Town of Monroe Planning Board Regular Meeting MINUTES

— 06/23/2022

Town of Monroe Planning Board Regular Meeting (Thursday, June 23, 2022)

Generated by Norinne McSweeney

Draft

Members present
Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli, Steven Thau

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. **Public Hearings Continued**

Action, Discussion: 2.1 **DG Management** (0172-2019) SBL # 69-1-1.2 Schunnemunk Road Monroe, NY

applicant requested the public hearing to be adjourned until July 19, 2022. The applicant waives the 120-day deadline for the closure of the public hearing that is required by Town lay 276-532. Next submission will be by the July submission deadline of June 30, 2022.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to adjourn the DG Management per the applicants request until July 19, 2022 and waives the 120 day deadline for closure of a public hearing.

Motion by Jeff Manson, second by Nicholas Napoli.

Final Resolution: Motion Carries

Yea: Jeff Manson, Pat Shea, Nicholas Napoli, Steve Thau

Not Present at Vote: Chairperson - Bonnie Franson

3. **Returning Projects**

Action, Discussion: 3.1 **BJ's Site Plan** (0200-2021) SBL # 2-1-30, 2-1-21.31, Harriman Business Park Larkin Drive Monroe, NY

Pat Smith RD Management
George Lithco - Attorney
applicants representatives via Zoom
Ken Wersted Creighton Manning

Member Manson recuses himself from this application

Mr. Lithco stated that the applicant wants to review traffic
Mr. Smith addresses Mr. Wersted and asked him to review the issues that were raised and how they have been resolved

Mr. Wersted is on Zoom and there are audio issues having difficult time hearing what he is saying

Mr. Wersted reviewed the comments and AKRF memo June 3rd responded dated June 16th
one of the issues was queuing for the project which has 2 components:
1) one being for the drive thru referred to a different agency who did a traffic study for the other fast food and during peak time average of 8.5 vehicles
site has available space for 12 vehicles without backing up onto road, very low potential to que out
2) queuing for the gas station not a lot of research you can arrive in multiple directions and typically not have to que up
looked at how long for an average fill up, approximately 2 minutes, no option to walk away and go into a store for purchases, can service 360 vehicles an hour through the pumps provided 4 times the amount of traffic at this facility

Chairwoman Franson been up to Newburgh facility with discount and current prices there has been significant queuing due to current prices

Mr. Wersted very unique circumstances right now
other comments on figures provided, typos, corrected those and resubmitted
AKRF want us to redo or update to include those traffic assessment to include those not changing results as they are accurate
new comments relative to approaches one comment intersection of Larkin and Rt. 32 adopted signal timings conclusion, AKRF has access to info not available to us if you run the intersection at 100 seconds operates better
peak hour factures, trip percentages, we will provide the back up for that
ultimately we have addressed the comments
no significant impact from the project
ultimately the results we are looking for is if there is significant impact and does it require EIS
AKRF not available this evening

we realize there will be some site plan comments that need to be addressed
big issues addressed EIS needed NO
take comments and incorporate into revised response for a final review letter for the next meeting

Chairwoman Franson did we get consistency memo with original finding or approvals
Mr. Lithco no letter regarding prior finding we are consistent with 1991 and 1999, work with Ms. Torre and Mr. Arnott to put into comprehensible form
Chairwoman Franson some form of a timeline

Chairwoman Franson anything else you want to mention or talk about regarding any changes to the project
Mr. Thakkar as requested we moved trash enclosure
split lot coverage table between the Town of Monroe and Village of Woodbury

Mr. Arnott:
lot coverage spoke to Ben agreed lot coverage could be handled over the entire business park as opposed to just the lot for the gas station, also determined that the small increase would not require a variance
O&R easement asked for acceptance from O&R for the proposed improvement within the easement - still need that
sign off from ODPW & DEC
Village of Harriman acceptance received
SWPPP signed off except for 2 minor comments making sure bioretention planting schedule in detail should be revised and legible, include all completed and relevant forms MS4 acceptance letter and the NOI.

Mr. Smith creating easement with O&R will get documents to the board

Ms. Torre:
lot coverage 2.74 acre portion not included in declaration should be 2.5 acres needs to be changed on plans
comments need one plan sheet called the tree plan with all the data listed trees and type
the applicant requested a 20.4 % parking reduction, the board will have to consider if there needs to be a parking study for the proposed business park

Mr. Smith a parking study was completed no conclusion made

Chairwoman Franson does the parking demand analysis take into account any of the modifications

Mr. Thakkar already factored in
Mr. Wersted looked at the entire BJ's club site, the tire center, front/back employee areas found if you lose the 68 satellite parking area it changes the percentage from 24 to 29 occupied, so there is still ample room to accommodate the loss of those spaces

Chairwoman Franson work on Part III draft up for review EAF part 3, did we determine if a public hearing is required
Ms. Torre public hearing is not required no determination has been made either way

brief review of part II of the EAF

Town of Woodbury comment regarding the Aquafer needs to be addressed as well.

Action, Discussion: 3.2 **Mountainview Shul** (0195-2021) SBL # 43-5-2 277 Mountainview Ave Monroe, NY

John Queenan Lanc & Tully
Isaac Walters Project engineer

last before us in April sketch plan new community shul
updated plan set more detail
updated survey
running through Mr. Arnott's comments
narrative with request for waivers
provided floor plans
FAR calculation included on sheet one, done 2 ways one without shed and one with the shed
NOI circulated
lead agency done June 13th

Mr. Arnott comments:
proposed Shul 3 stories correct on 1 page
height regulations 2.5 stores calculation for the height need to correct that - calling 3 because of a loft
typically what has been done in the past when a request is to reduce the screening as part of special use permit requirements the board asks for pictures from all angels to make sure existing screening is sufficient
parking spaces indicated you need 37 showing 35 around Shul - Mr. Queenan there are 2 located at the house driveway
the refuse area dumpster closure right up against lot line so that will have to be moved
requesting water from Kiryas Joel - Mr. Queenan we already have water have asked for a

letter to show that
note where the connections are on the plan set
sewer existing septic shown serving both buildings, Mr. Queenan yes they will be abandoned
sewer main will be extended up Mountainview Drive to serve the property
pull the septic tank
pedestrian trail sidewalks and ADA access not sure if it is required - current gravel bath not main route access to the facility
GML 239 referral

Ms. Torre comments:
parking table sheet one should include residential
bulk sheet 3 waiver listed as 1, 2, 3, & 7 but it is actually 1, 2, 4, & 7
waiting on the will serve letter from the Village in regards to water
the board has archectural review
landscaping, tree plan
visual analysis
requires a public hearing

Chairwoman Franson comments:
need a lighting plan
landscape plan

GML review 239 wait for lightening and landscaping
Karen Arent to review landscaping
coordinate a site walk

4. **New Projects**

Action, Discussion: 4.1 **Seven Springs Subdivision** (0204-2022) SBL # 1-1-41.2 127 Seven Springs Road Monroe, NY

John Queenan Lanc & Tully
SR-10 zoning district
9.5 parcel
4 single family homes
cul-de-sac 490 feet in length
individual well and sewer disposal systems
new application
Lanc & Tully as conducted some soil testing and verified the two disposal fields are capable of providing sewer service
ridgeline overlay that extends quite a ways back on the property, as you can see the new development plan does not infringe upon that

lots 1 & 2 smaller about an acre each, 3 & 4 larger lots
sketch plan

Mr. Arnott comments:
zoning OSR-3 and ridge overlay in the rear, SR 10 in the front
all improvements are located in the SR 10
water and sewer private individual wells and septic my office will want to review perk tests
490 foot cul-de-sac width of roadway meets minor road requirements per town code
no grading proposed will need that to confirm that what is proposed meets all requirements
partial road located on adjacent lot
Mr. Queenan there is an existing 25 foot right away filed between the 2 parcels, exercising it's rights to use the easement - will provide easement
cleanup items on bulk table regarding lot coverage, building height
most of the lot is wooded EAF notes Northern Long eared bats on property
tree preservation plan needs to be prepared for the site
parking for the smaller lots 1 & 2 located partially in front yard not permitted
the EAF notes 5 acres disturbance so a SWPPP will have to be prepared
applicant has provided a net lot area calculation subtracting steep slopes and easement, need a plan that identifies the steep slopes that are subtracted
EAF shows potential wetlands need to be identified
GML 239 review South Blooming Grove boundary and Town of Palm Tree

Ms. Torre comments:
SEQRA unlisted action
GML Review also South Blooming Grove and the Town of Palm Tree
as Mr. Arnott noted the rear of the property is in the OSR3 district, spoke with Mr. Maldonado regarding any town provisions as to how to treat land within 2 different districts, he confirmed it should be treated as the SR-10 in regards to minimize lot size
right of way need copy of easement
as proposed now you would need area variances for height and lot coverage
add a note regarding the portion in the ridgeline overlay to explain what the restrictions are and have to comply with those regulations if anything done in that area
on the title sheet three is a drawings index the plans sheets listed don't match the tittles
the subdivision would be classified as a major subdivision because it involves a new road, the cluster plan is required but it can be waived if less than 5 acres 57-27(b)(2)

Chairwoman Franson comments/questions:
1)what is the limit of cul-de-sac requirement? Is there a potential for the road to be use by the neighboring property?

Mr. Queenan yes essentially we're offering dedication to the Town to make it a public road
2) we need to go to the town board to see whether they would consider accepting dedication, if not then it is a private road and has a limited number of lots, have John prepare a grading to make sure the road would meet the regulations of a town road
3)current house will be demolished, needs to remain until done with SEQRA
4) deeds and access easements
5) not ready for declaring an unlisted action need more details

Discussion: 4.2 **Rye Hill Preserve**

Jeffrey Buss Attorney
Bill Snyder Engineer

Mr. Buss:
asking town board to approve the conservation cluster floating zone for a 244 acre parcel being called Rye Hill Preserve
started the process in March and on June 6th the town board made the initial limited file finding that it was a viable project, but refereed to planning board for a more detailed examination
154 acres remain conservation easement land, deed restrictions if the zone approved and donate it to an appropriate 501c3 organization
a portion in the conservation zone the town has requested be set aside for an active recreation area to be developed by the town active recreation area to be developed by the town
we are proposing two athletic fields, parking area for approximately 75 vehicles which would have an impervious surface so it wouldn't create stormwater runoff issues, there is also an area for an amphitheater, the rest of the conservation area will be limited to hiking trails and some bike trails this would all be open to the town and residents as a public space
the formerly know Shea Property where we are proposing 191 townhouses, the idea behind this zoning it that rather than built developing and building over the entire property that you cluster the residential project in an area that you can return to the public as open space.
This is not a normal site plan or site plan application before the planning board, it's merely part of the zoning request, it id an interactive process where we relay some information to you, get comments and try to accommodate both the planning board and the residents in developing something that makes sense, within a 60 day period under the new zoning for this to return to the town board with comments from the planning board.

The other 2 areas of the project are the apartment buildings the smaller will have 100 apartments and the larger would have 200 apartments in it and it would be a blend of one bedroom and two bedroom units. There will also be affordable workforce housing, which is defined as housing that's income restricted but income restricted to less than a hundred

percent of the area median income, it's not low income housing it is workforce housing.

Chairwoman Franson that is required by the CCR zone

Mr. Buss we became aware of this property when the Town posted online requesting developers to view the property. We are trying to match what was actually approved in environmental impact based on that draft and we are trying to comply with what was envisioned, the townhouses are where the apartments were and the apartments are where the houses were, those are the major changes. There is a 4 page referral and there are a number of items in the paperwork that have already been addressed as we have been working with the Town board since March. We have given 3 proposal to the town board and in May the town planner sent a 27 paragraph comment letter to the town board, we responded to that on June 1st letter. One item that needs modification is the 40-foot height requirement, the apartment buildings were over that as we were proposing underground parking we had to elevate the buildings. We redesigned the roof for more architectural features to be added as requested. A couple of other items to look at from the Natural Heritage program and assessment impacts on species other than the Northern Long Eared Bat, no tree cutting from April through October, needed to finalize the trip generation assessment we have Creighton Manning working on that.

Chairwoman Franson reviewing (on screen) the plans that were in the EIS and FBIS what was anticipated where the apartment building is now it was expected there would be 124 town homes and than along Rye Hill Road a combination of townhomes, apartments and senior housing. On a scale of things it is very different being laid out, I haven't done a full comparison but which is better from a community character perspective, that is something that needs to be evaluated and then determine the SEQRA studies that need to be advanced. Another item to be resolved is the amount of units one shows 491 units and another shows 475. You touched upon the habitat and species, when you do these analysis it's not just looking at specific studies that come from a natural heritage program, but getting out to the site and overall taking a look to see what is there. Regarding traffic study we just want to make sure that whatever you're evaluating is taking into consideration any of the other projects going on.

We will place this on the next agenda giving us more time to review the documents and have our complete reactions and recommendations, ultimately it's not our decision whether the zone lands here it's the town board's decision, but it is referred to us for recommendations and critiques, which is what we will send back to them for their consideration and if zone lands here then it would come back to the planning board for a complete site and subdivision application, really we are currently at the recommendation stage does it fir with the intent of the zone, is it appropriate, are the buildings appropriate, is the layout appropriate and whether there's additional analysis that have to be done as part of SEQRA.

Mr. Buss I do recall that the traffic study did include the Pallotti Village and pre and post pandemic.

Member Manson one of the items you touched on was 20% affordable housing, the CCR zone also requires 15% of the development to be senior housing although it does allow for that 15% to overlay with the 20%. Where in what you are proposing do you expect the affordable housing to be. Would they be in one specific building or mixed.

Mr. Buss we envisioned that to be within the apartments but not limited to that. They would be mixed within the apartment buildings. We will have to follow the fair hosing requirements which is for 30 years.

Chairwoman Franson relating to your comment are you getting any tax financing credits from the state and who's going to manage and ensure that if it's a 30 year obligation, who monitors and maintains that information.

Discussion on the affordable housing and who will be tracking it and handling it for 30 years. If the state is involved what are their requirements. How will it effect the taxing on the development. Will the developer talk to anybody about pilots if those are being offered by any agencies and whether it's being contemplated that would impact the community in terms of revenues from the project.

Member Manson when the CCR Zone was created the planning board also served in an advisor capacity. An EIS was done and a test site was chosen for examining the law and how it would work in a real situation. If what was proposed fell within the limit of what had already been studied an new EIS wouldn't need to be conducted. How do we know what you're proposing is within what has already been studied and tested on this site.? In particular the 40-foot building in the petition you are requesting a change to 53 foot in height, does that trigger another EIS and are there other areas of what you're proposing either exceed possible or right up against the limits of what was tested.

Mr. Buss we are working on reducing the height to within the 40 feet.

Open discussion regarding the 40 ft height of the building and its compliance in relation to the neighboring areas. Requesting some additional visual evaluations of the effect of that scale of massing and the effect it has on its neighbors.

Member Manson in relation to the area that's going to be set aside for conservation one of the things that the town talked about is dedicated to active recreation, how in an area that has been set aside for conservation can you also have active recreation space.

Mr. Buss we addressed the towns request in showing where they could have recreation area, we are not constructing anything, we are compiling with the requirements and dedicate it to the town.

Chairwoman Franson in regards to the recreation area the zoning map shows our ridgeline protection overlay zone and so the ball field would be on a ridgeline, if that is the only recreational site it's going against what is otherwise allowed in the protection overlay district. Regarding the conservation areas recreation areas is there a fee in leu if your not building for each of the drawing units.

Discussion regarding recreation fees and the donating land within the 65%. There is recreational space in the community for the residents not the town.

What type of recreational items are you considering?
It is just conceptual at this point, marked spaces to make sure area is available

Member Shea spoke on his familiarity with the property. He acknowledged the public presence and their concerns about the project and mentioned what the responsibility of the board at this point.

Ms. Torre I would like to clarify the different roles here, there is the town board role as the elected board, the rest of the boards are appointed boards so you are here to follow the code of course and that guides your review process. You're not here as a representative, person or any specific group of people you are here as your appointed role as a planning board member to follow the code.

Member Manson you mentioned potential passive uses in the conservation area along the southwest border, as you approach the top of Rye Hill it comes to Mombasha Lake which is part of the town parkland area. How close does the top of the property come to Mombasha channel? Is there any opportunity for interconnectivity or are there private owned lands between them?

Mr. Buss don't honestly know the answer to that, it would be nice if we could to add trails connecting the two.

Member Manson we are familiar with the area connected to the project in many ways. At this point we are in an advisory role to the Town board in their consideration of the petition and that's merely our function as a representative of the town and its citizens.

Member Thau you mentioned earlier about the 20% of affordable workforce housing and 15% senior housing for 55 and older, are these homes intended for private purchase or rentals.

Mr. Buss it is our intent right now to have the apartments as rentals and the town houses for sale, but that is subject to change with the market at the time.

Mr. Arnott one topic of concern without getting into the technical topics there is a concern regarding water for the project and it is adjacent to an existing town water district, so I am suggesting they get a meeting together with their engineer and the water department for the town to discuss that topic.

Mr. Buss yes I agree as you get into the materials more you will see the zoning for the conservation cluster zone says that to extend possible we're to use the municipal water system and sewer system. There is a water main that goes across the property, there is one portion of the property that is not included and we would have to petition for that water.

Chairwoman Franson it would be useful to show on the map what is emergency access and what is full access, also to discuss are the roads going to be private or dedicated. There is connection between some of the roads and neighboring subdivisions also showing state and town roads. Would also like to know the limits of disturbance and the boundaries. Are there going to be retaining walls.

Mr. Buss connection to Prestwick would be emergency access only. Just received a draft traffic study which will be submitted to the board for review.

5. Minutes

Action, Discussion: 5.1 January 13, 2022

Action, Discussion: 5.2 January 19, 2022

Action, Discussion: 5.3 February 10, 2022

Action, Discussion: 5.4 March 10, 2022

Action, Discussion: 5.5 March 15, 2022

6. Adjournment

Action, Discussion: 6.1 Adjourn Meeting