

Town of Monroe Planning Board Regular Meeting MINUTES

— 08/15/2023

Town of Monroe Planning Board Regular Meeting (Tuesday, August 15, 2023)

Generated by Norinne McSweeney

REVISED

Members Present:

Chairperson - Bonnie Franson, Jeff Manson, Nicholas Napoli, Dylan Penn, Robert Garstak

Alternate Members Present:

Lou Riviera

Members Absent:

Pat Shea

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 **BJ's Site Plan** (0200-2021) SBL # 2-1-30, 2-1-21.3 Larkin Drive
Monroe, NY

Applicant Representative:

George Lithco - J&G Law, LLP

Pat Smith - RD Management

Member Manson recused himself and stepped down from the dais

Mr. Lithco Overview:

- continuing to work with O&R for the letter in regards to the easement
- we have gone through the title for this property and O&R has concluded it has sufficient easements to protect its transmission lines it does not need a further easement.
- we are showing the easement area that they want to protect on the plans, they are satisfied

with that

- there are 20 some odd utilities easements that may affect this property, the applicant does not want to complicate it with another easement
- we are agreeing to treat the property that way
- the condition that we would like to modify is number 7 which currently asks for an approval letter from O&R which they don't typically approve work that's being done in their easement area. What they do is a conditional consent letter which is basically a no objection letter.

Chairwoman Franson - one of the fundamental question I have is whether in the end we are going to have to amend the site plan. We had requested for a very long time that we get some kind of sign off from O&R either a letter or email, I'm at this point really hesitant to change any of the conditions. But I'm going to hear from the consultants and then come back to this.

Mr. Arnott comments:

- I misunderstood your letter so what you are saying Mr. Lithco is O&R will provide a letter that says they have no objection to the plan and it will allow you to continue work as currently designed.

Mr. Smith - correct what the issue was what's called a no objection letter and that's going to be signed by RD Management, BJ's and O&R. So you will get a letter what we're asking for is if we give it to you after we get the building permit because we want to get started on it right away, but we will provide the no objection letter prior to opening the gas station.

Mr. Arnott - so my concern is with timing so there's a proposed sediment trap that should be installed as one of the first items prior to any site disturbance if you don't have that letter prior to this sediment trap being constructed then essentially the site plan has to change in order to accommodate. The project has a SWPPP the erosion sediment control plan was approved as part of that erosion sediment control plan was the sediment trap installed within the easement area.

Chairwoman Franson - do they have a NOI filed?

Mr. Arnott - yes

Mr. Smith - that's not any kind of a physical construction though, right?

Mr. Arnott - it's excavation and grading

Ms. Torre - originally I thought that perhaps you could frame it where you'd require, I don't know that it would really make much of a difference from the applicant standpoint but, require that letter before starting any construction and because of this concern that it would be any construction not just limited to any construction within the easement area because that erosion control is needed before they really build, that moves the time frame to prior to commencing construction versus prior to building permit.

Mr. Smith - we have agreed to do no work in O&R easement until the no objection letter is signed, the other reason we want to get the building permit issued is O&R is not paying attention to this until they see a building permit. I am never going to get the pre-construction meeting scheduled with the engineers until they see a building permit is issued.

Chairwoman Franson - it says prior to the issuance of a C/O, which means that you will have already started construction you will have already done work it says the applicant shall provide proof of O&R's no objection letter, but that seems very late in the process to get a letter that says no objection. To me what we've been asking for all along is some kind of email some kind of letter that indicates they're okay with the improvements that are proposed within their easement area and we have yet to get that and at this point I personally am not supportive of not getting something from O&R - you've had the opportunity to communicate I have requested O&R's consent but we have nothing indicating that O&R does consent.

Mr. Lithco - you have a letter from me I have spoken with the attorney when I issue that letter she consented to my doing that.

Chairwoman Franson - but why don't we have a letter from them.

Mr. Lithco - if you tried to get a letter from O&R you would understand why. O&R Counsel is Con Ed's Counsel that office is in New York City it does a variety of things that are very extensive and they're very concerned legitimately about making sure everything is properly done there are multiple flagpoles from my experience that things go up they come down they change they modify they go back up the flagpole to make sure it's done correctly and it does take time but I would point out to you we got a representation from O&R in November that they were working on the easement.

Continued conversation between applicant and Chairwoman Franson regarding receiving documents from O&R. Trying to figure out the best way to issue a building permit without the letter from O&R, who won't issue a no objection letter without some form of building permit.

Mr. Arnott - what if the condition was changed that the building permit was issued but a stop work order was simultaneously issued and lifted at such time that O&R provides a letter.

Member Penn - last time you were in front of us I asked you to investigate O&R project Center, have you done that?

Mr. Lithco - that is the website and that is not the way to go about getting what we need you have to go through their counsel for what we're trying to accomplish.

Chairwoman Franson - I think the other thing is Mr. Maldonado would have to be comfortable with that because from an enforcement perspective he may not want to do that.

Member Penn - can you walk us through what would be put in place to lift the stop work order if issued the same time as the permit.

Mr. Arnott - so in order to lift the stop work order the applicant would not have started construction and if they had they would have to bring the site back to basically the precondition of the site and O&R letter would have to be provided that they don't object to the plan as approved.

Member Penn - that's a contingency put on through Ms. Torre based on that letter.

Mr. Arnott - I believe that's what Ashley's drafting right now to share with the board if you would consider it, the only other consideration that was suggested was if Mr. Maldonado will be okay with issuing that stop work order simultaneously with the building permit which you know is a fair point.

Discussion in regards to issuing a stop order, whether it's legal to do it because issuing it is a violation, needs to be discussed with the Building Inspector.

Mr. Arnott spoke with Mr. Maldonado regarding the stop order issuance he is not comfortable issuing the building permit with the stop work order, however he is comfortable with the conditioned building permit with clear instructions as to when the full building permit could be issued which can be easily addressed within the resolution.

Ms. Torre - how might we amend this so the first one to amend is condition number five that they requested to be deleted and that required prior to the issuance of a building permit that they had to file that amended easement. I would propose rather than deleting that just because you don't have something from O&R to amend it to say prior to the issuance of a C/O they have to file the amended easement or proof that O&R is not requiring it.

Chairwoman Franson - Reading amended number 7 prior to commencing any construction activities the applicant should provide to the Building Inspector the fully executed copy of O&R's no objection letter agreement setting forth O&R's conditional consent to the improvements within the O&R easement area shown as 135 foot wide area on the site plan. The applicant shall be required to comply with all conditions of O&R's conditional consent letter agreement within the 135 foot wide easement area as a continuing condition of this approval, in the event this condition is not satisfied prior to issuance of a building permit shall be a condition of any building permit issued that no construction activity or site disturbance shall commence prior to the Building Inspectors receipt of O&R's no objection letter.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the fourth amended resolution of conditional approval for RD Management LLC BJ's Wholesale Club Automotive fueling station and pad restaurant site as draft by the Planning Board's attorney.

Motion by Chairperson - Bonnie Franson, second by Nicholas Napoli.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Nicholas Napoli, Dylan Penn, Robert Garstak

Nay: None

Absent: Pat Shea

Recused: Jeff Manson

Action, Discussion: 2.4 **Monroe Commons** (0182-2019) SBL # 2-1-10 Nininger Road
Monroe, NY

Applicant Representatives:

Daniel Richmond - Zarin & Steinmetz, LLP

Jon Dahlgren - Tim Miller Associates

Jacqueline Cohen - Zarin & Steinmetz, LLP

Mr. Richmond - we submitted a letter dated July 27th with responses to the boards comments and the consultants comments. It is our intent to submit an absolutely complete document by the end of this month so hopefully this board can vote in September on completeness and start the public review. Again, recognizing that this is I wouldn't quite say the very beginning of the project, but we're still at a stage that allows for plenty of public input and more consultant substantive comments, but we are ready we think it's time to move forward and we're hoping this evening we haven't received any memos in response to the letter but there are a couple of items in the letter and I brought extra copies if your board would need that we'd like to go over to make sure we're on the same page so that we know exactly what we need to do to get to completeness by the end of this month.

Chairwoman Franson - addresses Mr. Arnott and Ms. Torre as to where we are in the process and what are the next steps to the path of completeness.

Ms. Torre - as far as procedure you've reviewed the DEIS and a couple of submissions most recently you determined that it was still incomplete. There were some outstanding consultant comments and now Mr. Richmond and his team submitted responses to those identifying if they think things are beyond the scope or if they're going to be submitting something in the future to address it. They're looking for direction from the Board whether the Board agree with their position on some of these.

Mr. Arnott - I only have responses to what my comments were that the applicant feels are beyond the scope so I don't know if you want me to get into the weeds yet or if you want to start from the beginning since mine are from the second letter that they have in their response letter.

Chairwoman Franson - What is the best way to handle this as there are multiple items that need responses perhaps we should focus on your responses, where you think that it should be deferred, a substantive comment, or not relevant.

Mr. Richmond - we can start with our comments to Mr. Arnott's letter and then I think there are an additional 10-15 items that we are looking for clarification on.

Again, just to make sure we're on the same page there are certain items we do think are beyond the scope or weren't in previous scoping comments.

We can start with the letter from Tim Miller Associates that you have or you know if you want to start with Mr. Arnott's comments however you'd like to commence.

Chairwoman Franson - why don't we go through your comment letter, Tim Miller Associates letter and highlight those that you believe you need some input from the board.

Ms. Torre - just to clarify too if there's any clarification that's desired from any of the other Consultants I believe we've said in the past to reach out directly to them. You've been in touch with AKRF same goes for all the consultants if there's something to discuss don't hesitate to reach out to them directly.

Chairwoman Franson - just let me know where to navigate to and if the board wants us to stop on any particular items let me know.

Mr. Richmond - here we are looking for some comment or direction

- page 3 and it comes up several times throughout the comments requesting us to confirm that the VMG connection is authorized and also that the Village of Kiryas Joel consents. I have letter actually why don't you hand it to Norinne and the Consultants can take a look at it just so that's a record and then they can make copies for us.

Chairman Franson - these are sort of like willingness to serve letters.

Mr. Richmond - yes if the board is acceptable for the purposes of confirming that the VMG connection is okay and that the Village of Kiryas Joel would be willing also.

Chairwoman Franson - are the consultant asking for more than that or is essentially this is what we've been looking for.

Mr. Richmond - we are understanding of what the board is looking for and again let's take a step back our goal is to submit a complete document by September by the end of this month so that your board can vote on completeness in September. We think this letter is adequate and meets what your Consultants are looking for but, we'd like to know now if they're looking for something other or further or if they're adequate, so we can move on to focus on other stuff.

Ms. Torre - looking quickly at the will serve letter regarding water I don't think it says that there is adequate capacity that the Village has the sufficient capacity. They talk about the capacity or the proposed usage rather I think the question would they be willing and that they're able - that there's sufficient capacity and also the sewer as well. Also, in that second paragraph it says that they're in agreement to supply the water at the required level but does that mean at the proposed capacity. I guess basically what the board would be looking for is that we understand this is their usage we have the capacity to provide that and we are willing to provide that amount.

Discussion regarding what is in the letters regarding the willing to serve water and what it can actually supply. Asked the applicant to get a revised letter with more clarity in regards to they do in fact have the capacity and willingness to provide what the needs of the project are. Possibly leave the current letter for completeness and then later get a letter as a substantive follow up comment with how are you actually going to provide the necessary capacity required. Make sure all utilities are noted as to how they will be provided for the project itself.

Mr. Richmond - Page 8 # 29 our understanding is that the crash history is sufficient, the response we got from AKRF says comment partially address additional analysis will provide in a future submission, which we read as a substantive comment on the DEIS.

Ms. Torre - we may need AKRF to clarify what they meant by that. At some points in the DEIS document itself it says that additional document or additional analysis will be provided.

Member Manson - I would suspect that the particular issue in that section 9.1 that they're talking about is provide a detailed discussion of locations with notable crash history i.e high crash locations and identify potential improvement measures for these locations if applicable. They might be suggesting more detailed discussion of the crash history, the particulars and potential improvements. I think that the other things that are mentioned there in section 9.1 what's been submitted already covers and I mean of course consultate AKRF for details on that but I think that's what they're probably suggesting might need additional analysis.

Mr. Richmond - Page 13 comment 56 & 57 demographic and economic data for Orange County & Town of Monroe - AKRF mentioned we should be addressing both the county and the town consistently. We would just like some clarification on that.

Chairwoman Franson - I think that there may be some tables where you don't need that information because you don't need the comparison - reach out to AKRF and just ask them and then if there's a difference of opinion have them submit back to us what that difference is so we can resolve it.

Mr. Richmond - page # 24 deals with alternatives, the scoping document says to provide a tabular comparison, just want to make sure we don't need to do a separate plan for each of these different alternatives. It was suggested in an earlier comment. The alternatives are 112,113,114, & 115 the scope asks for narrative description for each alternative in a summary of the comparative analysis and to the tabular form, we intend to provide.

Chairwoman Franson - typically with alternatives you would describe for example wetlands impacts and then in that table you would have no action, as of right, lesser build, and you might say you know wetland disturbances are 0.5, 0.2.3, but it's just to compare impacts of the various Alternatives whether it's financial, demographic, trips, it's a common way of showing easily what the differences are.

Mr. Dahlgren - tend to have a table comparing the general impacts such as impervious surface footprint of the building, building size so forth.

Chairwoman Franson - numeric numbers not just more or less actually. I guess that maybe that's where you're going with the discussion about a plan because to get to those numbers do you have to have drawn like a bit of a plan to know what those numbers are. Is that what the issue is or you don't think so?

Mr. Dahlgren - we'll provide a brief sketch plan for these because that's how we derive the numbers.

Chairwoman Franson - we're not asking for fully engineered plans it's just show us that you've conceptually addressed that alternative which is where you're deriving those numbers from.

Mr. Arnott - Some form of grading has to be performed though in order to make sure that it's buildable. I'm asking for in between a sketch with just boxes shown but some level of grading to understand the impacts to, for example wetlands.

Chairwoman Franson - so when you show this conceptually something that shows at least a

limit of disturbance because if you're grading out something with different alternatives there may be more disturbance in that sketch having at least the limits.

Mr. Arnott - how do you derive the limits without showing the grading?

Mr. Richmond - I think that's where we're talking about the scope doesn't require plans we're happy to do sketch plans for the purpose of assisting in the table that the scope does call for, but I think calling for full grading plans for each of these.

Ms. Torre - I think there needs to be the sketch plan you submitted there has to be some way to evaluate what's going to be in the table so however that level of detail to show that the categories of impacts what they're going to be in comparison for each one.

Chairwoman Franson - I think you could do that for completeness and then you may comment that this is unrealistic because there's a whole area that would have to be graded to so it may be raised as a substantive comment down the line if the numbers don't appear realistic I guess, but then that's kind of after the fact.

Mr. Richmond - that would be a fair

Mr. Arnott - how do you what the numbers are in the chart without knowing what the limits of disturbance are?

Chairwoman Franson - do the sketch plats at all have any topo on them?

Mr. Dahlgren - we're starting with the existing grades okay and you know to put in the parking lots and so forth these plans are going to be conceptual I'll check with our engineer about grading and whether that will be provided.

Chairwoman Franson - even if it's just some kind of sense of the grading to be able to do a limits of disturbance.

Ms. Arnott - I don't think it needs to be a one or two foot contour I think it can be a 10 or 20 foot contour so that you're not spending weeks and grading these different alternatives.

Chairwoman Franson - it's a reasonable alternative right so not like you're doing any full grading or anything but I would say again enough to say that you would have had to have disturbed an area to get to grade.

Mr. Richmond - our next question or comment is on page 25. We said that again that a site development one of the alternatives was not financially viable and then AKRF asked for additional explanation or a specific threshold of what constitutes a financially viable footprint or scale. I think that goes well beyond as we explained in our letter what is contemplated under SEQRA in terms of alternatives which are intended to be alternative analysis that meets the project the applicant's objectives I think there's ample case law which I could cite that says that economic analysis isn't part of the SEQRA determination.

Ms. Torre - I think the issue here as I understand it was that they hadn't provided an alternative that was no variance, no zoning amendment, no wetlands permit which now they've indicated they will provide. So I think instead they had said that there's no financially feasible plan so in response to that AKRF said well the scope requires you to provide this you're saying it's not financially viable then give us some more information on that but if they're going to be providing something that meets all of those requirements of the alternative but there's no wetlands permit, no variance, etc. then I believe that would satisfy them.

Chairwoman Franson - so in other words you'll provide us with the concept plan that meets those requirements.

Mr. Dahlgren - we're coming up with an alternative that doesn't require the wetlands permits and variances, so I guess this comment won't apply if we provide that alternative.

Chairwoman Franson - I was just going to say I think what you could do is you could show that right - something that doesn't require all that and then say but this alternative doesn't meet our economic objectives and therefore we don't believe this is viable - just in concept to say what that would look like you know maybe that's a thirty thousand square foot building and say, but this doesn't meet our objectives and it's not viable.

Mr. Dahlgren - I think we are in agreement that first we provide the plan that needs no variances and then that doesn't meet the applicants.

Ms. Torre - the plan that was submitted still required a wetland permit so I think that comment as I understood it in the DEIS was that we can't provide something that doesn't require a wetlands permit because that won't be an economical feasible building for us. I think if you show the plan and then explain why it's not in your goals or your objectives that's different than just not providing it.

Chairwoman Franson - I think from my perspective what you're going to end up showing is without the zoning text amendments it's going to require a heck of a lot of parking and so if you were to somehow meet the parking you're definitely going to affect overall the scale of development just to meet that existing zoning and again I think you show we can have a 400 000 square foot building or it might end up being a hundred thousand because we had to meet the parking demand and that's not feasible for us financially.

Member Manson - equally and similarly to fit within all those constraints may only allow a facility that would allow the retail use as you propose without the office without the hotel and and that becomes the reason why it's not a viable plan is because it doesn't meet though all you have three objectives technically with one building one property and maybe the what would fit would only fit one of those or two of those okay then that becomes the reason why it's not viable.

Mr. Richmond - why doesn't meet the objectives.

Mr. Richmond - I guess it's 120 and 12? (inaudible) relates to growth inducing impacts I think we set forth and we explained in the DEIS that the types of jobs that this project will create as likely to draw from the local market is unlikely to attract people to move to the area so a lot of the potential impacts including potential growth increased residential growth and associated demands on infrastructure such as water quality wastewater we think we've addressed and we're not clear what more could be added to that point.

Mr. Dahlgren - I guess one issue that we have with the comment is AKRF and the scope is looking for a quantitative assessment of potential or additional residential and commercial growth that's I think a little hard to estimate and to project because we're saying that most of the potential workers come from an area and won't be moving get additional personal growth.

Mr. Richmond - I can clarify one thing what Mr. Dahlgren said the scoping document says will quantitatively address where applicable and we just don't think it's applicable here because we don't see this having the growth inducing impacts that AKRF is.

Chairwoman Franson - do we talk about how many jobs you do estimate would be generated?

Mr. Richmond - yes that's in the fiscal analysis

Member Manson - I disagree a little bit with the contention that the majority of the employees in the new site won't come from Monroe and certainly I hope that many of them do. I think the contention that it's not going to draw people to move to Monroe because they're working there is correct I think that there'll be a limited number of jobs on site where it'll generate the kind of income that would give people the ability to move necessitate the moving want make them want to move to this area certain management level jobs might provide that but we're talking about a lot of general retail jobs, general office jobs, general hotel jobs that's the majority of the jobs there are people in this community who I'm sure will love to work there and again I hope they do because it's great for our citizens and those people are not commuting far to work so there's not a lot of pollution in the air. But I certainly agree once Monroe has provided all the employees that it's going to provide the rest of the employees are going to come from outside the area and they're going to remain living outside the area I don't think that's a tough contention but I do think that there will be the only point is I think that there will be some more of a segment of the people in Monroe who choose to work here then perhaps the DEIS suggests so far.

Chairwoman Franson - acknowledge it more qualitatively than quantitatively.

Mr. Dahlgren - correct and that's what we prefer to do.

Chairwoman Franson - so not to actually say they're going to be X number of new houses or X number but to acknowledge that there is a population base here that there will be a demand placed on employment.

Member Manson - I do think it's fair to say that there won't be a lot of new residents in Monroe generated by this development, frankly from that whole section I think you do a fairly good job

of going through each of the impacts and laying them out to the best of your ability I know right in my opinion.

Chairwoman Franson - I know one of the ways we've done it is just to say there's always trends on unemployment in the county and if you look at the county and you know that it's like a five percent unemployment rate you know you can say that means that there are X jobs within the county that are not filled and if you're drawing from the county you're not drawing from a large area or drawing from a fairly immediate area so maybe there's a way to kind of look at what the available pool may be, again I'm just trying to get you to a combination of qualitative and quantitative.

Mr. Richmond - just to be clear we're just talking about the growth inducing section I think the issues you're raising may be addressed in the physical impact section. What we're addressing is right now we have in the DEIS that they're going to be about somehow between 624 - 682 jobs created. The majority of the new jobs will be retail and service jobs. Those employees are not expected to move to the area a portion of the developments management and small proportional workers may relocate there creating an incremental demand for new Housing and Community Services such as schools, water, sewer but the project is not anticipated to have a significant growth inducing impact on adjoining municipalities. We think that covers this again what the scope is looking for and to quantify it beyond that.

Chairwoman Franson - then try and tackle it in some way, send us a redline version of how you would address it and we'll take a look at it. If you can address it in a little more detail qualitatively.

Mr. Richmond - I don't know, I mean we can address the quantum but again this the comment is that it we should have a quantitative analysis of potential new residential commercial growth.

Chairwoman Franson - I think that we're acknowledging quantitatively. I don't know that's going to ultimately be a really useful number because you just don't necessarily know. I could tell you right nw that because of the significant growth in our area there are many workers that have been brought in from the outside so we know that there's growth inducing things going on within our community right now but if I had to quantify that it'd be very difficult so I think if you acknowledge it qualitatively and again just look at what you have there see if you want to make edits and then you can send it to us red line and we'll take a look at it that's my suggestion.

Mr. Arnott comments:

- number two on page 27 requested additional geotechnical data be provided to date the DEIS provides one the existing well data log to evaluate the existing geotechnical data and

groundwater locations I'm asking for additional geotechnical data be provided to understand the need for rock excavation and blasting specifically within the building and the deep excavations on the site to understand if a blasting plan will be needed and understand the noise better.

Chairwoman Franson - what's required by the scope does it say you're required to have a Geotech?

Mr. Dahlgren - we did provide a geotechnical assessment with a number of soil borings and test bits. I'm not sure if you reviewed that.

Mr. Arnott - we got the test pits but they weren't to the elevations of and I believe you noted that they're not to the elevation of where the deepest excavations will be.

Mr. Dahlgren - correct so alternatively the assumption is that blasting may be needed and if it is needed we can provide in the DEIS the contingency if blasting is needed to prepare a blasting protocol or blasting plan that you know lists you know what requirements for the blasting on site and so forth.

Chairwoman Franson - I think you're going to need blasting is that safe to say.

Mr. Dahlgren - I don't think that's clear.

Chairwoman Franson - okay so we don't know because we don't have the Geotech.

Mr. Dahlgren - the geotechnical report indicated that they had auger refusal because of boulders there's a lot of large boulders on the site those don't necessarily need to be blasted if they're encountered in the field. With the basement excavation a lot of those if they are boulders could be just removed with a backhoe.

Mr. Arnott - there were a number of test pits that were not done to the depth of what your excavation is going to be.

Mr. Richmond - in reality until we start digging I mean we're not going to dig up the entire site at this point.

Mr. Arnott - you could do a mobile rig that can go to refusal at your required depth at this point you don't have to excavate in order to determine your geotechnical your rock depth that you're going to have to blast.

Mr. Dahlgren - I'll take a closer look at the geotechnical report but I believe that all the borings were laid out in the footprint of the building where the greatest excavation was supposed to take place and that's where the results of the depths were a bit inconclusive because of boulders.

Chairwoman Franson - I'm going to be very practical - so number one I think you can submit us maybe a memo or doing that review because I think what Mr. Arnott s saying is he did that review and he doesn't see that the Geotech or the borings were done to a depth which reflects what the grading is so if you disagree submit a memo. Number two - we have a project right now in the town where in fact the engineer that's representing you and not that he did the initial I don't think he did the original you know engineering for that project but is asking to put a whole bunch of fill on the top of a hill which would require clear cutting about what an acre of

woodland because they didn't estimate the amount of cut and fill properly so I think we want and the option is then okay if you have that excess cut it's not staying on the site it's going to have to be removed so I think from my perspective it'd be good in the EIS that says you're basing

your analysis on assuming that a certain amount of cut and fill is going to happen and if there's anything in excess it's going to be hauled off number one number two then the other issue is the blasting because we don't want a generic blasting plan we'll want an actual blasting plan.

Mr. Arnott - and just to reiterate and straight from my comments their DEIS states in quotes Bedrock is probably deeper than the required excavation depths close quotes so it's unknown at this point.

Mr. Richmond - for practical perspective I think again we're virtually very close to getting DEIS completeness to send us back to start doing more geotechnical data it's problematic.

Chairwoman Franson - I have a proposal - can you do the Geotech between so you get your DEIS completeness but you will do it before we get to FEIS.

Mr. Arnott - but then we don't have a specific blasting plan for the public to review.

Chairwoman Franson - I don't disagree I mean that's the risk of waiting.

Mr. Richmond - is the Planning Board also having a public hearing on the FEIS as well. Some boards typically do that also.

Chairwoman Franson - if we had an FEIS public hearing then that would take care of the fact that there might be new information in the FEIS. I defer to Ms. Torre. I mean that would be one way of overcoming it but I think that to Mr. Arnott's point I know we want to move the project forward but it did say Geotech and you're indicating right now there's not sufficient information but I think if we had that Geotech between now and the FEIS right so then Mr. Arnott can issue substantive comments on it as part of the FEIS before the FEIS is submitted so that we reserve the right to have additional substantive comments on the Geotech we're not trying to string out the process we just want to make sure we have the Geotech before the FEIS issued.

Mr. Richmond - that's why I'm saying that I mean wouldn't the Geotech be part of the FEIS.

Chairwoman Franson - ultimately it will be but I don't you to submit the FEIS with the Geotech. I want to be able to get the Geotech before you even prepare the FEIS so that if Mr. Arnott has comments those are part of the comments you have to respond to in the FEIS that would keep the process moving.

Mr. Dahlgren - I'm not sure how long it'll take to schedule eight weeks right six to eight weeks and then to prepare the report we're talking probably three months which is you know quite a bit of time.

Ms. Torre - the comment though has been part of the scope - Mr. Arnott raised it in his first round of comments so it's not anything new.

Mr. Dahlgren - back in February we talked about the geotechnical report we knew we had to do it we had a geologists prepare this geotechnical report a lot of borings and test bits were done they were inconclusive in certain areas but a lot of work was done in borings.

Mr. Arnott - I understood it just wasn't deep enough.

Mr. Dahlgren - so you are suggesting further borings in the area of the building foundation.

Mr. Arnott - I'm suggesting that the borings be completed to all required excavation depths so if if you believe that they're already done then respond that way.

Mr. Dahlgren - #10 page 28 I believe we provided those pre-development peak flows let me confirm

Mr. Arnott - I could look into it but maybe it's a typo

Mr. Richmond - page 30 number 21 the request that we get correspondence from the Orange County Sewer District as we noted in our response that's not required by the scoping document the scoping document just talks about the identification of available capacity which we will do.

Mr. Richmond - we have several comments on CHA's comments beginning on page 31.
- for example I mean it's not numbered the comment partially addressed at gravel access road associated with the well has been identified - the applicant is proposing again it's our view there's nothing identified there that's missing to extend it's a substantive comment I mean I'm not sure if it's even that but we just want to be clear again at this point there's not that we're not leaving anything outstanding.

Chairwoman Franson - what's confusing it says comment partially addressed so it says you did address the gravel road is there anything else that would potentially disturb the wetlands let's say during construction or at some other time. I mean I could look at it as if that's all you've disclosed that's all you can do.

Mr. Richmond - the comment that we are responding to is previous was does not mention the gravel access road for well drilling right and now we addressed

Ms. Torre - it went on to say or the new water supply wells because that was before I think you changed to Municipal Water.

Chairwoman Franson - so if it's municipal water now you're not going to be putting you're not going to be that may be drawing down from the wetlands perhaps that's what it is.

Ms. Torre - but I think you could reach out to Mr. Tompkins just to clarify.

Mr. Dahlgren - there are a number of comments from Mr. Tompkins that I guess we should clarify with him because they're.

Mr. Richmond - but I think it's important to bring to your board's attention because again we are trying to get this to completeness by the end of this month that you know many of the comments in from

him from CHA in our view are ambiguous don't you know like forsake common partially

addressed but then don't point to missing information so we'll talk to him but Chairwoman Franson - I think just to have that conversation I mean if it's useful and you want one of our Consultants to be on perhaps that can be arranged so you're all hearing like Ms. Torre or Mr. Arnott our regular Consultants.

Mr. Richmond - there are others saying partially addressed - for example on page 33 where we say the original comment was proposed wetland mitigation area so discussion regarding conclusion that there was no option to avoid or minimize and then when we on resubmittal the comment is not addressed avoidance or minimization of direct impacts to on-site wetland let's briefly discussed what page you on page 33.

Chairwoman Franson - the option to avoid or minimize a direct impact it seems to me he's saying what is the reason or why can't you avoid or minimize a direct impact was sufficient documentation was provided to substantiate any effort to reduce the impact.

Ms. Torre - the scope says provide all necessary data to support a conclusion that there's no option to avoid or minimize the direct impact. So I don't know what data was provided or what you know he might be looking for there.

Chairwoman Franson - well the other way we can handle this is that's your position and it's going to end up being raised as a substantive comment I guess.

Ms. Torre - that I think as there's a new type of data and he's saying the data is insufficient I think it could go either way right because as the scope requires all necessary data which would be a completeness issue.

Chairwoman Franson - but you could also raise it as this is a significant impact but that hasn't been mitigated because there's no information provided to support the need for the impact. I don't know we're just trying to see is there a way to address it as a substantive comment because there is a fine line sometimes and I don't think SEQRA requires you do the best that you can to have a complete document but sometimes things do get to substantive review.

Mr. Richmond - Madam Chair I mean SEQRA guides by a rule of reason that specifically says you don't study every conceivable impact every conceivable data point in the regulations themselves say that in DEIS is meant to be something that's readable by the public and not encyclopedic.

Chairwoman Franson - so I think from my perspective I could look at it and say you indicated that there's going to be x amount of impacts to the wetland and I may argue well that's a significant adverse impact because you haven't mitigated it and then you're going to have to explain why you didn't mitigate it. So you can turn that around into a substantive comment I think because we'll then argue there really isn't any substantiation of why you need this impact if you could do it differently and that becomes a substantive comment.

Chairwoman Franson - are you going to do another comment letter?

Mr. Richmond - I don't think we're going to be doing another comment letter I think our

intention is to finish the DEIS for completeness so I mean again if there are specific issues that we can run through I think we earlier talked about there was one specific narrow issue maybe run by some language but um you know we've got limited time and resources that we want to devote to this.

Chairwoman Franson - this is still going to go back to the other consultants for their review because it's going to be a DEIS completeness review - at that time we can ask them when you submit your memo indicate what you're going to raise as a substantive comment if it wasn't addressed versus what you think has to be addressed.

Mr. Richmond - comment page 37 this is from Weston & Sampson a little hard time on it understanding their comment except today I understand from Mr. Dahlgren and maybe you can explain in a little more detail that he's asking for a level of groundwater analysis that wasn't required by the scope and again because we're going for public water doesn't seem to be relevant at this point.

Mr. Dahlgren - when the scope was initially prepared we were proposing wells and groundwater supply and groundwater and its potential effect on the local aquifer and possibly other wells was a relevant issue right now we're proposing public water supply so we're really not drawing from the aquifer and so assessing aquifer conditions really doesn't apply with the exception of our potential impact to for water quality to the aquifer and that we see is relevant in terms of potential spills runoff that sort of thing from the development but other than that to study the groundwater levels.

Chairwoman Franson - were you proposing wells in the very beginning and then you switched to municipal. I think that was a project change and I don't think we can ask Weston and Sampson given that change what isn't needed any longer because of that change. I think you're right - I think a lot of these analyses have to do with assumptions that they would be on water on individual water supply there at the site correct so I think we can have Mr. Arnott follow up.

Mr. Dahlgren - again we do think that there are a couple of comments at the end of his letter related to water quality groundwater water quality and recharge and how the storm water will affect the wetlands and that's sort of related to groundwater too.

Mr. Richmond - our next comments or series of comments have to do with Ms. Arent's letter on Landscaping which starts on page 52. First three comments are either site plan issues or substantive issues on the DEIS and not appropriate for a completeness determination not required by this it doesn't point to anything missing per the scope.

Mr. Dahlgren - I could add with our last submission we did provide a much more detailed landscaping plan and I think may have addressed a bunch of these comments including how many trees are going to be removed versus how many trees it planted so we have tables now on the landscaping plan that provides that information a change in narrative in the DEIS to

show correct.

Chairwoman Franson - you're sort of addressing it then and then I think to the extent you're not then that becomes a substantive comment - we'll say we want more rain gardens or more whatever it is - that would be one approach because this is your proposal as far as green infrastructure and then the substantive comment would be you need additional or whatever it is that the comment is.

Ms. Torre - does the DEIS identify do any green infrastructure or if you're saying you're not proposing anything maybe just specify because I'm just reading her comment says that there was no the scope does say to describe what she's quoted there so if you're not proposing anything relevant maybe just say that Mr. Dahlgren - we will provide a discussion of some green infrastructure and provide that so we'll address that comment.

Chairwoman Franson - again the Landscaping plan has been updated to include some of those measures.

Mr. Dahlgren - not green infrastructure but so they're things like solar panels and car charging EV charging stations that separate that's a different comment but as far as the landscaping plan with plantings and a number of trees planted and where that's been addressed but we will talk.

Chairwoman Franson - you might say you know we're meeting whatever New York State DEC storm water management guidelines require in terms of meeting at Green infrastructure and then beyond that we're providing other types of green infrastructure you know but for whatever you know provide the reasons why you might not go beyond that because I think don't the storm water guidelines require a certain amount so somehow there has to be something integrated to meet that requirement in the SWPP.

Mr. Richmond that concludes our comments.

Chairwoman Franson do any board members have any comments or questions.

Member Manson - just a couple of things I think a number of my observations really relate to site planning and hold off on those but there were a few things so the transit routes the landscape plan the architectural are all part of the DEIS correct that they're all supplemental to.

Mr. Dahlgren - that's correct the plans really are part of the DEIS as well.

Member Manson - some things in relation to the landscape plan on the East end of the building there's a little parklet and something that refers to stairs nature walk stairs it's unclear from the plans or from anything I remember in the narrative what nature walk that refers to but it goes off property and I'm not sure where that where do those stairs lead you to what does that continue to what's being really proposed there with this Nature Walk.

Chairwoman Franson - it is part of Village of Kiryas Joel sanitation property now it was part of

Lake Region.

Member Manson - again I think we just need a little clarity on what that nature walk is going to be. In relation to your transit routes the legends a little unclear and I don't remember anything from the narrative that clears us up for me but it references three things - a city bus route a village transit bus end route and a village Transit WC route. So when you're referring to city bus route I'd like to know are we talking about buses coming up out of New York City what line when we're talking about Village Transit routes are we talking about the Kiryas Joel bus system and I'd like to get some kind of understanding about the difference between what is a bus end route? What is a WC route that's just all unclear. I've got a number of questions in relation to the architectural but the only real comment that I think I have in relation to the DEIS. The architectural that were submitted is what the internal layout isn't just conceptual but what it's really intended to be in the hotel section I thought I counted 75 rooms on the plans but I seem to remember 30 something in the proposal being for the hotel. So that's just a little unclear to me are the plans quite not accurate does the narrative not line up how many rooms will that be that needs to be balanced both in the visuals and in the text.

3. New Projects

Action Discussion: 3.1 505 **Forest Street** (0217-2023) SBL # 1-2-38 505 Forest Street
Monroe NY

Applicant Representative:

Joel Mann - Brach and Mann Associates

Mr. Mann overview:

- small lot next to Mikvah - school property last parcel on the street
- existing use was a single family home
- proposed use is for offices for the school
- this property is located in the LI Zone
- current use is a nonconforming but the proposed will be a conforming use with non-conforming setbacks
- technically it is currently non-conforming in many areas we are proposing to bring it to conforming as much as we can
- currently small house on a small piece of property
- currently no plans to change small house they want to use the existing house and do as little as possible
- what is fastest and easiest way to move this forward for office for the school system might need to go to the ZBA
- as part of the submission there was a bulk table showing the required existing and proposed
- this property has no parking there is actually no need for parking as the employees will be using part of bus system

Chairwoman Franson - the existing building is what you are proposing to use for the offices - not for educational purposes.

Mr. Mann - for employee office spaces associated specifically with the school

Chairman Franson - are you proposing to merge the Lots. I'm just trying to think in terms of what might help if there's reduction of variances.

Mr. Mann - not yet the problem is that there are different boards ownership I believe there are different deeds as well. Can only merge when under the same entity that's one thing and the second is we want to do the minimum possible.

Chairwoman Franson - you are before us because the building inspector referred you to us.

Mr. Mann - yes because it is in the LI district which needs site plan approval.

Mr. Arnott comments:

- as Mr. Mann noted there are a bunch of area variances that are going to be required so this needs referral to the ZBA

- the next big thing is regarding parking in my opinion the parking doesn't work as all spots are going to need to back out onto Forest Road so one alternative that I'll propose the ZBA can grant a variance for shared parking with the Yeshiva building 57-51 (G)

- with regards to the property that's located within the right-of-way from 25 feet from the center line of the road so my suggestion would be that the applicant offer that for dedication to the town so that the town owns that portion of the property below the street.

Chairwoman Franson - is Old Forest a town road or is that a private road

Mr. Mann - town to the cul-de-sac. I will double check and get a clear answer.

- EAF that was submitted was not prepared on the DEC website so if you could have that updated

surprising yeah and then it will have to go to County Planning because it's within 500 feet of 17M

- then we should discuss SEQRA with Ms. Torre

- I missed the tree preservation law depending on the parking and the extent of the improvements if there's any clearing proposed you'll have to prepare the tree plan

Ms. Torre - so the only additional things I have are SEQRA would be a type 2 as reuse of a residential or commercial structure that's a permitted use

Chairwoman Franson - of office thousand square feet building footprint 1100 probably fit non-commercial non-residential facility less than 4 000 square feet that would be the type two

Ms. Torre - it wouldn't fit that one because they need variances but it would fit I think for reuse of a residential or commercial structure that's permitted under the zoning.

Chairwoman Franson - quick question if it's 4 000 square feet if it fits that threshold but then it says something to effective and provided it meets other controls so

if it needs a variance it no longer is a type two

Ms. Torre - because it fits under category there are some categories for for certain variances far as the variances and if they're going to be changing the parking that additional provision we discussed a public hearing would be discretionary because it's just for site plan not special permit.

Chairwoman Franson - we will need an updated survey

Mr. Mann - I didn't do that yet as I was looking for some direction from the Planning Board. Do I get a referral from you to the ZBA go back to the building inspector or go directly to the ZBA?

Mr. Arnott - I do suggest the updated survey prior to the ZBA to make sure the necessary variances are correct.

Ms. Torre - if you're going to do the parking if you're going to be seeking it in the adjacent or in the alternative some kind of parking on the site there's that restriction against parking in the front yard as well so if you could add the front yard setback line delineate that on the plan because then it'll be clear.

Mr. Mann - maybe we should move forward a little bit further with the Planning Board to know exactly what I need from the ZBA.

In my full submission unless maybe it's from the post in the full submission maybe scroll down this has the bulk table existing the required existing and proposed so the only change in proposes a lot coverage that still in compliance so everything that's not in compliance is exists pre-existing.

Chairwoman Franson - who owns that property that's showing up as Owen Winter?

Mr. Mann - that's being part of the property across the street this is what I meant this probably got cut over when they built far as Forest Avenue.

Come back to the Planning Board let's get a site plan that's more satisfaction condition and then I will move to the ZBA and request the variances needed based on the more up tp date site plan.

ActionDiscussion: 3.2 **Discussion for a special meeting date and time being picked**

Discussion among the board members and consultants to hold a special meeting.

Date of September 29 2023 at 6pm was chosen.

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby sets a Special Meeting for September 29 2023 at 6pm.

Motion by Chairperson - Bonnie Franson second by Jeff Manson.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson Jeff Manson Nicholas Napoli Dylan Penn Robert Garstak

4. Minutes

Discussion: 4.1 April 13 2023

held over

Discussion: 4.2 May 11 2023

held over

Action Discussion: 4.3 June 8 2023

held over

Action Discussion: 4.4 June 20 2023

held over

Action Discussion: 4.5 July 13 2023

held over

5. Adjournment

Action Discussion: 5.1 Adjourn Meeting

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

Motion by Chairperson - Bonnie Franson second by Dylan Penn.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson Jeff Manson Nicholas Napoli Dylan Penn Robert Garstak

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