on or that that they're requesting some sort of modification. Then by May 1st they are to respond in writing with any objections, additions and/or proposed modifications to your original scope of review comments or the scoping documents as they've been calling it. They will then be back before you on May 11th to go over and discuss that submission, and you will have until June 1st to respond. They'll be on your agenda again on June 8th for further discussion and then by June 30th I believe you're supposed to give them a final scope of the scoping document with agreed modifications and any other matters the Planning Board requires, and they have 30 days from receipt of that to determine whether to opt out of the Stipulation and have the matter restored to the Court's trial calendar. You don't yet have confirmation that they're proceeding with the amendment application so you haven't yet gone through and retained those additional consultants you identified were necessary. The applicant is still considering whether they want to proceed or not.

Chairwoman Franson so I mean we had some initial comments but at this point we haven't had any follow-up with regard to that because there were some requests that were made like field visit and other things and that's kind of in limbo.

Ms. Torre their here tonight to discuss I guess initial feedback on the planning boards comments.

Mr. Gallucci it's a continuation of what's already been done because we have questions whether or not some of the things here are necessary and how extensive they have to be so we want to kind of refine that um and find out if we have mutuality of agreement on that or if we have a disagreement then there will be decisions to be made someplace but we've we've extended that time to make that decision in hopes of refining you know the issues that are

here. I think most of them have been pretty reasonable and that we can address them. There are certainly a couple of items that are going to come up that I think we just see differently. I don't expect them to be resolved here this evening, it may take time for either Mr. Myrow or myself. I would expect Mr. Myrow, I'm deferring to him he's obviously you're more familiar he's been here on this for years, to have discussions with attorneys about it. One of the things in particular is with respect to the scope of review it goes back to the stipulation and it's my understanding that and it appears that part of this is that the town's interpretation appears to be that the only thing that the applicant has is the bulk table whereas our interpretation of the stipulation and it's what it says is that we're going to be heard under the laws that you're going to review the matter based on the 70 units which are part of the map that was submitted and attached to the stipulation plus the one commercial that there won't have any changes to that layout that's what's been in the stipulation.

Chairwoman Franson so again just to step back one minute here so you wanted to go over some of the items that was in the scope did you submit anything in writing as far as a response or that's for the May meeting there'll be something official submitted?

Mr. Gallucci we have not submitted a written response, but there have been additional submissions by the engineer addressing some of those items we're trying to accommodate as many of those as we can, but there are a couple of items that I'll point out as we go through them specifically that we think that there's a not even a disagreement maybe a misinterpretation or a matter of interpretation

Chairwoman Franson does the Planning Board have a copy of the new stipulation? I don't recall seeing one.

Ms. Torre I received it from Mr. Myrow will forward on to you, it only really goes over the new time line.

Mr. Dahlgren a couple of things related to the scope and I think these things will over the next month or so we'll provide a written scope and comments to what's been provided to us by the attorney but there's a couple of things that we could probably discuss now and lay out on the table and and get clarification on one of them has to do with the tree preservation law and whether that applies. We're looking into that regarding the timing of when that that came into effect and whether that applies to this particular project.

Mr. Gallucci that is a specific item where I'm saying that it needs to be addressed my understanding is that the tree preservation law didn't exist at the time that the initial approval was made around April 14, 2015, if it wasn't in effect at that time then we're not subject to it under the stipulation.

Chairwoman Franson that's something that will have to be addressed between the attorneys.

Mr. Gallucci that's what I'm saying I'm presenting it here so you understand there are a couple of more like this.

Chairwoman Franson the zoning was passed back in 2017 sometime, you were subject to the moratorium and then came out of the moratorium there was no grandfathering at all and so Henry Farm essentially sued to be able to continue the process with the approvals that were in place so ultimately we have the stipulation of settlement I remember definitely the number of units and the bulk table standards but I don't recall as far as process whether the applicant had to adhere to the other regulations that were in place. Is that something the Town Attorney address or how does this evolve.

Ms. Torre this will have to (inaudible) what section of the stipulation you are referring to.

Mr. Gallucci I'll be glad to go over it with the attorneys, but so that it's in the open air page six of the stipulation second paragraph giving you the pertinent part of it, it states that the town has considered the revisions they're referring to the amended plan and the revisions that were on the amended plan the 70 Lots if you will the town is considered such revisions and shall review the proposed Henry Farms Realty subdivision plan under the zoning regulations in effect at the time of the adoption of the resolution based on the 70 unit proposal except for the commercial lot located there on and on the first page of the stipulation it specifically says that on April 14, 2015 petitioner received conditional approval from the town of Monroe planning board and that's referred to as quote the resolution so when we're referring to the resolution here it's referring to the April 14 2015 conditional approval and we're supposed to be reviewed under the zoning regulations in effect at that time.

Mr. Dahlgren I think one of the bigger issue are the wetlands and we as indicated in this draft scope it requires us to to re-look at the wetlands re-delineate them and that it's understood that they may have changed over time because it was quite a while ago when they were delineated and how that affects whether they're bigger or smaller and related to the wetlands the the previous approval had a Army Corps of Engineers Nationwide permit which required other studies including a bog turtle study and habitat analysis including bats and I guess our approach and what we're thinking of is doing a habitat assessment because the habitat on the property may have changed Wetlands may have gotten smaller or larger we'll certainly look at that but the SE studies came out of the the requirement from the Army Corps they've specifically requested these studies so I think our intention is to go back to the Army Corps and New York State DEC and see what requirements they have and there may be additional species they're looking for so that's our approach right now.

Chairwoman Franson it's my recollection that the planning board was not precluded from doing or were they additional SEQRA because the project has changed and for the most part it's a smaller footprint so there should be fewer impacts, but in terms of habitat we know for instance a northern long-eared bat got listed subsequent to when the approvals occurred so we know that's a species and wetlands change and habitats can change Etc. so my question you're approaching it from a need for a permit from Army Corps my question is to what extent can we ask for this just from the perspective of SEQRA.

Ms. Torre that was one of the specific comments you were to give those initial comments out on what additional analyzes for purposes of SEQRA in order to get a consistency statement would be required so that's one that would be within your prevue.

Chairwoman Franson I want to be careful I don't want it to be that we're being limited to simply what Army Core says has to be studied I I think in terms of SEQRA we'd want to see an updated habitat assessment and obviously you have to confer with Army Corps as well anyway because they're a permitting Authority but I just want to make sure that when we go through that habitat assessment that we understand what the protocol is going to be and that it's not simply you know a rare threatened endangered species look but that it's a reasonable habitat assessment of what might be there presently. If you want to put together an outline of what you propose and how you would go about the approach I think we could take a look at it just so that in advance we're all on the same page and we're not later on saying oh you didn't look at this or you didn't look at that I think it'd be good just to have some methodology so we're again we're all on the same page and we're doing it as efficiently as possible.

Mr. Dahlgren I think it will be helpful to have from our side as to the level of detail what we're looking for so that you know there's no misunderstanding going into this.

Chairwoman Franson having said that from my perspective if you do have to coordinate with Army Corps have you started that because they may even request things that you know go beyond even what we might ask so where you are in that process.

Mr. Pietrzak I reached out to the Army Corp and had a conversation with Mr. Urzel we will be starting basically over from scratch re-delineation, re-permitting and meeting all the requirements. Mr. Urzel said that we may be able to utilize the existing mitigation again but it all depends on how the wetlands look at this time. Assuming he will be coming out an checking on the original flags.

Chairwoman Franson in general so everybody understands the discussion the applicant needs and they're going to be disturbing the federal Wetlands that are located on the project

site so as a result they need a permit they always needed a permit and as per your discussions they have to update that part of that updating is habitat assessment and rare threatened endangered species amphibians so kind of dovetails into what we have to look at because we also have a wetland permit jurisdiction as well so if the wetlands changed for Army Corps it's going to have changed for us as well.

Mr. Pietrzak there are isolated wetlands on site also so they would just be the towns wetlands federally regulated so that's going to be remapped and delineated as well.

Mr. Dahlgren some of the other categories are Community Services, fiscal analysis, cultural resources air and noise, basically our approach would be to look at what was assessed in the original DEAS FEIS and finding statement and use the finding statement it's kind of a starting point for comparison in terms of impacts and then update the information that obviously enrollment in the schools has probably changed and of course the fiscal analysis will be different because there's different units so basically updating all that information.

Chairwoman Franson has there been any marketing or concept or do we know anything about the households who are likely to live there.

Mr. Gallucci with everything that's going on here this is way too early to be considering marketing this I mean we still need to get the approval and I think we're going ahead and expecting it's hopefully going to get expedited from the time that we've had in here already but until we have a better sense of when that approval and plus we know that we're going to be subject to sewer connections so right that connection could be years so there's no way to address that question.

Chairwoman Franson my only point is that since there is a SEQRA analysis that we're not looking at the best case that if the potential exists that it's going to go toward larger families then that's built into whatever the wastewater is assumed whether the water is assumed whatever information you may have on differences in household size.

Mr. Pietrzak typically that's based on the bedroom count right and this project has an agreement to limit the square footage of livable floor area right as well as four bedrooms.

Chairwoman Franson I don't know if we talked about this previously does a potential exist that they could do accessory Apartments later on?

Mr. Gallucci the stipulation specifies 3550 square feet exclusive above like basements and patios non-habitable space. I do want to point out this goes back to my initial discussion of the stipulation one of the items that needs clarification on is you've included in here a tree plan in accordance with the tree preservation law frankly I did a quick search I don't know when that

was adopted my understanding is it was adopted after April 2015 and if that's the case then our position is that we're not subject to that it's also my understanding that because we're so far along in terms of having the road designed and the basic layout that it's kind of late in the game for that anyway. The purpose was to kind of help determine where you want to might move the road to or do something else and preserving some trees well that's already been determined by the stipulated agreement as to where the road and how the lots are laid out.

Chairwoman Franson I'm not sure about so that's a question we have because part of the discussion was whether or not there could be some adjustments to lotting or some adjustments to road because you essentially got rid of a pretty sizable part of the project and are there these "tweaks" we're not talking about massive changes that would result in less wetland disturbance or less you know getting into steep slopes Etc.

Mr. Gallucci we're not going to go and change the lot configuration or change the road configuration part of the consideration when the stipulation was entered into was an analysis of the projected cost to complete this approval process and also the cost going forward to develop it and that was all taken into consideration when the applicant decided that they would enter into the stipulation the roads are determined the lots and the location are determined and they're going to stay there.

Chairwoman Franson I would say respectfully I was part of those stipulation discussions Etc it's not my recollection that the roads and the lots were hard and fast that the planning board did have some leeway but I will leave it to the attorneys to it to work out, you know ultimately what was agreed to because I wasn't at the court I wasn't sitting in the meetings but that was my understanding.

Mr. Gallucci that's what I'm saying that has to be determined in a order going forward because if those things are going to occur it changes the financial situation for the applicant and the consider the operations that were made so if that's the town and the board's position that's one reason I'm here is to get that answer.

Chairwoman Franson that answer isn't going to come from the planning board I think that answer has to come from the attorneys and probably a discussion with the town board but at least I can tell you my recollection was that there was some some leeway for modifications.

Ms. Torre I think since you've been back before this board for the last few months I know that's been something that was discussed there really wasn't you know initially any any kind of pushback whether there could be small changes to the layout things like that that the planning board is mentioned about better less disturbance to the wetlands things like that if that's something that the applicants shutting down completely doesn't want to do then I think that's

something you just put in your response and you'll consider it accordingly. Again this board wasn't asking for any major change in layouts or anything consider weather things to make a better plan for your client.

Mr. Pietrzak it is our opinion this is the best set of plans, in addition we had previously talked about redesigning stormwater to reduce the size of the ponding area, we're not proposing to do that either we'd rather leave the ponds over designed and leave the drainage.

Chairwoman Franson wants noted in the minutes that the set of plans they are reviewing were dropped off at Town Hall on April 13th even though the attached letter is dated April 7th.

Mr. Dahlgren we'll have to prepare a written response you know laying these issues out and look forward to speaking you with at the next meeting

Ms. Torre as per the stipulation the planning board will get a written response by May 1 and the project will be on the May 11th workshop meeting for further discussion and then the planning board is to respond by June 1st and then back on the June 8th agenda and by the June 20th you will respond with what you thing should be the final scope.

Chairwoman Franson in the meantime though because I'm concerned that the applicant's going to argue that we're not reviewing the project now that this full submission is made, should the engineer, we're kind of tied because we haven't been told we can retain the Consultants we normally would to do the review so how do we process this if that hasn't happened yet.

Mr. Gallucci we're still back to where we were before all we did was extend the time to make a determination whether or not the applicant's going to go forward or not this was to get some input that will

assist us in in determining how far and what they have to do I wanted to bring to the board the issue with respect to the zoning code and the items that I've presented before that what we're subject to as I say I don't expect an answer this evening but I wanted it out there that will be presented in our written reply I expect that they'll I would anticipate that there will be further discussion about that at the subsequent meetings and that there will come a time when the board comes to us and says yes or no to our comments and then at that point we will have 30 days to make a determination whether or not we wish to proceed with the application and what not or if we're going to return to court.

Ms. Torre just to clarify one item on that so I know you mentioned the tree law was there any other zoning that you think you wouldn't be

Mr. Gallucci we're subject to the zoning code as it was on April 14 of 2015.

Ms. Torre so in one of the the whereas clause which explains the underlying matter is it talks about the zone and regulations in effect at the time of adoption when you go to what's actually agreed to and again this is just off the cuff here so I think we of course will need to look into this further it specifically says that the lot areas setbacks and other bulk conditions as well as any special permit regulations applying to each building lot shown on the amended subdivision plan are hereby deemed conforming to bulk requirements to be applied to the application to the extent a variance would otherwise be required under current zoning so I think is meant to say we're going back and pulling out the old zoning book and that's why I wanted to just also make it clear whichever you know if there's another in addition and you know the tree law you had mentioned is there something else in the planning words comments that you are objecting to from a zoning perspective.

Mr. Pietrzak I don't know from about a zoning perspective but we feel the stipulation takes care of the layout configuration the road layout and a proposed lot configuration that's presented

Chairwoman Franson I'm guessing that's the case because you've submitted a fully engineered set of plans based on that layout whereas we're still I feel like behind the eight ball because we haven't really even started reviewing the plan so

Ms. Torre this gets back to your question we'd ask the applicant to advise what they want in regards to as far as the engineering review, should the engineer be reviewing this or do you want to wait for that true substantive review until you finish going over your response to these comments and decide whether you're going forward or not just, understanding that there's going to be additional cost incurred but at the same time I don't want the board to not be reviewing the plan that they before them, so if you could clarify that it should be reviewed.

Mr. Pietrzak yes we would like the plan reviewed.

Chairwoman Franson so that's the thing I mean we're stuck because the applicant isn't going to reimburse our Consultants unless they agree that those Consultants can be involved in the review the current plans.

Ms. Torre the additional Consultants that you haven't retained as your outside ecological those other Consultants that's correct they can't review.

Chairwoman Franson right so it doesn't include our own in-house Consultants.

Chairwoman Franson and Ms. Torre general conversation as to whether MHE should or should not review plans until applicant makes decision if scope is approved.

Chairwoman Franson voiced concern of blame if not reviewed, asked applicant explicitly whether they are going to allow MHE and our attorney to review the recent submission or wait.

Applicant was discussing amongst themselves at this time.

Mr. Gallucci NO we are not authorizing the review of the plans by the engineer at this time. We're still here scoping out the degree and what it's expected, anticipating what the cost, we're at the stage to determine whether we're going to proceed or opt out and proceed in another manner. This to be perfectly clear our position is this stipulation has laid out what the layout and the configuration is and that's the 70 Lots with the one commercial lot that doesn't require the engineer to do anything that if the town or the planning board or whomever is going to say no that is subject to us reviewing and modifying it that's what I'm asking.

Chairwoman Franson you have to understand this is a different layout this is a different project even though it's smaller it's different so how could our Engineers not review something you're saying this layout's agreed to this layout hasn't been reviewed by the town.

Mr. Gallucci stipulation is that the 70 lots and the one commercial lot shown on the amended plan is deemed in compliance so there is no change in that layout.

Ms. Torre it's twofold so there's one from a standpoint of the configuration itself and that you know the layout and that you you don't want to consider any tweaks to that that's one thing the second is of course with any plan the engineer has to review stormwater has to review the engineering grading things like that so we're trying to understand and just confirm that that shouldn't be done until you are until we have this final scope that's been accepted by you is that correct.

Mr. Gallucci that's correct the modification of drainage with respect to the lots that are put on that different but with respect to the layout no there's not going to be any change to the layout.

Member Manson the one thing I want to understand is the bulk table that's presented at the top right of the cover page that was set as not based on what necessarily the zoning was at the time but that was agreed to as part of the stipulation it's really custom zoning for this project or are we really just looking at something that is being held to a previous standard.

Mr. Pietrzak the project was a cluster project so when a project starts and is going to go into a cluster you arrive at a yield and then you downsize that yield to smaller lot sizes trying to reduce impacts this bulk was arrived at for during that cluster process.

Member Manson so it wasn't part of the court agreement this was part of the approval process correct it was the decision we're going to do this as a cluster.

Ms. Torre the court agreement says that those bulk apply.

Member Manson what was what was agreed upon and approved upon the court has said in terms of the bulk.

Chairwoman Franson in terms of the bulk and there's an interpretation as to how far the court went in terms of that.

Member Manson did I understand correctly in talking about in terms of the issues with the wetlands at least as far as what was delineated previously that part of the reason why you you came up with the layout that you did was it was a mitigation of disturbing Wetlands versus steep slopes. I saw it I took a quick look at the grading on some of these lots and there's a fair amount of working the properties flat spaces into into what's existing slopes.

Mr. Pietrzak you're kind of trying to balance everything out okay to get it to fit in.

Member Manson I took a quick look at the zoning map and now I'm seeing it in front of me so currently there's two different, the property is on two different zoning things SR20 and RR1, if you were coming today we'd be looking at this under two zones we're not because we're looking at the bulk table as was agreed upon and stipulated but is that correct is it is it actually into different zones.

Mr. Pietrzak haven't looked at any of the current zoning Maps

Chairwoman Franson they had looked at the zone maps because at some point during the whole discussion yield during the court proceedings you were trying to figure out what the yield would be based on the new zoning k Mr. Pietrzak Mr. Seamers in my office was handling that so I don't recall what the outcomes were that

Member Manson I know that along Lakes Road there's existing well one existing well two I'm just wondering if you had any historical information on what the wells served previously. These wells are going to continue to be used under this proposal correct and I'm wondering how long have they been there, what was on the property previously that these wells were serving if anything.

Mr. Pietrzak I don't know will have to look

Mr. Dahlgren yes the wells were drilled for this project years ago and pump tested and so forth as part of that this was vacant land

Mr. Gallucci it's my understanding that those were wells were drilled by my clients in anticipation of going forward with this application and and the water service that was going to be required there was nothing used on this site previously it's always been vacant land to my knowledge

Member Manson a quick review of the lot by lot comparison down on the bottom of that front page it didn't look like generally speaking there were any lots that weren't going to be in compliance with the bulk table that was agreed upon there's nothing where we're saying well this is a bulk table we agreed upon but this lot is going to need a waiver of this or this lot might need a waiver as a point of curiosity there's a notation about lot 49 that the side yard I guess the combined side yard isn't applicable because it's on a corner lot so are both parts of the property on each of the roads being treated as front Lots is that why the building envelope is that way. There's what might be considered a side lot where the entrance road is across from the retention Pond but it looks like that's a bigger setback and I'm just wondering if you're treating both the one on the main Loop and the entrance road if you're treating those is I think the bulk table calls for 50 yards in the front.

Mr. Pietrzak I'm gonna have to look ito that and get back to you to verify

Chairwoman Franson this is where we get into the whole question of grandfathering and what the stipulation says because this project is not in the RR1.5 and the SR-20 this project is in the RR1 and the RR3 zoning district and that's why the yield came down when it was calculated by Mr. Seimers because what's allowed now is less than what was allowed then and the stipulation was maybe somewhere in the middle let's say so the question is as far as this presentation you know there's a general note parcel is okay in the R1 and 1.5 and SR20 should it remain that way or should it instead acknowledge what the existing zoning is and say but this is subject to a stipulation a settlement and therefore you know these are bulk requirements and this is our layout so I don't know the answer to that and I think that's where part of the confusion is well the question is how is this subdivision presented and it goes to that question of whether this presumes that this is entirely subject to what existed in 2015 or whether the stipulation says that you're entitled to certain improvements here but we still acknowledge the existing reality which for example these are in different zoning districts so how was that subdivision the notes Etc how are the how do we address that in our review.

Ms. Torre the notes say that they're in the RR1.5 and SR20 is that yes correct

Chairwoman Franson that's on this map because I suspect what happened was you just pulled off whatever is not happening and whatever is left is what the applicant is arguing they're entitled to plus that in addition to arguing that there they are subject to the zoning as it existed in 2015 which those would have been the zoning districts in pre-2017 because I think that's when the zoning was adopted I believe in November 2017.

Chairwoman Franson right now they are in the OSR3 (the three acre Zone) and the RR1 (the one acre Zone).

Ms. Torre so really just they impact the bulk requirements

Ms. Franson if they had been subject to the new zoning they would of been subject to the new zoning it would have impacted everything including yield so when the stipulation when there was the

back and forth I think more calculated let's say for argument's sake you know 23 as an example 23 Lots and they had original approval for more like 150 the 50 multis the 65 and then the commercial building so that's where the stipulation has come into because the yield is somewhere in the middle it's not what they were approved for but it's not what the zoning would theoretically yield at this point and I think you did some calculations not like you laid it out you just said I think Mr. Seimers had said well there's this amount of wetlands and this amount of steep slopes Etc because we also have our net lot area requirements in place as well so that affected the yield.

Ms. Torre yes and as far as the the yield itself I mean that is clear that the 70 is agreed to and the the bulk that applies regardless of what zone it's in I do think that for clarity purposes I think probably referring to unless the stipulation deems them in another zone to you know clarify or update whatever their current zoning is knowing that whatever that bulk table is that's on the plan that's been agreed to is the applicable bulk.

Chairwoman Franson so I think that's why it needs to be understood I think the applicant is arguing that it's almost as if 2017 didn't happen and so does it go as far as even to suggest there's subject to as if the SR 20 and the R1.5 is still in place so they don't have to change anything so that this is like a pretty fundamental question that has to get resolved because this has to reflect whatever is ultimately agreed to in terms of how we show all this information on a plat I guess you'll make your arguments and then we'll we'll have to review it.

Ms. Torre it would be helpful if again I know you had mentioned the tree law if there's other things in the current zoning that you're saying shouldn't apply just so the board understand what it is that you're saying shouldn't apply.

Mr. Gallucci I'm saying this application if it goes forward is to be reviewed under the zoning code and existence on April 14 2015.

Ms. Torre making the actual districts as if they were in the prior zoning districts

Mr. Gallucci bulk and the number of lots has already been Ms. Torre I said that already I know Mr. Gallucci whatever the zoning code was on April 14 2015 is what this application is

supposed to be reviewed under that's what I'm saying.

Chairwoman Franson as a total aside the zoning had already changed to change the zoning to I believe three acres on that property but under a local law when the three acre zoning was passed I believe that your project was grandfathered back then too so it's the histories I think a little more complicated in terms of what existed in 2015 because what existed in 2015 Also may not have been disowning but I think you were grandfathered so because you had already I think you had prepared an EIA I remember this because I remember going through this when we were working on the zoning.

Mr. Gallucci you know something exactly what's being brought up here is the reason we wanted this conversation so that we resolved that issue yeah before we start going into the nuts and bolts of getting a final approval don't think we have any disagreement as to what has to be determined so that we're both talking about the same thing and that's what I'm looking for for that clarification how are we going how are we going to get to that clarification I think your points well taken as you know I wasn't here for the whole history so your knowledge of that is far superior to mine which is none all right it makes sense to me that probably some portion was grandfathered in I was part of the stipulation I know the discussions that were going on during that negotiation I know what the General belief and understanding was and I'm not going to state that here I don't

think it would be fair because you don't have the other people that were present but I know what our understanding was all right and that that needs to be resolved so that you and we can go forward in an intelligent way and not get down in the mud of of stuff that frankly just will cause confusion I want Clarity I don't want the confusion um so it needs to be brought up here and I'm asking for the assistance of you or counsel if need be that there is a discussion with whomever the town or the other Village attorney so that we finalize what the spirit and intent of this stipulation was we all know you know words are there but there is an overall belief and intent when you enter into this we're trying to comply with the spirit of that there are things that were put in the plan that Vince submitted that frankly I don't think we really had to but they weren't onerous for us to do so

we would rather present them and put them in than raise an issue about that the tree that is something that can be very costly to us and that would impact some of the other items become a financial impact that is going to have to be inputted for the applicant to decide what decision they're going to make going forward or how they're going to go forward so we need that clarification I just don't really know that we can do it here in this forum or whether it's you or Miss Torre how do we how do we go and have that discussion I've presented what the issues are now we need to focus on them regardless of what the decision is or regardless of the position of the town or us let's find out what they are you know draw the proverbial Line in the Sand this is your position this is our position and we can either resolve them or we come to an agreement as to what they are or right but let's find out what it is so that when we're finally here and going through the process of getting a final approval you're not put into that morass of mess let's eliminate it ahead of time that's really what I'm here to do that's what

we're trying to do.

Chairwoman Franson we appreciate this I mean the reality is we're hearing this for the first time in terms of your position so and and seeing these plans and how they're laid out it's raising the questions of are we putting the new zoning districts is it the old zoning districts and again going back to what extent is this grandfathered so I think we'll have to discuss this offline and in terms of the stipulation the next step I believe is for the applicant to submit something to us that asks for or that documents your position and then we'll have to go forward.

Chairwoman Franson I just want to recognize our Conservation Commission did you have a question?

Mr. Dennis Fordham Conservation Commission obviously our concern is for the preservation of the environment it seems that in terms of wetland they are being addressed other obviously concerned about the impacts on trees I don't know the zoning from 2015 I think it would be good if there was general intent to conform to more current tree preservation requirements that have changed over the last few years but one thing we could do and I don't know whether the current plans do they have a tree plant or they have a landscape plan which indicates the impacts on the existing trees and maybe installation of new trees does that exist now on those plans.

Chairwoman Franson they would have only provided whatever probably was required by the subdivision regulation so for example if the subdivision regulations required Street trees that might have been there if your prior SEQRA process required that certain stands of trees be preserved that would have to be shown this is what we're trying to get at we don't know how much change can be made and there's a question as to what we can require to be analyzed as part of the new SEQRA process or again whether in fact they're even subject to the tree law so while we all would agree that consideration of trees and preservation especially something that's a Heritage tree or a you know significant stands would be important we just don't know to what extent we have authority to certain things because of the legalities and the settlement of a case.

Action Discussion: 2.2 **DG Management** (0172-2019) SBL # 69-1-1.2 Schunnemunk Road Monroe NY

Applicant Representative:

John Queenan - Lanc & Tully

Lipa Deutch

Mr. Queenan before you tonight is a draft resolution circulated by Ms. Torre thought we were going through that we were made aware of additional correspondence that were received by the neighboring municipality and I am not sure how the board would like to address that. That

is where we are at this point.

Chairwoman Franson asked Ms. Torre how should we proceed at this point regarding village comments SEQRA

Ms. Torre the preliminary approval resolution one of the conditions was that the applicant needed outside agency approvals question as to what type of approval if any was needed by the Village of Monroe in respect to drainage it has now been raised that drainage flow to the seepage pits that this project is to connect to hadn't been analyzed under SEQRA. In conferring with Mr. Arnott we think it would be appropriate to update your SEQRA and analyze it. Mr. Queenan said he could provide figures on those issues that the board can consider.

Mr. Queenan we don't agree we believe that the drainage presented to the board was completely accurate. The engineer who did the design did calculations for the seepage pits testing was done on the seepage pits and most of the drainage has already been installed in the Village.

Chairwoman Franson were the seepage pits shown on that subdivision plans that were approved and filed in the Village? And you provided to the planning board calculations?

Mr. Queenan I am not involved in Village submission Larry Torro Civil Tech Engineering did calculations Mr. Torro said he did the testing perked them and did a supplemental analysis submitted to the Village and the standing engineering reviewed them.

Chairwoman Franson So Mr. Torro can submit whatever information or evidence we need.

Mr. Queenan I will get Mr. Torro information package it together make it a supplemental drainage report and submit it to the planning board for consideration.

Chairwoman Franson when was the 2 lot subdivision approved?

Ms. Torre sometime in 2020

Chairwoman Franson as I recall we started DG Management but there was the issue with the road going out the other side of development then you went to the Village got approval to come more directly from the site connecting with a Village road.

Mr. Queenan these are 2 separate projects they are not combined. There was the subdivision before the Village Planning Board and they were open about the proposal before this board in the town. In the minutes from the Village meeting that we provided to you said that the road could be extended in the future depending on what was occurring on our property DG

Management. That is how the village came to the design of the temporary cul-de-sac.

Chairwoman Franson brings up the plans that were submitted to the Village for the other applicant signed October 2020 to discuss the other matter of the seepage pits.

Mr. Queenan the seepage pits are at the bottom right that is their drainage and the drainage that was already coming off the DG Management property. DG Management was already draining into their seepage pits pre-development conditions so they had to incorporate what was coming to that location when DG came along. We are only allowed to discharge what was previously there. We are not sending anymore to that location then was already going there. There were several alternatives that were considered it was determined that the best thing was to pipe in and connect them rather than for us to detain it and then let it go back to sheet flow for it to recollect again and end up in the same point.

Chairwoman Franson from your perspective they handled their drainage and you handled your own drainage so the only thing we need is you're going to provide us with that additional information that we can incorporate into the SEQRA documents.

Ms. Torre purposes of tonight it would be appropriate to extend the preliminary approval it was last extended in February for 60 days so another 60 days to be safe.

Reviewed the draft resolution.

Mr. Queenan fairly identical to the preliminary we would like to discuss page 11 paragraph 8 instead of prior to a building permit we would like it be CO for the drainage.

Chairwoman Franson asked the fill in engineer if Mr. Arnott had any issue with this.
Ms. Mullarkey stated Mr. Arnott took no exception to this

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to extend preliminary subdivision plan approval for DG Management to June 20 2023.

Motion by Chairperson - Bonnie Franson second by Nicholas Napoli.

Final Resolution: Motion Carries

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

Action Discussion: 2.3 **Mountainview Shul** (0195-2021) SBL # 43-5-2 277 Mountainview Ave
Monroe NY

Applicant Representative:
John Queenan Lanc and Tully

Isaac Walter applicant

Mr. Queenan last before you closed the public hearing authorized the draft of the negative declaration and final approval resolution.

We did submit revised plans and revised landscaping plans addressed the prior comments. We are here this evening for the review of the negative declaration and the draft approval resolution.

Chairwoman Franson this is a negative declaration meaning the planning board is ultimately finding that the project will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared the action is construction approval of the Mountain View Community Shul today's date this was an unlisted action description of the action Brightview Management is the applicant. Brightview Management seeks approval of a site plan special use permit to construct a 5952 square foot place of worship synagogue Mikvah with additional parking and access drives on an approximately 1.552 acre parcel currently improved with the synagogue which will be used for accessory storage and then a single family residence which will remain at that location 277 Mountain View Drive.

Chairwoman Franson proceeded to review the Negative Declaration for the boards approval. BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to approve the Negative Declaration.

Motion by Jeff Manson second by Pat Shea.

Final Resolution: Motion Carries

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

Members Absent: Dylan Penn

Chairwoman Franson reviewed the preliminary resolution on the screen with the board.

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to approve this resolution of approval for site plan special use permit for Brightview Management Inc. otherwise known as Mountain View Community Shul as the resolution has been amended this evening.

Motion by Robert Garstak second by Pat Shea.

Final Resolution: Motion Carries

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

Members Absent: Dylan Penn

Action Discussion: 2.4 **Pallotti Village** (0196-2021) SBL # 33-1-1.21 98 Harriman Heights Road Monroe NY

no application representative present

Chairwoman Franson we have a recommendation letter to the Town Board we discussed last at our Thursday meeting and this is just to memorializing what we discussed Ms. Torre drafted this.

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to we have Ms. Torre finalize the letter as amended to the Town Board with regard to the proposed conservation cluster residential floating zone for Pallotti Village.

Motion by Chairperson - Bonnie Franson second by Pat Shea.

Final Resolution: Motion Carries

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

Action Discussion: 2.5 **Homeland Towers/Verizon** (0205-2022) SBL # 3-1-19.2 24-26 Strauss Lane Monroe NY

Applicant Representative:

David Kenny - Snyder & Snyder Attorney

Vincent Xavier - Homeland Towers

Mr. Kenny summarized:

Last work session it was decided that the monopine structure would be moving forward We are here tonight to receive a Negative Declaration to go back to the ZBA and continue with their process

Chairwoman Franson reviewed the part 2 & 3 of the EAF

reviewed the negative Declaration of resolution

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to approve the Negative Declaration for Homeland Towers LLC and Verizon Wireless telecommunications facility subject to the revisions discussed this evening.

Motion by Jeff Manson second by Nicholas Napoli.

Final Resolution: Motion Carries

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

Members Absent: Dylan Penn

3. Minutes

Action Discussion: 3.1 October 18 2022

held over

Action Discussion: 3.2 December 8 2022

held over

Action Discussion: 3.3 January 12 2023

held over

Action Discussion: 3.4 February 21 2023

held over

Action Discussion: 3.5 March 9 2023

held over

Action Discussion: 3.6 March 21 2023

held over

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 tonight's meeting.

Motion by Chairperson - Bonnie Franson second by Pat Shea.

Final Resolution: Motion Carries

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

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