

Town of Monroe Planning Board Regular Meeting MINUTES

— 06/20/2023

Town of Monroe Planning Board Regular Meeting (Tuesday, June 20, 2023)

Generated by Barbara Singer on Monday, July 3, 2023

Members Present:

Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli, Dylan Penn

Members Absent:

Robert Garstak Alternate # 1

Luis Riviera Alternate # 2

Planning Board Consultants:

Ashley Torre, Esq.

Shawn Arnott, PE

1. Welcome

Procedural: 1.1 Roll Call

Procedural: 1.2 Point out Fire Exits

Procedural: 1.3 Pledge of Allegiance

2. Returning Projects

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

Applicants Representatives:

Present: Daniel Richmond, Zarin & Steinmetz

John Dahlgren, Tim Miller Associates

Vincent Pietrzak, Pietrzak & Pfau, Engineering & Surveying PLLC

Aaron Werner, AKRF via Zoom

Dan Richmond: The site plan has been revised and new utilities lines have been proposed. The PDIS we have submitted, we did get your comments a couple months ago and we've been working very hard to fulfill the outstanding comments as identified by your Board and staff. We have submitted several sections already. We anticipate being able to submit the remainder by the next submission deadline which I believe is June 30th for your July meeting. I then wanted to talk to your board about the process so perhaps the board could start or your staff could start reviewing the comment, the sections we have already submitted including land use and zoning, traffic and transportation and community facilities. It's a large PDIS so that we can kind of get certain sections put aside hopefully or if there need to be further comments we can address those as soon as possible.

Vince Pietrzak: I handed out a little plan with some colors which will help go along with my narrative. We're providing two access connections into VMG. We have an upper connection in the Northeast portion of the property and then a lower connection to the Southwest behind the Brach & Mann building. On grading plan three, of the plans that were submitted, which is the fourth sheet (inaudible). The profiles are shown on the second sheet which is the profile sheet 3 for both of those connections (inaudible) affecting the sidewalks to both facilities. Also, through those connections, as requested, a five-foot landscape islands have been provided to the rear parking areas for the second and third floor parking levels. The front lower drop off areas (inaudible) for provided to calculate coverage calculations are now at 74.4 %. The water main connects into VMG through the upper access drive. The water loops around the building and as requested we're providing fire hydrants that the fire chief wanted along with two fire department connections into the building. A grease trap and pump station will be provided with a force main to the gravity sewer up behind the building. This gravity sewer will then connect into the VMG facility. Lastly the SWPPP revisions include underground storage utilizing 60-inch diameter pipe for storage. These are the main changes to the plans since they were last provided.

Chairwoman Franson: Vince what's the revision date on those?

(inaudible)

John Dahlgren: I wanted to add that on May 25th we submitted, as Dan indicated, the land use and zoning section, transportation and traffic, historic, cultural resources and community facilities and services and the traffic appendix traffic report updated to include the new driveways so that the traffic report is totally revised and taking some traffic out of problematic intersections near Ninninger (inaudible). Movement overall for the project to have these connections and the pedestrian connections too, I should add improve connection to the neighboring residents, development. (inaudible).

Borings and soil test pits and the storm water practices in management had to be revised somewhat too based on the results of the geotechnical study so that's also going to be reflected in the geology and stormwater sections. So a lot of updates are pending and you'll receive those.

Chairwoman Franson: Okay so we don't have that report yet. At this point it'll be submitted with the next round of the DEIS.

Dan Richmond: Okay we're hoping that. The next submittal will be the final and have a complete PDIS for your board and your staff's review but again what we'd like is if your staff could at least start reviewing the sections that already have been submitted and if we could

review the section sort of on a rolling basis or as they are submitted would enable us to keep moving this project; which has a lot of moving pieces moving forward.

Shawn Arnott: Obviously, as Vince has explained the two pedestrian and vehicular access points have been added to the VMG property. What we will need is the updated grading plans from VMG in order to verify that the grading will be adequate in those areas. In addition, and very similar to what happened in the Village of Woodbury, the grading extended obviously and it's dependent on that neighboring property so from a SEQRA perspective what needs to be updated in the DEIS to coordinate those approvals in those adjoining properties and I defer to Ashley on that point. Rather small but it was a new addition to the plan on the east side of the property. To the east of the building over by the loading docks, there was like a staircase shown extending towards the butt.

Vince Pietrzak: I believe that's just the hatched-out area because that's where we're going to place the grease trap.

Shawn Arnott: It was further off the parking, even further east I don't think it's shown on this plan. It's on the plans that were submitted by the deadline. I think it's called out as stairs.

Ashley Torre: 16' wide nature walk stairs.

John Dahlgren: Yeah, that get access to part of the walking trail. It's going to go over in that area.

Shawn Arnott: Okay so that'll have to be updated in the coverage calcs as well as it looks like it's kind of ends but there's a line indicating that it extends further. So I'm just trying to understand the extent of that trail. One suggestion that I had was just for you guys to merely look at, I don't know if it can be eliminated, but there's two access points to Nininger; as well as the two to VMG. I'm not sure if the second to Nininger is necessary but I obviously defer to you guys in reviewing the fire code. As well as your internal access with tractor trailers whether or not that can be eliminated. It may help on the lot coverage calculation.

John Dahlgren: Yeah based on preliminary discussion I think (inaudible)

Shawn Arnott: Okay and I know no utilities were shown on the plans that were previously submitted but it there was one spot on the upper left-hand corner of the project that I brought to your attention with regards to drainage. We don't have to go dive into that and then the last big thing was just discussing with Ashley and Aaron on how the board should handle the partial resubmission of the DEIS considering that the DEIS has not been deemed complete by the Planning Board.

Ashley Torre: Just a couple things. First with the change to now connect to the adjacent parcel. I don't know if the applicants explored what approvals would be necessary from the village of Kiryas Joel, who was previously identified as an interested agency but now either the Village Board and/or potentially the Village Planning Board are going to be involved agencies. So in the past when you had the Village of Woodbury had been identified later on as an involved, you did a supplemental lead agency notice. You could do the same here we just need to know which agencies from the village would be approving those actions.

Chairwoman Franson: Actually, while you're on that point, and you might be covering it, I think that joining project was subject to SEQRA; so, I guess another question would be to what extent does any changes to that subdivision affect their own SEQRA approval process? I guess that's something for them to figure out but we're kind of now encroaching into that SEQRA process. So, I just kind of want to give that some thought.

Ashley Torre: Are as the partial DEIS submission I think and you know it's up to the board how you want to proceed I envisioned that the Consultants would not be giving any further completeness comments until the full DEIS is resubmitted rather than a piecemeal approach. I think Aaron's on the line as well if he wants to speak to this and any other items that he has at that point.

(inaudible)

Dan Richmond: So, for example there are discrete sections that I believe could be fielded in particular consultants, as John mentioned, we submitted for example land use and for example, the traffic section could be dealt with. It could be addressed by your traffic consultant without awaiting further submission, the same with the community facilities and again we anticipate submitting the remainder sections over the next couple of weeks.

Chairwoman Franson: So, at the end of June, by our in by date, we're going to get one full submission? Okay. So practically speaking it's June 20th but I'm not sure what the submission deadline is but it's 10 days away. And so, just people going on vacations, I don't know how practical it is but we'll see what's been submitted and what people can address and we'll take a look at it. While we're on the subject of consultants, I know that Karen Arndt reached out to me and I don't know if she included Steve Esposito on the communication but I think we had all discussed and I thought that Steve had talked about and we agreed that there would be a more collaborative approach as far as the landscaping for this site and she hasn't heard or talked to Steve as far as I recall. I don't know if that's happened yet but if you could reach out to him and just make sure he reaches out to Karen because that was an important component of all this as well to get some

landscaping in there given the extent to which it's being graded out.

Dan Richmond: Taking the landscaping very seriously and I thought we had been communicating that there have been full lines of communication and we'll certainly make sure that she's contacted for her input.

Chairwoman Franson: Okay Ashley anything else? All right Aaron do you want to give us your perspective? Okay Aaron did you want to add anything as far as reviews and traffic etc.? And the new connections?

Aaron Werner: Oh, I didn't hear it. Was there a discussion before? I just got put back on.

Chairwoman Franson: So perhaps you can quickly, Vince, just touch upon connections and traffic and where we are?

Vince Pietrzak: Sure, we have two connections into VMG, an upper and a lower connection. The water is connected into the upper connection to VMG and loops around the building. The sewer we have a grease trap and a pump station which flows to the back of it, which is force main to the back of the building to a gravity sewer that runs around the back of the building and down into VMG. The lower connection ties in behind the Brach and Mann building. Is there anything?

Chairwoman Franson: No, I just want to make sure Aaron heard that.

Aaron Werner: I'm familiar with the latest plan. I can give them an update on where we are with stuff. So, we did receive some materials that were submitted for the May 25th deadline. We got those about a week and a half later so we've been starting working on the traffic since then heavily focusing on the traffic to be able to give comments back by the end of this month. So probably by the end of next week we should have those back. We are looking at the revised traffic study, the revised traffic DEIS chapter and the response to comments memo that Creighton Manning put together that covers comments that we had issued back in December and also the completeness review comments too. I believe all at once we're just looking at those responses. They also submitted a few revised DEIS chapters, land use, community facilities, historic and the traffic. So, we took a quick look at those revised chapters. There're still some placeholders in there I think they've made an attempt to address some of those comments. You know I'm talking with Ashley. I think it might make the most sense to just try to get the full submission. You know there's like 18 other chapters that we still need, there's four other consultants reviewing this with me so it might be most efficient to just have their updated EIS when it's ready. You know memorializing all these changes that are proposed now, the new access, the sewer and water and just all those chapters that we still need to in order to purview for completeness. The

update I have is that we'll work on getting the traffic review definitely for the end of this month but I think the rest of the DEIS we still need completeness.

Chairwoman Franson: So, are there any changes to the traffic or is the traffic just the traffic? And that's what's being submitted?

Dan Richmond: You have that complete.

Chairwoman Franson: So, it sounds like AKRF has gotten a jump on that and that's a big hurdle. I think some of those other sections are kind of lesser than traffic Thank you for that Aaron. Did you have any questions for the consultants?

Aaron Werner: No, I looked over Sean's memo that he sent in. We're in agreement in possibly having the applicant take a look at that secondary access on Ninninger, if it's really needed or not considering we have already a primary entrance and you have the two connections next door. If that's still needed or not, we would agree with that.

Otherwise I think we might have I don't know if you already discussed this before I jumped on but what types of coordination or other related to KJ that we need now that there's a connection to that site. Obviously involving them, adding them in as an involved agency for the EIS might make sense as well as having the applicant go back to us with a list of what they see is as the possible approvals that are going to be needed from KJ, including possibly a site plan amendment for the VMG project. I was thinking but again I think the applicant can probably start with getting back to us on that. And talking with Ashley I know it's the KJ code isn't readily available. It's hard to find exactly what kind of requirements there might be but just off top of my head if we're

proposing access into that site it's already under construction, I'm wondering if they need to have some kind of an amendment, an amended site plan looked at too with KJ.

Chairwoman Franson: Thank you. So, I think at a minimum we'd probably want some confirmation from KJ that says what their expectations are in terms of their own site plan review and approval process. And then obviously this is really the connection it has implications mostly for the traffic so from an impact perspective I think that's being addressed I think we'll need to touch upon really the need to, we had KJ is involved or interested. I guess the first thing just to get it going so it isn't lagging is what we need to do to be able to inform them of the changes and that escalates them from interested to involved agency.

Ashley Torre: So, if you want to authorize the circulation of a supplemental lead agency notice upon the applicant's identification of which Village boards or which Village officers have approval authority, we could do that. That way if you could just get me that list whether it's the board of trustee, I mean we could always name more than might be but I

could think of potentially the Village planning board. I don't know if do they have a highway department.

Dan Richmond: We'll look into that but I guess this supplemental notice this would just go to Kiryas Joel and any agencies that are involved there it would just go to.

Chairwoman Franson: It's just to make sure we've informed them and then what I would like is to attach a sheet that shows the layout so that they see the connection into the adjoining property so as part of that notice again to inform them of what's going on and I don't know if we circulate it with the EAF.

Ashley Torre: Include application, the EAF and then the latest plan that was just submitted which shows the connection.

Chairwoman Franson: Planning board members do you have any comments on that or would you agree that we should move forward on having that supplemental circulation given the fact that KJ is now an involved agency?

Member Napoli: I have no comments.

Member Manson: I think a supplemental submission makes sense and I think we ought to do that as soon as possible and keep the process moving.

Member Shae: I agree, given that I ride on Nininger quite often I would be concerned about those two outlets there. You already have one street light now. I'm wondering if there's going to be a need for another street light with the amount of traffic flow but I guess our traffic study will find out.

Member Penn: I'm aligned.

Chairwoman Franson: I did want to just bring up while we have our traffic consultant here and the engineers. We'll get the Planning Board in terms of comments they may have with regard to the latest circulation. With these connections I'm guessing that it's supposed to help with the flow to avoid traffic then going out on the Nininger and then coming back on Nininger because there'll be this direct connection What I would want to understand on the joining site is the connection itself because it looks like the upper is coming through an area that's a parking lot and it may just be you superimposed this because this is what's there but the way I can't tell if that's a full access or if there's parking on the upper perpendicular parking. And then on the lower it looks like there's definitely perpendicular parking on the lower access. My concern is that we have now this major flow going back and forth and we have perpendicular parking spaces in this little collector. I just want to make sure that as we go through the process we're not just looking at this site but specifically how once it enters into the joining site

that it makes sense you know that somehow traffic isn't going to be impeded and therefore they'll still go out to Ninninger because it just is too hectic there so that's my particular comment about the changes to take into consideration.

Member Napoli: No comments at this time.

Member Manson: I did have an opportunity to review the revisions and a few notes on that Figure 3-3 where it's talking about the hotels that are in existence in the area and the coming hotels number nine is labeled on the figure Hollywood Suites but in the narrative, it's called out as a proposed Homewood Suites, I think that's the correct label for that. On page 9-2 one of the notes is that bicycle use is virtually non-existent on Ninninger and having biked a number of times on Ninninger, that's probably a good thing but I have started to observe on Larkin Drive for example, more scooter use both motorized and non-motorized and that's something just to take into consideration. We're between that e-bikes we're starting to see some more alternate transportation which is both climate friendly and wallet friendly so I think we're going to see an increase in those kinds of things. I think that's a real part of the benefit to the entrances coming through VMG is that most likely anyone on that mode of transportation or walking will try and come through that way it's just going to be a much easier transport than coming up and down Ninninger. 9-8 talks about development that's coming in the adjacent area. There's a total of it sounds like 3740 plan units in the village of KJ. We know that 1600 of those are in the VMG development but in looking at where those other units are going in many of those are in walking distance of Monroe Commons or a short car ride from there. In addition to that we have the 192 residences in Woodbury Junction and we have just past Larkin Drive, 138 townhouse houses approved in Bald Hill so it certainly shows that there's significant development going on in the area adjacent or close to this facility and points to need. You know from what I'm reading that it would really help to have another commercial center right in that area where so many residents are going to be moving into. I haven't noticed in any of the submissions or any of the plans a circulation diagram showing the ability of fire vehicles or tractor trailers to circulate. I know that's something we often look at with site plans. With that in mind on 9/29 it still talks about that the bus companies locally may prefer to stop on Ninninger. I'm still strongly opposed to the idea of bus stops on Ninninger for Monroe Commons. My feeling is that fire trucks and tractor trailers can circulate so can buses. The way right on the cover sheet it calls out bus and taxi drop-off area. I think you've really provided for a nice ability for buses to fairly easily circulate into the property drop off shoppers and people who are going to the offices and move right back out of the facility. Not only is Ninninger dangerous, frankly it's one of the more dangerous roads in the area, there's not good pedestrian access between Ninninger and the building. There's been all kinds of provision built in to get residents out of VMG in a pedestrian mode or other non-motorized types of access in what looks to be a safe of a way as possible from Ninninger. I don't even see how you might design that in. I just kind of want to state that again and I'm wondering if we know, my assumption is that there'll be bus service

right going through VMG once it's fully built out, if not already and I was wondering if that might run right to Monroe Commons as well that would certainly be beneficial for local residents. If we're talking with the bus companies about where they're going to want to stop and what their routes are going to be, if they're already planning on going through VMG, it would be great if they could swing right around to the front of the building and keep on going. That's my input so far.

Member Shea: Jeff asked the question I was going to ask.

Chairwoman Franson: Those are the comments at this point in time.

John Dahlgren: It's our goal to submit a complete EIS on June 29th. I would just reiterate we could be provided comments from consultants on sort of a rolling basis or whatever sections we've submitted by that time we have comments back so we can keep this you know process going so that we can get to completion sooner.

Chairwoman Franson: When you submit, will you be submitting updated plans or the May plans are what will stand for now?

Vince Pietrzak: We are not planning to submit the final plans till the July submission.

Chairwoman Franson: Okay fully completed plans for July, but for now the DEIS in terms of what it analyzes is relying on the May so there won't be significant changes that would be discrepancies between the two?

Vince Pietrzak: No. (inaudible) created but in order (inaudible) to the finalization act state updated based on the current (inaudible).

John Dahlgren: Yes, we'll follow the plans and they'll be consistent so that you should have the complete package.

Chairwoman Franson: Okay. For completeness is a site plan an element for completeness in terms of being in a formal appendix? Was it called out in the scoping document? It is called out, okay. so just be aware if it's part of the scoping then it has implications for time frame for that completeness review. So, it can start on the DEIS but then it looks sounds like the site plan is still part of the DEIS as well authorize (inaudible).

Chairwoman Franson: Well they have started because I know Aaron was just explaining how he has been looking at the traffic study so they have been looking at things and honestly, you know nine days, I think we'll just be reviewing it.

Aaron Werner: The rest of the DEIS is coming June 29th, is that what I heard?

Chairwoman Franson: Yes.

Aaron Werner: Once we get the whole thing, we can get those circulated to the other consultants Frank (inaudible), David Tompkins and we could have everybody start reviewing their respective pieces of it including what AKRF did and against those comments and follow up with another comment memo. If you have submission I think we can hold off on providing any comments on the three chapters that came in with the traffic on this round since we're focusing on traffic pretty heavily right now.

Dan Richmond: We have the traffic section, I mean that's a discreet section.

Chairwoman Franson: That's what they're reviewing.

Dan Richmond: Right, I'm saying if you can continue with that so we have his comments by the end of the day.

Chairwoman Franson: They're working on it. With regard to, are there just standalone documents or studies that you want to submit for the record? I mean if you have a Geotech done or if you have particular studies done does it make sense to just get those in? I don't know what Frank Caster reviews. I don't know if there's something that he didn't have that he might now have and again it's not formal but sometimes scheduling allows for someone to review. They don't have to until we get a fully submitted but it just may work out with their schedule to look at some of these

John Dahlgren: Right now, I think it's probably best to have the geotechnical study and the geology section and the groundwater section all together. They're all connected and refer to you know different sections so I think that's best.

Chairwoman Franson: Is the SWPPP done? It will be done okay but it's not done yet.

Shawn Arnott: But you're going to submit to Swift without the plans?

(inaudible)

Vince Pietrzak: If I submitted the plans they're going to need a lot of revisions, a lot of red lines mark up so it really makes no sense submitting the plans.

Shawn Arnott: Well okay I'm just saying it's not going to be a complete SWPPP review without

the plans.

Dan Richmond: My request was that the Board, in light of the size of this project, the complexity, the moving parts, perhaps schedule a special meeting to go over completeness, comments, in the next round to help expedite things.

Chairwoman Franson: Are you referring to just as a separate agenda item? Are you trying to accelerate?

Dan Richmond: Trying to accelerate. I think we have the potential to consume your entire board meeting.

Chairwoman Franson: We'll give a consideration and I'll talk to the board members, talk to our attorney. We first have to see what comes back and how quickly our other consultants can start the review to be able to get the comments. So again, we'll give that consideration. Anything else on your end? No? Applicant, you're good? Okay all right. Thank you. Oh yes Aaron

Aaron Werner: Sure, so if it's coming in on the 29th, would we be expected to have everything reviewed by the 18th of July? Is that what I just heard? I hear the request of a special meeting but right now it would be the July meeting probably the July 18th meeting. Not the regular meeting but the workshop.

Chairwoman Franson: I think we're going to see what comes in and we'll talk to Ashley and we'll see what the time frames are realistically for people to be able to do the review. I don't know if we could do preliminary comments. We just have to see because in the midst of all this we have Fourth of July and I know some people go away, including myself during that time period, so I just want to see everybody's schedules and see whether that's realistic and we have 30 days, I think, for the second submission for DEIS review. I believe it's 45 and then 30 for the second submission for completeness review. We're going to look into it Aaron and see what makes sense for everybody. All right thank you.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to authorize the circulation of a supplemental lead agency notice.

Motion by Jeff Manson, second by Dylan Penn.

Final Resolution: Motion Carries

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

Action, Discussion: 2.2 **Homeland Towers/Verizon** (0205-2022) SBL # 3-1-29.2 24-26
Strauss Lane Monroe NY

Applicants Representatives:

Present: Vincent Xavier, Regional Manager, Homeland Towers
David Kenny, Snyder & Snyder LLP

Chairwoman Franson: Good evening. Oh, look at that samples. Did you just pull them from the Strauss site?

Vincent Xavier: Pretty much. (inaudible) so in the three different types of needles that they have. Standard, dark or dark dusted, which is just a combination. It's the first time I'm actually using this so if you guys want to check that out I can pass it around.

Chairwoman Franson: All right so where are we in the process? I believe you got your ZBA decision correct?

David Kenny: For the record my name is David Kenny, attorney, Schneider Snyder. representing the applicant's Homeland towers and Verizon Wireless with me Vincent Xavier, Regional Manager of Homeland Towers. Yes, at our last meeting with the zoning board they issued the use variance for the proposed facility so now we're complete with our Zoning Board review and we're back at the Planning Board for I believe a final review on the plans that we were submitted on May 30th, as well as we did submit a letter recently requesting approval of a tree contribution fund that we offered for the tree removal.

Ashley Torre: Just as a preliminary matter it appears that you did not close the public hearing at your last meeting so before we forget to do that, it does not look like anyone from the public is here to comment on the application. So, it would be appropriate to make a motion to close the public hearing okay? Well I actually one preliminary item to get out of the way, the shot clock was extended previously to this evening so I did propose I spoke with the applicant's attorney and proposed the date of July 18th for an extension figuring that you would authorize a resolution this evening so if the board was so inclined to approve a motion to extend the shot clock to July 18th 2023 and to authorize me to sign that letter agreement with the applicant.

Chairwoman Franson: And is the aplicant okay with that extension?

David Kenny: Absolutely we've already signed the copy of the letter.

Chairwoman Franson: Okay perfect. So what was that date again?

Ashley Torre: July 18th.

Chairwoman Franson: Anything else procedural to do right now Ashley?

Ashley Torre: That is it.

Shawn Arnott: Since the last meeting obviously we went over the use variance that was granted by the ZBA. The Monroe Conservation Commission issued comments with regards to trying to reduce the limits of disturbance on the site by potentially eliminating some of the swales along the proposed driveway. I've reviewed that and I suggest that the applicant's consultant review where the grading changes the path of drainage on the site. I'm not opposed to a completely eliminating the drainage soils I just don't know if you can eliminate all of them and continue for the driveway to function properly as well as allow the drainage to continue down its path that was before pre-development. So I just ask that you have your engineer review that aspect.

David Kenny: Our engineer did review it. It's basically again we were asked by the arborist and the Monroe Conservation Commission to remove those bioswales and our response was we'll be happy to remove them as long as you didn't feel or the Planning Board didn't feel there was an engineering reason to have them. In our experience with these access drives you really can't know until it's actually constructed and then usually the way it is resolved is we'll just put extra gravel down in the areas where we see there's some extra runoff and that's kind of the way we can predict it. Other than having the swales but adding the swales does increase the amount of tree removal so we're kind of at a push-pull right here and we're looking for direction from the board on how to proceed. My suggestion as I put in my comment was that where the grade is significantly altered that some swale and a driveway-crossing with a culvert and a level spreader to allow that drainage to continue down the side of the hill that those be added. Not that the entire swales be eliminated so that all of the water upstream of the driveway is then redirected down the hill towards the existing development.

Vincent Xavier: We can definitely look at that again you know. Our engineer had the swells there for a reason as well when we went back out there with them because of the terrain out there there's not a lot of spots I believe where there's actually a cross flow. Most of the things would naturally be coming down the hill anyway because the road is kind of going uphill.

Shawn Arnott: Which is different than pre-existing and that hence my concern.

Vincent Xavier: I was trying to go back and forth.

Shawn Arnott: I'm not suggesting that they have to be on the entire length of the road I think

just in certain locations they'll have to be added.

David Kenny: You'd be willing to accept as a condition? (inaudible) Or having the swales that Shawn just asked for being proposed on a next set of plans and have that be approved by Shawn before it's signed and endorsed by the Planning Board?

Vincent Xavier: We're not opposed.

David Kenny: We're trying to make everybody happy.

Chairwoman Franson: We appreciate that. Board members any thoughts? Something you want to add?

Ashley Torre: So just thinking related to that if it's going to change the number of trees potentially then you'll really have to have that shown for the next meeting.

David Kenny: If your engineer wants to schedule a meeting with myself to review that so that we can come to a conclusion before the next meeting I'd be happy to do that.

Chairwoman Franson: I think if you guys could coordinate the two offices because the closer we are to having a resolution to it it's just one less thing to worry about.

David Kenny: Absolutely agree. I will have our engineer talk offline with Shawn and see if we can come to a middle ground.

Chairwoman Franson: Yeah that would be wonderful.

Shawn Arnott: Additionally just reviewing the RF Engineers comment memo or email rather two things that came to light the RF engineer suggested that the faux branches be added at the 40 foot above ground level location whereas the plans have it at 59 feet and then there was a suggested note that be added to any conditional final approval resolution that the board considers so just looking to make sure that that's added.

Chairwoman Franson: Do you have that note?

David Kenny: I don't have it spelled out but I have it in an email that I can forward.

Chairwoman Franson: Okay or do you remember the gist of it?

Ashley Torre: It had to do with the helping technology how the branches were going to be

tapered; that kind of thing.

Chairwoman Franson: Okay the design look.

Shawn Arnott: Yeah exactly to make it look more realistic naturalistic.

Vincent Xavier: We'll work out the swelling separately but similar to the proposed condition of the resolution. I did bring an example of a branch distribution detail that we've used on other sites to basically show the way it is tapered and that is the goal as opposed to having just the toilet brush as they call it. It is Our intention to have it tapered anyway so any condition you want to have to that effect where once the tower is designed we submit that to Shawn for you know his blessing before the building permit is issued.

Chairwoman Franson: I think visually we would want to see as a board what it looks like unless you're getting into the fine fine details. Just getting a sense of it.

Vincent Xavier: The actual Tower gets designed (inaudible).

David Kenny: What is passing around is the one that's been designed for another project so each mono-pine is specifically designed for each site because you have different branch starting heights you have different surrounding tree heights and you have different equipment that's being proposed but here what they're laying out is they're showing the spacing for the branches the height at which the branches are being proposed on. And the idea is what they're showing is that it's not uniform there is going to be a tapered design and it's going to make it more look natural but this information is usually included in a report or some structural drawings that go with the approved site plan because these are specifically detailed for or each opening port would be for a branch and each length of that branch and where they're going. We absolutely will design it for this site and then with just respect to the starting height I believe it was discussed at the last meeting the reason why we were starting at that elevator was because from the surrounding vantage points that would have been the lowest height where you have the branches meeting the top of the tree lines. So extending the branches further below the tops of the surrounding trees doesn't really add any benefit because those are already areas that are being screened by the surrounding vegetation.

Vincent Xavier: Plus there's not going to be any antennas at that height to block or cover anyway.

Member Manson: My concern would be less the viewpoint coming from Monroe and more down the back slope into I guess Chester and Blooming Grove because as I remember from our site walk the coverage was smaller and sparser in that direction. So do you ever do an

asymmetric design where branches continue down one side of the pole I don't know if that would work from an engineering standpoint.

Vincent Xavier: You know when you look at this it is a little bit hard to read but you'll see the numbers at the top and the squares that's because they're and you can kind of see them coming in a diagonal it's because they're meant to kind of come as a diagonal down in order to create the effect that when you're looking at it it's not just like a line. You're going to have to have some on the other side in order to balance it out. I've never done a half thing like that.

David Kenny: And there's a natural push pull so all the branches that we're putting on adds mass to this tower. Again we're building this tower it is being designed for Verizon Wireless but we do hope that there will be co-locators. The more branches you add the more weight that you add to this Tower you're taking structural capacity away from future co-locators and you're reducing the ability for this tower to have a second or a third co-locator.

Member Manson: I would just want to be confident that the branches are going down low enough that they'll provide screening from all access points not just from the Town and the Village of Monroe.

Vincent Xavier: One thing I pointed out the screen is intended really to mask the antenna so they don't stand out so much. There's not going to be any antennas theoretically here below the 60 feet. So below that all you're really screening is the three-foot colored pole so technically the screening if you could see it would be more visible than the pole alone itself.

Member Manson: I understand what you're saying but with those additional branches just help it look more natural in the setting.

David Kenny: Why that height was chosen was again it'll cover all the antennas but I believe that height was also chosen because from all the surrounding vantage points that would get us below the tree line but we can have that confirmed before we come back to the board.

Member Manson: I would just want to double check that particularly because I know we moved it 50 feet closer to that side of the ridge line and I just want to make sure that we were sensitive to that.

David Kenny: Absolutely and we did further visual simulations after we did that relocation and these mono-pine kind of design was done after that as well.

Member Manson: Great thank you appreciate.

Chairwoman Franson: Remind me were there trees that we were adding back in? Any kind of screening trees?

Vincent Xavier: No real trees because all the ground-based equipment is not visible from anyone else at all anyway so planting trees in the forest is going to be hard to keep them alive with the tree canopy. It's not going to provide any aesthetic screening so we didn't.

David Kenny: But to that point there were those three large pine trees on the property that we moved the tower closer to and those trees would actually screen the view from Blooming Grove. So while we didn't plant trees we were taking advantage of the trees that are on site.

Chairwoman Franson: That's what I was trying to remember. Someone could take a picture of the Blooming Grove Chester side I agree because my recollection is when we were on the top of the hill toward the Monroe side it was just because of the nature of the plateau there were more trees and that there was more of a sudden decline on the Blooming Grove Chester side where you had actually really nice views out toward that Valley. So if we can see them they can see this.

David Kenny: It's a steeper drop off on that side so you don't get the coverage. It's so gradual going into the town into the developed area where the homes are and there's so many trees on that hillside from the surrounding residences you're never going know it's there but actually if you remember from our photo simulations and I have them here. We did take photos from that side from photos we got a 25 and 26 from that vantage point and from photos 26 that was the one this is on Quaker Hill Road.

Board members and consultants view photos provided by the applicant.

Chairwoman Franson: I think we should just examine that a little bit more between now and the next meeting for the resolution.

Vincent Xavier: Sure we can do that.

David Kenny: Ultimately our goal is to have the branch height starting at the surrounding top of the trees so that there is a view of the branch height from any surrounding view but I think that's my point exactly is I think it starts well above the 40 feet so I think there's a room between where we have it at 59 and 40. But I think it is closer to our 59-foot mark which is where this top of the trees are starting.

Chairwoman Franson: Is the location of the monopole right now marked out in some way with an X or it's marked right? I hadn't gone out a second time.

Vincent Xavier: Yeah there's a stake out there.

Chairwoman Franson: All right just to help I might go out there again just take a look.

Vincent Xavier: If you want to go out let me know I actually had to meet with the landlord next week anyway. If you want to coordinate I can meet with you.

Chairwoman Franson: I'll keep you posted.

David Kenny: Just the need for an access and maintenance agreement know between the landlord and the applicant in order for the applicant to have access over the property to use the site.

Vincent Xavier: Generally we don't like to hand out our ground leases with private landlords. Any access and maintenance requirements would be in there. I can see what we can get you but generally we just don't like to have the full leases out there.

Ashley Torre: It could be a redacted just to show the access and I've gotten them before for other applications where it's been redacted and just showing the access provisions.

Chairwoman Franson: We don't need to know the financial.

David Kenny: We could do two ways we could do it a redacted but would it also be possible to submit one copy for review and camera rather than submitting that lease to the public record?

Chairwoman Franson: I'll defer to our attorney.

Ashley Torre: I think you'd want to submit one that's redacted that way it is in the record.

Vincent Xavier: Obviously I'm not going to fight with you over the point but there are other things in the lease.

Ashley Torre: Anything that you could redact.

Vincent Xavier: Redact everything except for the access portion because obviously we have access.

Ashley Torre: or I mean anything that's yeah

David Kenny: I just wanted you to take a look at this. We didn't do a photo simulation for so this. It is going to be in the section B but if you go to photo 20 figure B10. It's just another point from Blooming Grove because I think we had discussed it's one of the things is that they're already looking at overhead power lines so not only do they have these trees here but all of their views that would be towards our facility would have to be across this similar public utility infrastructure. I think that was originally one of the reasons why but not only why we were in Monroe we want to protect the view shed of Monroe I think it was already understood that um they're already looking through public infrastructure if they're going to have a view of our tower. Again we'll review our branch starting height.

Ashley Torre: Did you get your GML response from the county? It was a local determination there was four advisory comments on there the ZBA use variance did have some conditions requiring input from the planning board as far as the branch design and the concealment measure so all those things should be spelled out in your resolution ultimately so I know there's some samples here if you wanted to look at those discussed and pick one or whatever it is you would do there. The only other item I had a few just clean up things on the plans that could always be made conditions. The other item was the tree removal. The applicant did submit a letter proposing \$20000 fee to the parkland for the trees being removed. I did speak with the applicant's attorney about it my reading of the law and how you've applied it consistently in the past is that the fees required for every tree other than dead trees that have been confirmed by the arborist as dead or diseased it's required for each tree that's being removed and not replaced. You have the ability to alter the number of trees that are required to be replaced but as far as the fee that's a set fee for any tree that's not being replaced.

Chairwoman Franson: What is the status of the local law that was being worked on?

Ashley Torre: That is still before the Town Board. I believe the public hearing was adjourned to tomorrow night.

Chairwoman Franson: So at this point the fee schedule is the fee scheduled. Do we have a full accounting then of the trees at this point and what the fee should be there?

Ashley Torre: I believe based on that 77 alive trees being removed; so it would be \$57750 unless they were going to change the plan to propose some replacement trees to balance it out.

David Kenny: And with the comments that we were (inaudible) those numbers may be revised further if we have to add in swales and take out additional trees. Our reading of the code is that it says in the very beginning and I understand council's point is that it says that it should be replaced on a one-to-one basis or basis acceptable to the Planning Board and then it states that for all trees that's not being replaced that there should be a \$750 per tree fee. However our submission to the Planning Board was based on that first line in the section that it's on a basis acceptable to the Planning Board we were asking the Planning Board to grant us some wiggle room here because we noted that the access drive was designed in part with requirements that the town imposed upon us to add the fire access turn offs that created additional trees to be removed. We also took time to walk the site with the arborist and we made sure that we routed the access drive that would take out several more trees in order to prevent even the removal for larger or more identified as special trees. We just want that to be taken into account for our tree removal requirement and note that you know we've been trying to work together with the town and creating this access drive and some of those components of the access drive that were asked upon us are the reasons for the additional tree removal. That being said you know we're happy to accept as a condition of approval whatever the Board seems is an appropriate amount for the tree removal.

Ashley Torre: There were changes that were made but that's with any site plan it's always going to go through changes and that's completely within the Board's jurisdiction to oversee those changes and the applicant was agreeable. I agree that you could vary the amount that have to be replaced but for whatever's not being replaced; so you could say zero have to be replaced but then for each one that's not being replaced the code does require that fee. The other alternative would be for the applicant to appeal or apply to the ZBA for some type of relief from that.

David Kenny: We don't necessarily want to do that but what we would try to do is see if there's any place on the property that we could add some trees and maybe reduce our required replacement through that by adding some trees on site. However this is a densely vegetated property; I'm not really sure what benefit there is to achieve by adding more trees to this particular property but if that's going to reduce our total cost that's something we'll explore.

Ashley Torre: There's the option to place trees on another property as well and there's a reduced fee for those I think it's \$350 per tree.

David Kenny: I really don't understand how that's any help because when we're going to be responsible for trees not on our property and also have to pay a fee and then two years down the road when the Green Arborvitae are all eaten by the deer we're going to have to go out and replace the trees. I think we'd just rather give you the money.

Chairwoman Franson: Just to explain I think part of it was with regard it could be placed on another site. I know the MCC had worked in the past on planting trees in some of the parks in the town where there might be value and frankly you know as you had said it's not forested there and they would actually benefit from some additional trees so those kinds of projects I think were contemplated when they had prepared the tree law just as background. I have a quick question so I think we still have to resolve what the tree cost will be but you're going to look at the numbers too because of the swales etc so we still have to land somewhere.

David Kenny: Absolutely we just don't want this to be a gating item so if it turns out that we're going to remove 77 trees or based on adding the swale it turns into 80 trees if the Board sets the fee at the \$750 we'll comply with that. We're here asking for some consideration to what we've done so far and the amount of trees that are on this property that will remain.

Chairwoman Franson: Okay well from my perspective and I'll ask the Planning Board members on the one hand I appreciate the flexibility you've had and shown to be able to relocate things and go out with the arborist and try and minimize the trees. On the other hand this is the RPO Zoning District the Ridge Protection Zoning district and views and forested views are really important here. They're still being removed to some extent so I think we have to take that into consideration as well as ultimately the extent of visibility. I think we can continue to think on that but let me ask my Board members what their thoughts are in terms of well let me step back I don't know that we have as much wiggle room because I think our Planning Board attorney is telling us that the flexibility is built into how many trees are replaced as opposed to what we're counting as what requires a \$750 fee. I think that's really where it comes down is if you wanted to reduce the number then we'd have to look at where to plant trees essentially on the site or elsewhere.

Vincent Xavier: I'm not sure if we were to pay the full \$75000 where that money goes. Does it go to plant trees? otherwise instead of me being responsible for planting trees on Town property could I pay separately into a separate fund for the Town to use to plant its own trees?

Ashley Torre: Is it in a fund that's to be used for planting trees?

David Kenny: We understand the interpretation by your Council. I guess is there any bonus points we can get for one very large metal tree that we're going to put? I had to bring some levity.

Chairwoman Franson: That's like asking for the Charlie Brown tree.

David Kenny: Hopefully it's going to be much more filled in than the Charlie Brown tree.

Vincent Xavier: That's what actually made me ask my attorney to look into this more. Because yes it's every tree over six inches that you have to replace but when you go out there even if it's not dead some of the six inch trees they're in a canopy maybe there's like a couple branches they're not very high quality ones either so to pay the same amount for every tree regardless of quality of the tree seemed odd to me and I wanted to see if there was any way we could work that out because \$60000 for tree replacement is significant and we had to ask. But yes whatever you decide we're not going to go back to the ZBA and we're not going to make that a fighting point or anything.

Chairwoman Franson: Are the 77 trees based on what is concluded and already subtracts out what's dead and dying?

Vincent Xavier: Correct. It was 81 trees and four of them were determined to be dead by the arborist. And again these are the trees that meet the caliber requirement by the code so these are all the trees that are over the six inches.

Chairwoman Franson: Okay. Is there a section we should look at in particular Ashley?

Ashley Torres: 784.

Chairwoman Franson: So this is the section for the benefit of the Board members that we're referring to.

David Kenny: That first line got us thinking that you may have some wiggle room but we understand your council's interpretation.

Chairwoman Franson: Yeah and we've actually had I think a couple projects already where we've come to this conclusion of how to interpret that section.

Vincent Xavier: That's what you've done consistently (inaudible). I know the final count to be (inaudible).

Chairwoman Franson: Okay all right I think that's resolved then. Board members do you have comments at this point in time? And I think we want to also specifically get to the design right? Finally the selection of the needles is that where we are?

David Kenny: This is the big color presentation Vince has for you.

Chairwoman Franson: If you have any other comments feel free to share them as we go down.

David Kenny: Again these would be the faux pine needle branches so this would be on each of the branches that are extending out. The goal here really is which color do you think would be better blending in with your surrounding tree foliage?

Vincent Xavier: The one on the right the combinations that we used (inaudible) have some purple in there. We're trying to work in the high school football colors in there.

Member Shea: what are the needles made out of? What's the material?

Vincent Xavier: I think it's some type of plastic-vinyl but I can have that confirmed by the next meeting.

Member Penn: The reason why I ask is if there's ever an opportunity in the future for future sites to do a recycled material or some sort of recycled stream for that material.

David Kenny: Good point we buy these from a manufacturer. we can absolutely ask them if they have any process for that and if that's something they can do in the future. Maybe we can encourage them.

Chairwoman Franson: I have one question on the ZBA determination. It says general equipment and facility shall be located as advised and determined by the Planning Board. Ground equipment shall be surrounded in all visible directions by Sherbury landscaping and or other approved concealed methods and shall be properly maintained. Obviously you weren't at the meeting did they expect to have any kind of plantings or what was that condition?

David Kenny: No I think that may have been a standard condition that they include for most applications. It was discussed that we would put in the black vinyl coated fence and that seemed to be in agreement with the Board because there's natural screening here. There really wouldn't be any benefit to putting shrubbery or landscaping around this because it would really just be for the property owner benefit whenever he looked at the site.

Member Penn: None that need answered. I was aligned with Jeff on some of his questions earlier and then ultimately I came to conclusion it sticks out from a height perspective whether we do the leaves configuration or not top to bottom. I think it's less of an impact than anything so no comment.

Chairwoman Franson: All right so I think we have to finalize that where it lands again it may not be 40 but if we have a chance to take a look maybe even get out to the side or otherwise drive around a little to get a sense of should it come down a little farther or not.

Vincent Xavier: Right they have to go base (inaudible) Saratoga Associates (inaudible) other things now. If there are any type of equipment they must be within the branch canopy so that there won't be any antennas there might (inaudible).

Chairwoman Franson: I don't know. I'd like to get out to the site and I think it's as simple as just leaving a little space open if necessary for the resolution. I don't think it's not going to from my perspective slow down making a decision. I just want to have at least opportunity to remind myself of what it looked like and possibly going actually up there and then comparing it to some of the vegetation around.

Vincent Xavier: I could bring up this drone that I have; we have this orange drone. I actually just got my pilot's license for it so we can go up there I can fly that to the different heights you know I don't know how long I could keep in the air while you drove around but it was like a specific viewpoint maybe we can.

Chairwoman Franson: That might be helpful. Okay we'll see if any Planning Board members or anybody else wants to join.

David Kenny: Also we'll have our engineer double check the tree heights. I think they were confirmed that this would be below everything but we'll have them double check and we'll be ready to set on a height number at the next meeting.

Chairwoman Franson: And then in the meantime you'll resolve the question of the swale with Shawn on that.

David Kenny: We'll have the engineer that's drafting the plan speak directly offline with Shawn to see if we can figure out a way to put smaller swales or some minimal swales in there that achieve the goals that Shawn's trying to achieve. As well as minimizing the tree removal try to make everybody happy.

Vincent Xavier: And just to that end real quick too that's not going to be a sticking point either if Sean says he wants a swale somewhere I'm just going to put the swale somewhere so that's how that's going to get resolved.

Member Shea: Someone has to tell Dennis.

Ashley Torre: Did the board have a preference on color? Also I don't think you had picked the color for the pole do you recall?

Vincent Xavier: I thought we had discussed them it's and it was Thunder Gray. I think we had discussed it I don't know if they took an action to say that.

Chairwoman Franson: I know as we went down I think you were pointing to the right most right?

David Kenny: Like Bachelor number three yeah I think the dark dusted.

Ashley Torre: Dark dusted. Can you submit a picture of this?

Member Shea: No I'd like the one that would provide the least contrast between that and the background because I noticed on some of these poles they're all green and in the wintertime I mean the contrast is too much.

Vincent Xavier: Any of these will stick out against the sky in the winter the same amount. I don't know how much better the standard one would help in the winter necessarily.

Chairwoman Franson: I kind of went with the right one only because it seemed to be in between it wasn't too light not too dark it had a little of both shades in it.

Member Manson: It's closest to what those types of trees look like in the woods the combination of the green and the brown.

David Kelly: And even right now we're in the middle of June middle of the bloom season not every tree is pure green. You're going to have some trees that have a little bit of brown in there if you're sticking out some of the branches you have a little brown so I do think that that's probably the best design that we can have a little combination of both but that and the Thunder Gray together it's not like you're going to actually see the Thunder Gray within and from such a far vantage point you're not even going to see both colors. They're kind of going to blend in together and I think it'll create a color that's more familiar with those that drive in the surrounding area to what they see on the foliage especially the trees that are non-monopines. You're going to see a lot more that are kind of that brown and green together combination.

Member Penn: I think from 70 feet they all look the same to me so I'm aligned with the Board members.

Member Shae: I'm good with that one on the left.

Chairwoman Franson: All right I think that's it.

David Kenny: Not to ask a question right at the end but regarding the access and the maintenance we're going to give you the lease for the access. As far as the maintenance do you want the terms from the lease agreement or do you want the Homeland Towers standard tower maintenance notes that we can provide? I'm just trying to make sure I provide what you're seeking.

Vincent Xavier: Basically there's one line.

David Kenny: That's why I'm asking if they want the standard maintenance notes which is a little bit more specific about how we do the inspections and maintain. Or are you looking for just an agreement with the property owner for maintaining the access drive?

Shawn Arnott: If you put whatever your requirements what Homeland Towers requirements are for maintenance of the access drive on the plans as notes I think that would suffice.

David Kenny: That's what I'm trying to find out because what we have in the lease is different than what we're going to do. What we're required to maintain as far as our operation of our business is a little bit different than the relationship we have with our landowner and what we're required to maintain.

Shawn Arnott: I think whatever combination covers both of those would be appropriate.

David Kenny: Okay thank you.

Chairwoman Franson: I'll just add that the ZBA one of their conditions was applicant shall regularly maintain or repair the structures and equipment in such a way and at such times and intervals that shall be defined the site plan. I think to the extent that you can give us some guidance on your typical that will help with the site plan resolution.

David Kenny: That's where I was leading. I wanted to make sure that that was the sought-after response for the maintenance comment not something that's in our lease because we have something that talks about how we regularly maintain these sites and our maintenance schedule and I want to provide that I think that's more what is being asked for.

Chairwoman Franson: I think from at least my perspective I think in particular you have to maintain the equipment to work that's not our concern as much as you need to maintain the structure with the leaves and if they fall off if the stealth materials you have to be replaced that

aspect of it especially be maintained.

David Kenny: Absolutely and you know Homeland Towers operates many of these sites. We have standard maintenance schedules very often if there's any faux branches that fall the replacement for those as well as what is the standard time frame for us when we need to walk the site and do inspections.

Ashley Torre: That could be incorporated for the ZBA's condition.

Chairwoman Franson: I think that's it. We have minutes but I don't know that this has been updated to eliminate the ones that we already reviewed and some of them we may not be able to because of the fact that there's no way we're going to get a quorum. I know a couple times they haven't dropped off even though they should have. I'm just going to say we tabled this. I did ask Noreen. I had hoped that we would get the first set of June meeting minutes but we didn't. Let's try and be up to date at the next meeting.

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

Motion by Chairperson - Bonnie Franson second by Nicholas Napoli.

Final Resolution: Motion Carries

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

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to extend the time period related to the review of the application regarding the shot clock until July 18 2023.

Motion by Chairperson - Bonnie Franson second by Nicholas Napoli.

Motion Carries

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

3. Minutes

Discussion: 3.1 October 18 2022

Chairwoman Franson tabled the approval of the October 182022 Planning Board minutes until....

Discussion: 3.2 April 13 2023

Chairwoman Franson tabled the approval of the April 132023 Planning Board minutes until....

Discussion: 3.3 May 11 2023

Chairwoman Franson tabled the approval of the May 112023 Planning Board minutes until....

4. Adjournment

Action Discussion: 4.1 Adjourn Meeting

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby adjourn the June 20 2023 Planning Board meeting at 7:34pm.

Motion by Jeff Manson second by Nicholas Napoli.

Final Resolution: Motion Carries

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

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