

Town of Monroe Planning Board Regular Meeting MINUTES

— 07/18/2023

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

Generated by Norinne McSweeney

DRAFT

Members present

Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Dylan Penn, Robert Garstak

Alternates:

Luis Rivera

Members Absent:

Nick Napoli

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

Applicant Representatives:

Jon Dahlgren - Tim Miller Associates

Daniel Richmond - Zarin & Steinmetz, LLP

Vince Pietrzak - Pietrzak & Pfau

Planning Board Consultant Aaron Werner AKRF via Zoom

Chairwoman Franson - addressed Ms. Torre to review where we are in the process. In receipt of a second DEIS that was to consider the initial comments regarding completeness on the first round and what is the time frame and where we are now.

Ms. Torre Comments:

- the applicant submitted a supplementary revised DEIS at the end of June
- the consultants have all reviewed the document within the 30 days under the SEQRA regulations for additional or supplemental comments. All of the consultants did submit revised or updated memos addressing whether the applicants responded to their comments in whole or part raising any additional completeness issues.

Mr. Werner - reviewed the submission of the DEIS and the comment sheets from all the consultants submitted to the Planning Board. There are 6 consultants including his company working in this project. They all have different areas of expertise AKRF has coordinated the comments and made sure there's nothing contradictory to each other. The way we structured these comments was to include the comments from last time which was March 2023 when we did the initial review, we included those comments in the record and then below each one we noted if the revisions were addressed or not. We'll likely continue that chronology in the memos because I think it's helpful as we proceed, but overall the applicant did make a lot of progress on addressing some of the comments that we had all of the consultants too it's just that there's still some missing information there's even some acknowledgment of that by the applicant in the document saying that to come or leaving placeholders in various places so we still determine that it's an incomplete. We're directing them to resubmit based on the latest round of comments for a subsequent 30-day review and just to note that the AKRF memo includes the traffic study comments that we did get a little earlier at the end of June those were sent around separately so we incorporated those into the AKRF memo as well so they're in two places, but we did get a head start on traffic and I think it's in pretty good shape on traffic. The applicant can feel free to have Creighton Manning reach out to our traffic engineer for offline discussions on making sure that those are getting addressed. That also applies for all the other comments they were willing to meet with the applicant team to make sure we get these comments addresses and satisfactory matter for completeness.

Chairwoman Franson - addressed the applicant verifying that they have comment letters from all the consultants.

Mr. Richmond - reviewed that they have the consultants comment letters (6) and that they have commenced the process of reviewing them. Some comments we have questions on, some questions about whether they may go exceed the scope, whether they are beyond the initial comments in the DEIS, any further comments SEQRA requires to be limited to what was in the initial scope. Then there are just some substantively questions we have. We appreciate Mr. Werner offer to discuss with the consultant team and meet with us. We are asking if the consultants can provide their comment letters in a word document to us so that we may index them. We'd like to prepare a letter to submit to your board to respond to which ones we understand we'll address which ones we need clarification which ones we think again may go

beyond the scope maybe more substantive comment on the DEIS rather than a completeness comment and then we would like to take AKRF up on their offer and then if each of the Consultants could also be made available to our respective Consulting teams to answer any questions so we can keep moving this and get towards completeness.

Chairwoman Franson - can you put together a memo that first indicates what you think is substantive and could be deferred, what you think goes beyond the scope, and I know there is those new regulations about introducing new comments. Address the memo to the Planning Board for their review prior to the consultants to look at it and decide which we can defer which we agree with so we're most interested obviously in those that there's question if we're on the same page in terms of our interpretation of something that substantive versus something that's completeness comment and then we can go over that and that's kind of out of the way and then the items also after that the items that you need addressed in the revised DEIS can be addressed.

Mr. Richmond - so it's precisely for that memo that we're looking to put together so that's why we were asking for the consultant comments in word.

Chairwoman Franson - okay from my perspective I don't know that there needs to be a lot of back and forth with the Consultants right now except for if something's unclear in the comment letters or memos, because this is now you telling us as a Planning Board what you think right now in your opinion can be deferred to substantive Etc.

Mr. Richmond - our goal Madam Chair, we understand your submission deadline for your August meeting is next Thursday we'd like to put together a memo letter to that effect so again if we could get those Word documents as soon as possible we can start working on putting this together and in terms of reaching out to the Consultants are you asking us to hold off until we get this letter together or can we reach out to Consultants.

Chairwoman Franson you can reach out to them, but in terms of who's going to and we'll get their input on what they think can be deferred ultimately we're going to decide what can be deferred or not so that's why I just think it's important that communication not be a matter of you know having back and forth with the consultant but that really should be with us.

Ms. Torre - perhaps if there's something where they the applicant might benefit from some clarification from the consultant in order to then respond certainly I think you can reach out to that consultant. Just a comment too about whether things potentially be on the scope of the initial comments there was certain sections that were really not complete in the first round of the the DEIS so if things then were added in there of course might be additional comments just because it's new information that wasn't originally presented not beyond the scoping document of course but just right.

Chairwoman Franson - in other words exactly because it was incomplete and now they're comments on that's not really I think in terms of new comments or I wouldn't consider those new comments it's now just now based on the review of what was submitted that hadn't been understood.

Member Manson - Notes from DEIS

2-3 - so if the zoning amendment for parking isn't adopted, there will be 40% more parking?

2-7 - para 2 - general statements about energy efficient systems and fixtures as well as possible energy saving infrastructure. Sounds good but where can I find the details of what is being planned or reviewed for use in the project?

2-8 para 3 - should be Orange & Rockland Utilities Inc

Figure 2-1 - Nininger Rd is identified as Dunderberg. Also map doesn't show Larkin Dr which is a significant road in relation to the project area

Figure 2-2 same comment.

Figure 2-4 color key should be included (what does each represent?).

3-15 - table reflects building height of 5 stories. Isn't it 4 stories with a subterranean basement level?

Figure 3-3 - #9 should be Homewood Suites as per the narrative.

Figure 4-1 key to soil types

Figure 4-3. Will graded slope in the Woodbury parcel be all grass or will trees and shrubs be added back.

8-3 - acronym SMP used without explaining abbreviation

Figure 8-2 - How does the SWIPP take into consideration the storm water practices in VMG?

9-8 - reference to 2 hotels proposed at Woodbury Commons. Not represented in Figure 3-3 under proposed hotels. Also should be considered as part of Hotel feasibility study - Appendix K.

9-21 - for proposed changes - possible to provide illustration to show the improvements?

At what stage in the process of approval at we at for Daj Blvd extension and Chust Rd?

9-31 parking assessment in Appendix E of TIS not provided.

11-2&3- discussion of KJ Public Safety. Should KJFD and Ambulance service be discussed as supporting the project as well. Certainly Hatzolah would respond to any emergencies involving Hasidic patrons.

11-9 para 1 - Villages should be Town's

12-16 para 6 - reference to Village of Monroe and village services - should be the town
Less than half of the square footage of the building is leasable space? Pg 12-20 last para states 125 square feet.

Figure 15-11 - not updated to show proposed vehicular entrances from VMG.

17 - 2 phases project 135 workers but fiscal analysis projects 325 FTE of jobs created during construction.

Appendix L - census page 2 of 4 - 4 bar charts with no legend or labels to indicate what the bars represent.

in reading through some of the stuff in that section and the fiscal analysis I was really interested to see just how many people come into the Town of Monroe to work, how many people work in Monroe and how many people who live in Monroe leave the Town of Monroe to work and that it's a really small population only less than 700 people who both live and work in the town of Monroe and there's a real possibility that this facility will give more people an opportunity to live and work in the community that they live which is beneficial on so many levels.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion Planning Board deems DEIS incomplete.

Motion by Jeff Manson, second by Pat Shea.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Dylan Penn, Robert Garstak

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

David Kenny - Snyder & Snyder
Vincent Xavier - Homeland Towers

Mr. Kenny last meeting public hearing was closed.

Mr. Arnott Comments

- drainage issue discussed with Tectonics and Mr. Xavier that the drainage matched the pre-existing conditions as best as possible while trying to minimize the amount of trees that are disturbed as part of the proposed driveway access. Tectonics did exactly as we discussed and at this time I don't take any exception to what's propose on the latest plan set.
- There are a couple of minor items but they have been incorporated into the conditions.

Ms. Torre - reviewed the resolution

- clarify the length of the driveway 1230 feet
- second comment is a typo should be remote radio head not ratio head
- ZBA decision will be attached
- date of Mr. Arnott's latest memo to be added
- number of trees to be removed added to the site plan

discussion regarding the height of the poles branches start level at 40% or the 50%. 45 feet was agreed upon by applicant and Planning Board members

Mr. Kenny - started a conversation regarding using socks versus wraps on the pole newer technology needs the wraps colors the antenna. Full description was inaudible. The socks are no longer being accepted due to 5G networks that the wraps are the newest things and do the same. It camouflages the equipment to look green against the poles. The only difference between using the socks and the wraps would be the texture that's on the actual fabric of the socks that mimics the pine needles.

Mr. Xavier - make part of the condition of approval have the color of the wraps or the antennas to be approved by the the Planning Boards engineer and you know we can make it match the approved color of the needles as best as possible.

Chairwoman Franson - do co-locators come back to us for approval?

Ms. Torre - your conditions your approval does require that any future co-locations not defeat the stealth technique. So whether it's submitted to the building department or it comes to this board they can't propose something that's going to be outside of this.

Mr. Xavier - if we do the wraps the bigger part to maintain the stealth design as part of our design is now is to ensure that the antennas stay within the diameter of the branches you'll see some faux trees that fail because they let the standoffs in the mountains be bigger than the branches and they stick out it doesn't matter what color or wrap you put on the antennas at that point they stick out so as long as you can put it explicitly in the condition as well that all antennas stay within that diameter of the branches and be color matched to the branches I think is the best way to maintain the stealth design.

Ms. Torre - right now it says that antenna's, main distribution boxes, brackets, mounts, antenna frames, visible sections of cables and other Tower mounted equipment shall be color matched and placed within the branching scheme and covered with antennas sleeves socks to provide blending and then it says all such equipment and Rh unit shall stay within the radius of the branching scheme.

Mr. Kenny - all we're looking for in that revision is just to change the word socks to concealment wraps.

Chairwoman Franson - how about we do sleeve slash socks slash concealment wraps. Who knows someone may have some other technology that they'll put something else in.

Mr. Kenny - that's fine with us we we don't want to prevent someone from using socks we just want the ability to use the wraps because otherwise it downgrades the antennas.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the resolution of approval Homeland Towers 205-2022 as amended this evening.

Motion by Chairperson - Bonnie Franson, second by Robert Garstak.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Dylan Penn, Robert Garstak

Action, Discussion: 2.3 **Summer Crest LLC** (0213-2023) SBL # 3-3-12,3-3-15.2

Applicant Representatives:

Jonathon DeJoy - Catania, Mahon & Rider, PLLC

Tim Mitts

Mr. Mitts - I would just like to make a comment I want to first thank you Norinne to make sure that I was timely on getting everything to you. We handed up a set of updated plans from the surveyor with the measurable Wetlands markers, I believe that the engineer had asked for those, on the day of submission and then I obviously I got a little nervous with the list of items and the two folks over there, referring to the Planning Board Consultants, took their time off their regular schedule and gave me a freebie of a zoom meeting to hash everything out and hopefully we bring this close to a conclusion so I just wanted to state that for the record.

Chairman Franson - we are aware of the the zoom conversation so thank you to our Consultants because it always helps in terms of clarifying what we're looking for. We did receive the survey my only comment there was I don't know if there is a version that's stamped and signed with the seal.

Member Penn - they have to sign and date the stamp to ensure it's stamped and sealed after the proper revision, because otherwise it could have been signed after one revision and stamped in a different place and there's no way to verify that.

Mr. Arnott - I'd suggest that be updated so that this signature is over top of the seal. I think a revision in my opinion is necessary just because I think it'd be helpful to have each building numbered on the survey.

Mr. Mitts - to answer that question, because it was on part of the consultants list, I did submit I guess you guys didn't get it, but there is already a survey that I have in my hand here that's strictly on eight and a half by eleven that lists all the buildings with the addresses for you so it's already been done and the reason for that is because things change and as things happen depending on the building and as we mentioned and we'll go through it in determination of the use of that building down the road it may eventually become an A and B scenario so we're strictly using numbers to locate the buildings for now for purposes of the building permit.

Chairwoman Franson - why don't you provide an overview of where we are now and then we can go over the consultant comments.

Mr. DeJoy - we received Mr. Arnott's comments earlier today and will prepare a written response, but maybe we can go through the list verbally and check a few things off.
-2 we have the survey with the numbers as Mr. Mitts has mentioned and I believe it was submitted but if not we can submit again.

Mr. Arnott - what I was thinking was that the survey that was submitted was going to be this was basically the new package so any previous stuff I thought was basically superseded this was like a replacement to that prior information.

Chairwoman Franson - it would be useful to have the numbers on the latest for reference purposes so when we go to act on it we could say buildings XYZ and we only have to look at this one map.

Mr. Mitts - it becomes busy the paper the the survey with too much information on it, because now they're going to upgrade the electrical lines where they're running under the ground where the polls are, it becomes very busy so to make it easy for us to diagram it out we use this separate sheet which is a mirror what you have to make it easy.

Chairwoman Franson - if you want just to attach a separate sheet that's the same size that has the numbers. Ultimately we're in as much as that surveys for your purposes our purposes is for the buildings for the historic appropriateness and just to know which are which but on a kind of a more detailed map.

Mr. Mitts - just so you know the building department had me submit this to them so this is what you get from the building department should have this map they kept this is a survey no what's the date on that this this is 23 that's when we got the 9-1-1 addresses added to the property. What happened is the property consists of multiple street addresses Woodland, Ronco, Pinecrest, so we went over to the highway department and in order to ensure each of the buildings and for emergency purposes we assigned we had assigned every bungalow on the property on 9-1-1 address so now the entire property is strictly Pinecrest and all the numbers you see on here are strictly Pinecrest Runco doesn't exist anymore, Woodland doesn't exist anymore because you really didn't know if you look at the map and you go there you'll see how tree the land is trying to get to things so the highway department required us and 9-1-1 has already set it up so it's for every building because not all the buildings are occupied or not if there's a fire if there's an event at a particular building the fire department needs to know exactly where to go at that moment we don't leave any as I told you we don't leave anything to assume.

Mr. DeJoy -

-#3 as far as the use goes I don't think we are even there yet right now the goal is just to get the building permits so we can start work on the buildings but you know really before they fall down.

Chairwoman Franson - there was a comment here Mr. Arnott it says could the multi-family units truly be multi-family for only one kitchen and one bathroom are located in each building? Which were the multi-family are all of the multi-family?

Mr. Arnott - they're listed there 41, 47, 49, 51, and 59. Which is straight from the applicant's narrative and then later in the narrative it states that there's only one kitchen and bathrooms so I'm just raising that as a question.

Chairwoman Franson - I don't even like calling them multi-family buildings because that suggests that's what they are?

Mr. Mitts - to be clear on buildings 41, 47, 49, 51, 59 they have a wall down the middle of the building and what I meant by in those situations only the other buildings are not that way there's a kitchen and bathroom on each side of that wall that makes it a multi-family that's how this is based on these buildings 41 has been redone already.

Chairwoman Franson - this is where it gets confusing because we can't reference a map at least this map. Located in a May 18th PDF file.

Mr. DeJoy there were 15 permits submitted to the Building Department and Mr. Mitts was able to confirm that with the building inspector today.

Mr. Mitts to clear it up here's what happened we originally submitted, when they was denied by Mr. Maldonado and sent up to this board, seven permits then Mr. Maldonado came by and took a look around the property and he wanted the additional permits for the other eight buildings he never transmitted those eight up to you guys so there's he has them I have a copy of all the the eight permits but he has additional eight permits with him that entails all these the remaining buildings and it also entails the exact same descriptions we discussed before we are repairing the siding and putting on a new roof on.

Ms. Torre - I think just to echo on that because I did see the reference to your request is for 15 units but you talk about some of the other units that might have already been repaired, this board just needs to be clear what number units you're seeking the approval for (15) but the actual buildings and what if it's everything is the same for all of them just to know exactly what

the request is for.

Mr. Mitts - 15 that's what the permits were submitted for so that in my summary follow-up to you is I indicate that I distinguish in the report for you which buildings are tongue Groove which buildings are um asbestos I also supplied in my follow-up paperwork from Home Depot the actual shingles can be purchased and replaced they're not hard to replace without minimum effect everything as I indicated in the thing is white as the pitchers indicate and the color of the trim and everything is pretty much the color of your Consultants thing (tie) but more of a reddish brown than anything and that's it that's the color and that's it the roofing is very simple it's neutral and and it's it's not something that is not of a natural nature that you would find in a brown or black a gray or something like or even a red because the the Rec Hall was a Red Roof so that's why we put a Red Roof back on it but that's all in the outline for you.

Ms. Torre - it was just and maybe it was just the way I was reading it it was hard to to just follow which ones.

Mr. Arnott - if I could just suggest you could create a chart which identifies each building what type of siding is already on it, what you're going to replace it with and what color it's going to be.

Mr. Mitts - I actually did that in my summary. There is a section where I actually said these are tongue and groove and to the extent of fixing I can't define that till we get there because you don't know what's got to be fixed.

Mr. DeJoy - so in our response we can do like a table.

Chairwoman Franson - questioned a comment regarding asbestos? Do those walls have to come down?

Mr. Mitts - no they don't have to come down they need to be sealed as long as I paint it and seal it it's good and obviously when Ben gets the file back he'll notify me of exactly what procedure he wants based on building code that I have to do that would be his domain.

Chairwoman Franson - so you're pursuing then changes to 15 buildings that need repairs prior to okay that's different so we've got to be very specific so here's what I've been struggling with these units are vacant and these units have been vacant for a long time there it's an old seasonal summer Bungalow there may be two or three buildings that have been converted to year-round use correct.

Mr. Mitts as far as I know the buildings that are currently used year-round are the ones that were year-round back when. I have no other information I even have

the 1969 survey.

Chairwoman Franson - but when you say back then in other words for some time these buildings have been vacant for a long time I'm saying the ones that are in use now sorry they have been full they have been used yes I agree with that so when you say bringing up to building code it sounds like more than just putting Roofing and repairing shingles because that use right now from my perspective it was a seasonal Bungalow community and to use it as a seasonal Bungalow community I don't know that's allowed anymore. There's two sections in the code dealing with non-conforming uses that have to deal with that but then if you're let's say upgrading it to year-round rentals then that would necessitate from my perspective a whole bunch of variances in review because that doesn't meet zoning so when you say that you're bringing it to code we don't want to go down a path of you've now invested all this money beyond just a roof and some repairs to the siding to stabilize them and go forward and and make all these improvements installing utilities Etc if you haven't gone through some process in front of us.

Mr. Mitts I get what you're saying unfortunately I don't have a choice when I say building codes it means structural building codes that is Mr. Maldonado domain and he tells me whether it's seasonal summer or anything in between there are certain codes that have to be met that's all we're doing is meeting the code because some of the walls are falling down and some of the roofs are falling down so we're just now if I want to spend my money to build them and leave them empty that's my choice I'm not addressing that issue and here's why not if you look at your historical code there's a lot more to this than meets the eye why deal with it I just want to deal with securing the buildings getting the structural part of the building taken care of if I spend a million three million I don't care and I appreciate your concern but we will have to come back for you for any uses absolutely I totally agree with that.

Chairwoman Franson - I still I feel like we have to talk to Mr. Maldonado about this.

Ms. Torre - my concern there with if having to come back the SEQRA segmentation of course that if it's part of the same action for purposes of the environmental review you can't segment that, so unless there's some permissible segmentation, but we don't you know have any discussions about that at least to this point so

that's the Planning Boards view here I think you can certainly ask the building inspector to confirm you know the use for these specific ones that are subject to this because you don't want to approve something what if it can't be used for anything and what if it shouldn't be there at all that's really the the issue here.

Mr. DeJoy we understand the use down the road and that we're proceeding at our (inaudible) and I understand the you know the the argument about segmentation but right now you know it's just really to get the permit.

Member Penn - my largest concern at this point in time is and maybe Mr. Maldonado would be able to assist us is ultimately we understand some of the buildings are beyond it just being repair and there is a structural aspect to that of which we don't have structural plans.

Mr. Mitts - actually, you don't have structural jurisdiction the building department does.

Member Penn - just from a just from a project viewpoint.

Mr. Mitts - I understand that according to the rules for historical properties and I appreciate everybody's input here the reality is that you're only concerned with the outside facade of the building everything else is not under jurisdiction here technically I think I have a right to go in and structurally fix these buildings the problem I run into or the owner runs into is making sure that when those sidings go back on that it appears the same thing that it was historically and we totally agree with that aspect.

Chairwoman Franson - but I question whether in fact you are legally entitled to fix those structures and this is why it's been vacant those buildings have been vacant now you're improving them to be occupiable again, but seasonal Bungalows aren't allowed in that zoning district and if you want to make them year round then you have to meet code now or get variances so we're almost like knowingly upgrading the buildings possibly for something that isn't going to be allowed.

Member Penn - so that's where I was looting is ultimately when you come to when you mentioned you want to bring them up to code that code may bring aesthetic differences that we would then have jurisdiction under.

Mr. Mitts - I get that but I'm only responding based on my conversations with Mr. Maldonado and limited to fixing the walls and a roof I don't think you can stop me from doing it I'm entitled to preserve the property it's an historical property and we don't want to get into uses when we talk about code we're talking about structural code making sure the building is sound that's the issue.

Chairwoman Franson - but it's not, if they're using if they're not sound now and it's a non-conforming building or a non-conforming use than where I don't know how we can go forward and allow that unless Mr. Maldonado says specifically that use is allowed.

Member Penn - I just worry without this information that we're looking for we cannot I personally along with some of my board members cannot provide a complete and thorough review of the request at this point in time.

Chairwoman Franson - I think what we want is just Mr. Maldonado to tell us that this use and how you're upgrading it is allowed because we don't hve a use and so that's at least that's my struggle and then it begs the question okay from everything that you're providing you've been looking into water you've been looking into sewer you've been looking into you've done a lot of great due diligence terrific due diligence because obviously you're not doing this just to have them not occupied you're doing this to have them occupied for some purpose and you haven't figured out what that is yet so so if and I also understand the need to stabilize them you know so that you have something to preserve so if it's just

putting the roof on if it's just doing repairs to the outside to seal the building for ultimately what you want to do but but it seems like there's more being done and so what triggered all this is when you were telling me I want to put it up the code which sounds like you know are you proposing then you're gonna seal up the walls you're going to go in there you're going to fix the flooring you might put in a kitchen you might fix the bathrooms are you actually creating units that then you're going to come back and say well I spent all this money and therefore I'm entitled to use it for rentals and and so and and so now all of that has been done now I think to some extent that you're on risk because we can say yeah but the zoning only allows single-family dwellings with a certain density and you have to have a certain lot size I've it's I don't know sort of this process feels backwards to me and and I think it's it's a property it has buildings it can be reused but I feel like we're almost putting the cart before the horse in a way.

Mr. DeJoy - I understand you know it's kind of a catch-22 situation but I think our position right now is you know we're just looking for the certificate of readiness appropriateness you know we know the the town can't be stopped if at some point in the future they turn around and say there's not right now it's you know we just want the certificate.

Member Penn - I guess immediately what I would be looking for is have you identified roof pitch roof pitch is an aesthetic aspect along with trust spacing or rafter spacing that would line up to that ultimately wasn't in the list of materials you had so well prepared that's that's my ask at this point in time.

Mr. Mitts - to explain that everything is decided by the building department I submitted everything to Mr. Maldonado and he had no objections to the papers that were submitted most except for one all the roof lines are there already so there's nothing but this is nothing more than an in-kind change it's a repair only it's not anything more or less than that to read into it is the worst thing. But I got to explain about the upgrades just so you understand Chairwoman Franson we bought the property last February the organization we have had Orange and Rockland there about a half a dozen times because the tree's falling we've got tenants up there trying to get in and out because of muddy grounds they're on propane up there the internet cables are falling down this is the purpose Orange and Rockland came to us and said we want to be out of the woods I invited the board and we didn't get a chance to do it yet and you'd understand better the original power sources the original power sources run right through the woods between a neighbor but from our property a neighbor on the left our lower property on the right right out to the street with the trenching is Orange and Rockland says okay we've had enough we want this done with they put in four new telephone poles which Mr. Arnott I know you saw when you went up there and saw the trenching and stuff what the trenching is your gas electric they're putting natural gas in electric and cable all underground all the gas.

Chairwoman Franson - was gas there? Mr. Mitts - No

Chairwoman Franson - okay so now you can see why from our perspective this is being improved for a purpose and to upgrade the it's not just about repairing and stabilizing you're

prepping it for more.

Mr. Mitts - no I'm not prepping it for more because the only houses being fed right now under the gas procedure are the houses that are existing I still have a

safety issue up there it's a very narrow road to get in and out it's an old community.

Chairwoman Franson - does the gas being run in a way that can service all those units or was it only run to service the ones that exist?

Mr. Mitts it's running down the road and they're pitching off only to the homes that are currently occupied and the only other thing that they're going to pitch off that right now is generators we're putting generators behind the bank of meters because when power goes out up there you're totally in the dark.

Mr. DeJoy - we will submit a revised EAF to reflect the siding replacement and the roof repairs. Also the septic.

- there is a discrepancy between the GIS and the survey and we would defer to the survey
- action is a permitted use we don't know that yet so that is an open item

Chairwoman Franson - anything with that property now that's in our position so we just have to do things procedurally the way we have to do it. I would just say you know I think we need to do it right and it may take a little bit of time but in the grand scheme of things these have been vacant for a long time. It just might be a couple months if you just want to get it right and we want to make sure it's the right process.

Mr. Mitts - I'm just trying to beat the winter months that's my biggest concern.

Mr. Arnott - just if I can clarify for the referral I'll wait until the applicant submits that chart with exactly what buildings are going to be included before I make the referral

Mr. DeJoy - #10 on the list I think it's right in the code so that

Ms. Torre - just jumping in there so number 10 that's the referral to the Orange County Department of Planning under GML so I think you could make that I'd say once you have that chart from the applicant so that it's clear okay what the application is.

Chairwoman Franson - so do you understand what the referral is so under New York State law because this is under zoning Provisions whenever we have an application that we have a discretionary action to take if the property's within 500 feet of a county road we have to refer it to Orange County Department of Planning that's part of the process so we refer to them once we have a complete enough application an accurate short form EAF and then we have to wait whatever the

time frame for them is 30 days to respond so it's it's something that's mandatory and they whatever their time is they take their time.

Spoke about whether it was a Type II action or an unlisted action. Waiting for the updated EAF for the determination.

Talked about scheduling a site visit.

Mr. Mitts - I would like to raise one more item we are under code 57.32 Historical Section I refer to D4 which specifically say Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any property building or structure so I think the Board needs to take that into consideration that I think that gives me the authority at minimum to go and do structural repairs to the extent it needs it beyond that I don't think it gives me authority to close up the walls put a roof on or anything like that but I think the board really needs to consider that for the safety of the property.

Chairwoman Franson - so from my perspective four is not putting on new Roofing and Siding because the whole point of this analysis and this the reason you're in front of us is to construct alter repair move demolish any property when it talks about ordinary maintenance or repair of any property it's you have a property like Rest Haven right and the shingle falls off because of a storm you put the shingle back up a light bulb goes out you put the light bulb on that's ordinary maintenance or repair of a property building or structure this specifically is where you're altering and putting new roofs on or doing repairs and putting new siding on because some of that siding is going to be brand new it's not like you and because you and because you sought the designation to be historic property that's why you're in front of us because you know if that wasn't the case then I don't know that you would be in front of us.

Ms. Torre - there is a definition too of historic alteration and that includes any change construction reconstruction covering over Etc of a property so I think that distinguishes between the ordinary wear and tear type maintenance that you discussed if there is something that is ordinary wear and tear that's a different story.

Mr. Mitts no I get that but I still got to stress to this board that I understand the process but I don't understand why the structures cannot be dealt with a period the structure not the siding not new siding going up or anything just putting two by fours up and reinforcing everything reinforcing the lines I if I now go with it with the procedure here go into September I may not have the winter to fix these buildings.

Ms. Torre - have you spoken with the building inspector about that.

Mr. Mitts - yes as far as he said it is up to the Planning Board that they can release it back to him even partially from my understanding then that it can be dealt on a partial stage deal with the structures and everything else I can't but roofs and everything up I put gutters up secure the gutters secure the walls make sure everything's structurally okay.

Member Penn - I'd like to understand the differentiation of what you're trying to do is I understand you just want to secure the buildings and in my ears and my understanding my interpretation of that is emergency Shoring PE approved emergency Shoring of the walls of

structural components of the walls to bridge the gap that you're in now of getting building permits to make your repairs and your code gaps. Is that a proper assumption?

Mr. Mitts - just to hold the walls up if the walls had to be 16 on Center wherever the window existing is that the framing let me rephrase that for you the framing that goes on the outside walls not anything inside nothing else even to the point of I mean because I know you have your Authority I wouldn't even put siding a roof on that place I would wait for your authorization to do what we need to do.

Chairwoman Franson - you're not putting in floors you're not putting in where they don't exist you're not putting in cabinets you're not putting in bathrooms you're not actually connecting to gas.

Mr. Mitts - I can assure this board and you can put my reputation on it when I tell you we're strictly doing exterior that's all we're doing and that's the way the permit is and I'm sure if you ask Mr. Maldonado he'll tell you exactly the same thing the problem that comes in here between this board and Mr. Maldonado is that you have authority on the exterior if you didn't have that exterior Mr. Maldonado could say here's the permit fix a roof deciding do the framing that needs to be corrected but that's where like you pointed out Chairwoman Franson and so many of the board members and the staff know this is the first time we're all dealing with this within the town of Monroe so it becomes a little this becomes a show and tell of everything that you have.

Chairwoman Franson - I think the reality is we're a Planning Board and so we deal with the zoning and so normally we know in our zoning that there's a non-conforming section for an example and it says if a building is demolished or is vacant or is up to a certain value and it's considered non-conforming you you can't fix it without going to the Zoning Board of Appeals so we're looking at this we can't kind of it's hard for us to separate out that you're asking for us to shore up to create something that's going to stabilize something that possibly according to the non-conforming section of the zoning says you're not supposed to so that's that's where this issue is from my perspective and that's why I think we want to just ask Mr. Maldonado because you know how can we say it's okay to shore this up or to put a roof or to put siding on if there's another section that says this has been vacant and there's no use and if it's been essentially you know in the in the shape that it's in now or it's just non-conforming we're not supposed to and Mr. Maldonado not supposed to allow you to do certain things that's where we are you know now that it's in front of us that's our thought process as a Planning Board.

Mr. DeJoy - I think it is important to keep in mind though that there could be an issue with the non-conforming use but that doesn't necessarily mean the buildings are non-conforming. I don't know as far as you know whether they could be conforming with a permitted use under the code.

Chairwoman Franson - that's a point because we would feel more comfortable if we knew

what the use was because there's use and then there's like density area bulk Etc so let's say you wanted to you know improve them because even these units that have two families aren't allowed in that zoning District so if you were saying and seasonal Bungalows aren't allowed and B and B's aren't allowed so to use or to stabilize that property for two family that's not allowed if you said we're going to take that ultimately we're going to take all the buildings we would like to use them for single family but we're going to need a whole bunch of variances you know to from an area perspective not a use perspective to me that's different.

Mr. DeJoy - and that is a possibility we're just not at that stage yet to be able to say either way what the the plan ultimately is.

Mr. Mitts - please remember too under the historical status that you guys had put in place there's additional uses to the historical that are allowed and adaptive reuse so we're not looking to implement what it's going to be to we figure out what it can be. I can't figure that out and type but the building's back together because Mr. Maldonado cannot go into those buildings and issue any permits and tell me what I can and cannot do and the whole hold up and no disrespect to you guys because you're following your Provisions is that we're held up from letting him go in because you always have to worry about the outside which I agree with because he only shows permits.

Chairwoman Franson - I don't think there's anything stopping him if you said I want to use it for this purpose to say that it can or can't be used for that.

Mr. Mitts - actually I asked him the question about that and he says it's out of my hands until it comes back from the Planning Board he's not getting involved.

Member Penn - I also don't see how just doing the siding in the roof will make it safe for entry.

Mr. Mitts - because the issue on the buildings primarily are the siding and roof because the prior owner was a little too cheap to fix a roof they could have thrown a tarp over and and saved it so the the visually you've seen the picture that Mr. Arnott had shown you that whole wall comes out a new wall comes in maybe only 75 percent of that wall comes out we won't know do we start pulling down and seeing what there is that secures the building because you've got three other sides of the building that are no problem now what happens if that wall gives away now you got three walls on the ground and why because nobody would allow me to go in Legally and put up to reinforce the structure.

Chairwoman Franson - I'm just going to say when did you purchase a property in February last February. So it's been a year that you've had it yep you know and it's been vacant and that it's existed since 1929 I guess and it's been vacant for some time our review process I don't think we can be held to it has to be done or it's going to fall apart because there was a lot of time within which it could have fallen apart you know what I'm saying.

Mr. Mitts - I get that but as it gets older obviously it gets weaker and we're starting to see give and takes with the buildings even the one that we were speaking about last time the porch that was there on the front has fallen down since last February so you haven't seen last year to this year and I get and I understand it and I respect what you're doing because I totally

agree with what you're doing especially like with Rest Haven you want to make sure at least the exterior remains what it's

supposed to be but I don't see any damage in being able to get say to Mr. Maldonado listen if he needs to fix it to secure it or whatever let him do it if that's not going to affect the outside I mean how much does it cost for lumber to throw some Lumber in there and get that thing secured that's all it's about it's not about changing the floors inside the walls or anything else like that there is a separate set of documents which is part of the seven records in which the the architect did a

design for one of the buildings and the purpose that was done was when I spoke to Mr.

Maldonado is said well if I want to fix these up even if they're back to seasonal which I think he would have no problem with I'm just saying what I think he I'm just whatever it may be it will be look at these plans and tell us what's wrong with them so we know what to change on one building so we multiply it through all the buildings the issues so like I said you an opinion no he referred it up to you because we're still back to the same position he has that but he never did on all 15 he never opinionated on any of it you know for obvious reason procedural and I get it and it is splitting hair's here I mean I get it because you worry about an outside this board I worry about the structure unfortunately they're part of the same thing to do and and to say hey go do the framing okay fix them structure them out right fine no roof no siding I get that then it gives even your board a better picture of what we're doing and what's going on there because it can also be tied to a process a schedule in other words up top which is the two buildings I would do next that we have a permit in for that says we want to just fix the siding fix a structure on the building and put a new roof on again the same stuff you guys have already and Mr. Maldonado and those are the only things one site that has to be fixed but now I got one side pulling the other side and that's where the thing and unfortunately when you got 20 buildings you got a recall you're redoing units I thought a year was enough trust me and these are pre-existing you know these aren't like you're building from the ground up so that's the only concern that's the real concern I have I don't care if I get to a start an end point and say this is where you got to stop as long as I feel comfortable that building's secure that when you come a month down a road two months down the road you say to me Mr. Mitts you're going to use tongue and groove on that house you're going to use this paint you're going to do this route that's fine I don't got to get all that way and in fact it doesn't make any sense I think it's more urgent for me to send crews in there to shore up the buildings than it is to worry.

Chairwoman Franson - even if you siding (inaudible)

Mr. Mitts - I understand that but that's part of your process still so I can't ask you to say to me you hey let me put a roof on even though you haven't approved it yet but I have no problems leaving it exposed for a couple months it's not going to do much to the building but we know it's secured at least that's my biggest fear security.

Chairwoman Franson - our next steps are Orange County has to go up to them we'll get the Matrix from you and once we have that information we will go out for a site visit.

3. Minutes

Action Discussion: 3.1 October 18 2022

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to approve the October 18 2022 minutes with corrections.

Motion by Chairperson - Bonnie Franson second by Pat Shea.

Final Resolution: Motion Carries

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

Abstain: Dylan Penn

Discussion: 3.2 April 13 2023

Held Over

Discussion: 3.3 May 11 2023

Held Over

Action Discussion: 3.4 June 8 2023

Action Discussion: 3.5 June 20 2023

4. Adjournment

Action Discussion: 4.1 **Adjourn Meeting**

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to adjourn the meeting.

Motion by Jeff Manson second by Dylan Penn.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson Jeff Manson Pat Shea Dylan Penn Robert Garstak

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