

Town of Monroe Planning Board Regular Meeting MINUTES

— 05/18/2021

Town of Monroe Planning Board Regular Meeting (Tuesday, May 18, 2021)

Generated by Norinne McSweeney

Members present

Lisa McQuade, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

Members absent:

Bonnie Franson

Anthony Vaccaro

Consultants:

Ashley Torre, Esq.

Shawn Arnott, Eng.

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 J Squared (0191-2021) SBL # 47-1-16 Harriman Heights Road

Michael Morgante Engineer

2 lot subdivision off 17M and Harriman Heights Road

did a site visit with several Planning Board Members discusses:

curb cut for driveways

went over elevation difference between the road and the top of the berm into the site where the driveways would be located

looked at trees for saving them

discussed other site constraints such as OCDPW sewer manhole

also discussed options of one or two cuts for the driveways

topographic constraints would require at least a 3 on 1 grading slope with an 18 ft wide beyond the edges of the driveway for grading

would like to remind the board that whether we shift the driveways left or right, have one or two, due to the utility trenches and the elevations associated with site it becomes near impossible to preserve much frontage and trees

we've done extension work in locating all the trees and demonstrated several options in order to preserve trees

we are asking the board to allow us to move forward with the two driveway option

Mr. Arnott comments:

no new plans were submitted for review

do agree site is difficult because there is significant amount of grading that has to be done within the right-of-way for both getting into site and the widening to accommodate the grades to be met for the county permit for the driveway entrance. They have to bring a negative 2% pitch back from the road into the site and eliminate the grades without doing a massive retaining wall

grade further away from site

agree it makes sense to put driveways as close together toward center of property line and try to preserve as many trees as possible

manhole can be adjusted at rim if necessary

Mr. Morgante and his applicant discuss options (inaudible)

Ms. Torre nothing at this time as nothing new was submitted they are here tonight to discuss the site visit and the proposed driveways

Acting Chairman Manson board members who went to site visit any feedback on the project in general or what you observed out there

Member Czerwinski unable to get to site yet, one concern regarding storm water is runoff between ditch, county road and tree line, is there a plan to put in a culvert

Mr. Morgante yes a culvert pipe is proposed under both driveways

Member Shea during my visit comment many trees are ash that will be going away, it's a challenging plan, no objections to the 2 driveways

Member Allegro agrees with Mr. Arnott and would vote to allow 2 driveways

Member McQuade thank you for the opportunity of the site visit, it was good to have the manhole pointed out, shown location of driveways, and seeing the trees that would be necessary to clear, 2 driveways make more sense

Acting Chairman Manson I was able to get to the site as well, thank you for allowing that 2 separate times, I think the 2 driveways are the only alternative get them as close together as possible, rather see impervious surface run straight, my biggest observation about the site was looking at surrounding properties, where it's located right off 17M, the commercial properties that it's behind, looking at other homes along the scenic route what you are proposing is in keeping with the area, I would encourage you to look for more opportunities to added back trees more than what was originally planned.

Acting Chairman Manson addresses Ms. Torre is there anything else to keep us from coming

to a decision moving forward with the proposal on 2 driveways,
Ms. Torre do you know how far are the driveways from the side lot line. There is a provision where you're allowed when it's a shared driveway entrance, you can have driveways in the side yard setback. I don't know whether your allowed to have them if it's not a shared driveway. So basically the provision at issue here is that because they're on a scenic road you could require them to have a single driveway entrance. So tonight you can make a motion to either allow them to proceed with two separate driveways with two separate entrances you could do so.

Mr. Morgante would it be reasonable to request a public hearing at this point since we have OCDP comments back, we received positive comments from OC Sewer District # 1, and we have available water through the Village of Harriman

Ms. Torre the board does need to complete the SEQRA process before the public hearing can be scheduled. You mentioned receiving comments from OCDP there was obviously one about the sewer capacity and that's something that is relevant to the SEQRA review, so that has to be addressed before the board can make a determination of significance.

Mr. Morgante we have correspondents from OC Sewer District # 1 that we provided to the board, they actually asked for the final plans to issue a permit.

Ms. Torre you were on the agenda to review or discuss the site visit tonight, and I haven't had the opportunity to review it, or if the board has. Also, the EAF Part II hasn't been prepared and reviewed.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to allow the proposed two driveway entrance assuming that there is no provision to not have the driveways in the side yard setback.

Motion by Jeff Manson, second by John Allegro.

Final Resolution: Motion Carries

Yea: Lisa McQuade, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

Members absent: Bonnie Franson;Anthony Vaccaro

Action, Discussion: 2.2 **DG Management** (0172-2019) SBL # 1-1-96 Schunnemunk Road

Dave Higgins - Lanc & Tully

9 lot cluster subdivision

there were many comments from prior reviews, there are some items still be resolved currently working on finishing up the storm water prevention plan

finishing up and fine tuning the grading will be submitting that soon

we are scheduled to meet with the zoning board of appeals next week for open space

variance

applicant right now is poised to begin drilling the 2 wells for the well testing program, they are hoping to do this later this week

a letter just came in today from the Town's Hydrogeologist with some comments to increase the area of neighboring properties, our hydrogeologist will have to review this and coordinate that

Mr. Arnott comments:

couple of items on the bulk table to be addressed, some clean up items

an item that is more relevant is the steep slope, the Town has a net lot area calculation which excludes steep slopes over 30% some of the slopes on some lots are over 35% which is not accounted for in the net lot area calculation so that needs to be addressed

talked about the SWPPP

noted a couple of things regarding the grading and some of the collection of drainage how addressed in the SWPPP

couple of notes in the zoning code have to be added regarding the tree preservation

also the re-subdivision notes

house relocation notes were added to the plan, but the other 2 need to be as well

they are proposing 3 lights - talked to Highway supervisor he is ok with lights, need to check with town board regarding ownership, lights less than 2700 Kelvin info added to the plans

inaudible

submitted view shed analysis from East Main and Schunnemunk Street (profile bb)

shows a berm that doesn't appear on the grading plan

trees at top of berm proposed trees 40-45 ft in height

procedural referrals:

GML 239

Village of Monroe

Health Department

sewer main extension form NYS DEC

ORCSD # 1

wait until SWPPP is prepared and accepted

Hydrogeologists well testing completed and accepted prior to making a SEQRA determination

MHE did an architectural review and submitted additional comments

Ms. Torre comments:

relocation notes were added

have a table that shows how many bedrooms proposed for each home dwelling unit

Architectural plans refer to Schunnemunk Road change to DG Realty to be consistent

Architectural details some descriptions of the materials and colors that were provided but there were no actual samples
discussed prior with SEQRA regarding a traffic analysis nothing has been submitted
Mr. Higgins I wasn't aware of that
Ms. Torre yes it was discussed during the EAF part II the board wanted an analysis discussing the increase in connection with the existing road network and the proximity to 208, Schunnemunk and North Main
updated landscaping plan needed

Member McQuade glad to see bedrooms clearly marked on this plan set
Member Shea on the bedrooms one marked as a baby room but not a bedroom
Mr. Higgins there is no closet in the room so they weren't counting it as a bedroom not sure how the building code looks at that, I will have it check as to how it fits the code
Acting Chairman Manson looking at the view shed analysis (happen to be in O&R park this weekend) I think the elevation really gives a very good depiction of what the view is like from there with as far back as the first house sits from the cliff line on Oreca Terrace. Looking at section bb the berm and being laid in the topography still have a concerned not enough room between houses on lot eight and where the existing trees are that we're trying to preserve how is that going to be accomplished.
Mr. Higgins I know we're still working on the drainage and some of the grading that Mr. Queenan said is being fine-tuned. The next submission will be a more defined grading plan for that area, but we think the berm can be accomplished without removing any additional trees.
Acting Chairman Manson regarding the lights a few years ago there was a project completed regarding the lights around Town and if I am not mistaken it would be necessary for you to form a lighting district and the homeowners would be responsible for them. Need to verify if they would be permitted or not.
Mr. Higgins haven't discussed with Mr. Queenan what about private lamp posts at the end of driveways?
check with town board regarding lighting requirements

Action, Discussion: 2.3 **Target** (0190-2021) SBL# 2-1-38 128 Baily Farm Road

Kevin Van Hise Kimley-Horn

since the last meeting we have done some site reconnaissance the board wanted to understand what the impact visually of proposed storage containers from Bailey Farm road. asked to speak to Target operationally how the 3 existing loading positions in the back of the building function from day to day whether they can be used for storage containers

applicant provided a PowerPoint showing still shots and video of what the containers look like

from different points of view
reviewed photos
adding additional evergreen trees
on Bailey Farm into the site can barely see the top of container
Northern most from Larkin they are screened and you can't see it
current loading area
1 for recycling
other 2 for receiving
not willing to consider giving one up
parking lot or spaces used about 4.5 each

Mr. Arnott comments:
storage for additional merchandise
discussed with Building Inspector proposed storage allowed in the LI Zone, but needs site plan amendment approval from Planning Board
last meeting discussed temporary storage of 2 years but they are allowed to use storage containers as permanent storage
Ms. Torre just to touch on that that would be obviously conditioned on it being used for storage of other retail goods for the Target store
receiving docks unavailable
regarding procedures less than 4000 sq ft typed as type 2 action

Ms. Torre yes it is a type 2 action under SEQRA, no referral to the county, public hearing is discretionary, remove updating lighting note, add landscaping being proposed

Member Czerwinski regarding the storage it is for merchandise nothing hazard
Mr. Van Hise they are used for seasonal storage as merchandise changes in the store, staging area for holiday items
Member McQuade as far as the storage would there be food stored in them? Also, how many trailers are you going to have and is there a limit on them?
Mr. Van Hise no food, there is 1 there now we are proposing 2 more for a total of 3
Ms. Torre if they want to add more after the 3 they are currently here for approval on they would have to come back to the board for approval again
Acting Chairman Manson in relation to parking analysis are we looking specifically at parking for the Target building or entire retail center
Mr. Arnott looking at both
Acting Chairman Manson the one there and the ones coming are they owned or leased and will they be uniformed
Mr. Van Hise use same vendor uniform colors
Ms. Torre the board has architectural review on this application, so you could require that they be a certain color

Acting Chairman Manson is there employee restriction parking? I think that would be good to know.

Member Czerwinski regarding the parking analysis if we find they need to take from the banked parking can we ask them to replenish them somewhere else

Mr. Arnott they would have to meet the required parking or get a variance from the ZBA

Member McQuade is there electricity in the containers any power? Another question if leasing this type of storage have they considered using a warehouse in between instead of containers in parking area.

Mr. Van Hise there is no power and I don't believe the intention is that they're used at night it's a daytime operation. They prefer to have it on site to avoid dealing with transporting it and handling it twice

Acting Chairman Manson how do they get the merchandise into the building? Are they using the loading docks, a door on the side of the building where containers are.

Mr. Van Hise I am not sure, but that is something I can find out, it is not during peak hours, so I am not sure if they just use the front doors

Acting Chairman Manson Ms. Torre anything procedurally we need to take care of tonight

Ms. Torre you can move to classify the action as a type 2 action under SEQRA

Ms. Torre the public hearing is discretionary so if you wanted to decide whether to waive that tonight or to hold one.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to classify this action as a Type II action under SEQRA.

Motion by Pat Shea, second by Jason Czerwinski.

Final Resolution: Motion Carries

Yea: Lisa McQuade, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

Members absent: Bonnie Franson; Anthony Vaccaro

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to waive the Public Hearing for the Target application.

Motion by John Allegro, second by Jason Czerwinski.

Final Resolution: Motion Carries

Yea: Lisa McQuade, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

Members absent: Bonnie Franson; Anthony Vaccaro

3. New Projects

Action, Discussion: 3.1 **Orange County West** (0192-2021) SBL # 4-1-1 thru 4-1-11, 40201 thru 4-2-7, 4-3-4 thru 4-3-6, 4-4-1 thru 4-4-3 Palmer & Spring

Neal Frishberg - Fabricant Lipman & Frishberg

Acting Chairman Manson - disclosure - I would like to bring up that Neal Frishberg and I know each other from Goshen, NY my work at the Berkshire Bank. Neal's firm is located across the street from us, he is our neighbor there are times when Neal's firm has done some work for one of the other departments of the bank that I do work for, but we have no business relationship in that way, and although I don't see a conflict in this case you know if reviewing our code of ethics for the Town and New York State requirements I did in full disclosure just want to bring that up and make that available to everyone's attention.

Mr. Frishberg 2 lot subdivision site plan, many little lots on paper streets going through one of the lots (Grand, Spring and Palmer all paper streets), dedicated to the town in 1930, but never accepted it, it is our position because we own the lots we own to the center line of the streets Mr. Arnott reviewed the streets in question was that Grand Street, Spring Street and a portion of Palmer Ave

Mr. Frishberg confirmed streets

Ms. Torre is there an offer of dedication anywhere or is that just based on the filing of the map

Mr. Frishberg based on a filed map from 1930, so it is our position that these are the applicants property and hoping it's not an issue with the Planning Board

280-A variance is required, also might require area variance
wanted to make sure acceptable prior to going to the ZBA

Member Allegro looking at a bunch of 45 foot by 140 feet lots that you are consolidating and making 2 larger lots Grand and Spring are paper roads

Mr. Frishberg proposed lot 1 3.19 acres and proposed lot 2 1.34 acres

Acting Chairman Manson part of Palmer exists currently

Mr. Frishberg but not the part near this lot

Mr. Arnott I spoke with the Highway Supervisor and Palmer Ave is noted, Spring and Grand are not, but it is noted as a private road and the town does not own or maintain Palmer Ave

Patrick Brady Engineer 24 existing tax lots down to 2 lots , 2 existing dwellings on Palmer to the east, driveway comes up to the manhole and telephone pole, services the 2 lots
one house lot 1 front on the corner of Palmer and Orchard, one lot to paper portion of Palmer submitted to Building Inspector and he referred us to the Planning Board

Acting Chairman Manson so the bold line that runs down Palmer is the lot line but not the property line

Mr. Brady correct the properties go to the center line of the right-of-way, but if you look at the building envelope we did if from the right-of-way line to show that we could provide a dwelling and a driveway with the zoning requirements

Mr. Arnott did applicant consider improving Palmer Ave Extension to a private paper road to avoid the 280-A variance

Acting Chairman Manson I assume there is no easement were Grand and Spring and the unimproved Palmer Ave is

Mr. Brady that is correct

Ms. Torre I think what would be is reserved if improved than the other lots in the private neighbor would be able to use them, that's typically in the deed discussion on the other lots near and on Palmer

Ms. Torre the map consolidating and then subdividing if you could add notes listing all the lots that are going to be combined for lot 1 and then all those for lot 2, also the unimproved paper roads that are going to be abandoned and merged into either lot 1 or 2

require 280-a variance

show the layout proposed for getting access from so that when you go to the ZBA you want to make sure the Planning Board has already reviewed it

other standard subdivision requirements you will have to meet

need a tree plan

conservation commission would need to see Tree plan and go to the site

standard subdivision notes

Mr. Brady creating any new lots merging of lots major lot line changes really didn't want to do the whole subdivision process. We could show the house locations, the driveways, the grading plan and that kind of things, but I didn't really foresee a really more extensive review

Ms. Torre the Town has a tree preservation law and it requires you to draw the areas of disturbance and within that area show what your removing and what you are replacing on a one-to-one basis if not there is a fee you could pay so that is something that is limited to the area of disturbance but it is required for applications before the Planning Board

Mr. Brady is there a provision for lot line changes

Mr. Frishberg - if this is treated as a lot line change versus subdivision it is still before the Planning Board, just less of an issue

Acting Chairman Manson if you were merely proposing to consolidate multiple lots into 2 lots for purposes of ownership and then later down the road consider developing the property you would need to go to the building department and maybe the Planning board, but it appears you are currently looking for a lot line change with the intent of developing the land.

Mr. Arnott that's exactly what the definition of lot line change says. When it is just to correct or revise line changes not to change the lot lines for purposes of developing the lots

Ms. Torre so the lots are undersized at this point so you would need to combine them in order to develop them

Mr. Frishberg that is correct combining lots to develop them

Ms. Torre this is more of a re-subdivision where you're combining and then re-subdividing in order to get lots that are buildable that would not constitute a lot line change. The tree plan requirement is for the limited disturbance and would be required even if going for site plan

approval.

discussion on driveway locations and the one lot being a corner lot, the properties have public sewer and are served by private wells

Member Allegro addresses Ms. Torre if the board was to refer them to the ZBA today and they were granted approval from the ZBA are they going to run into a problem with this board because of the shape of the lots or is that discretionary on this boards part.

Ms. Torre that is something that you as a board would want to talk about before referring to the ZBA as it might change where they need to improve the roads. Your code doesn't talk about preserving different types of layouts so it would be the boards discretion.

Acting Chairman Manson I would prefer to see a better site plan prior to referring to the ZBA with as much detail as possible

Member Allegro you're talking about preserving a lot of land especially on the steep slope area I think something that would be appealing to this board would be a conservation easement in that area so that it is protected

Mr. Frishberg can we agree today that Palmer Ave and Grand Street belong to the applicant or at least that the Town of Monroe is making no claim to them, and that Spring street is a different issue as we have to redraw the line.

Acting Chairman Manson would that be under the purview of this board or something that we need to have the Town Board weigh in on, is it their discretion one way or another

Ms. Torre based on things right now technically legally they could turn around tomorrow and say we're going to accept the dedication, I don't see it happening.

Mr. Gibson the 2 streets we are discussing have been involved in 2 other subdivision approved by this board maybe there would be some information within those

Mr. Brady Cromwell Meadows is one subdivision to the right and the paper roads didn't continue into this area. The southwest or westerly side went into the adjoining property.

Mr. Gibson Map # 10067

4. Adjournment

Action, Discussion: 4.1 Adjourn Meeting

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby adjourns tonight's meeting.

Motion by John Allegro, second by Pat Shea.

Motion Carries

Yea: Lisa McQuade, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

Members absent: Bonnie Franson; Anthony Vaccaro