

Town of Monroe Planning Board Regular Meeting MINUTES

— 08/17/2021

Town of Monroe Planning Board Regular Meeting (Tuesday, August 17, 2021)

Generated by Norinne McSweeney

Members present

Anthony Vaccaro, Lisa McQuade, Chairperson - Bonnie Franson, Jeff Manson, Pat Shea

Members Absent:

John Allegro

Jason Czerwinski

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 **DG Management** (0172-2019) SBL # 1-1-96 Schunnemunk Road

David Higgins - Lanc & Tully

issue regarding SHIPO letter received from SHIPO indicating potential cultural resources so a Phase one A evaluation so Lanc & Tully has hired an archeologist to provide that report our planner submitted a preliminary documentation to SHIPO in the website, since the site was cleared they are asking for proof that trees were previously cleared or the Phase 1a

WSP complete well testing portion, provided L&T with email, enough quantity in well, waiting on water quality results 1-2 weeks will submit when received,

Steve Esposito landscaping plan no comments yet from Karen Arent no comments back from her as of yet

hoping to proceed with SEQRA with the part 2 and hopefully drafting a resolution for a negative declaration

Chairwoman Franson I had a communication with the ZBA Chairman as they are an involved

agency as they are reviewing variances for potential issuing and they will also have some SEQRA comments.

Mr. Arnott:

plans haven't changed substantially

addressed some items in regards to SWPPP but some are still outstanding

Met with Mr. Queenan and Mr. Deutsch and asked for the applicant to submit the Village filed subdivision plat in regards to the road interface for confirmation of road elevations

want to verify that the proposed drainage to be discharged to the village

Ms. Torre:

received OCPD comments 2 binding comments and 2 advisory comments

advisory comment about archeological review which applicant is addressing in SHIPO

binding comments - regarding sewer and water capacity

the property is in Orange County sewer district 1, OCPD made a comment about the Moodna Basin sewer agreement, any increase in capacity the planning board would have to ensure still within limits. Working with OCPD to get a response as to whether this includes this property as it is within OSCD # 1. Needs to be squared away before moving forward with SEQRA.

Mr. Higgins Orange County Sewer has already approved the sewer extension.

Chairwoman Franson:

OCDP mentioned environmental constraints - bat species, prior clear-cut remediate with landscape plan

OCDP mentioned importance of open space to protect the land dedicated to open space by restricting with conservation easement, acquisition by the town or conservation organization including Orange County land Trust

certainly will have a restricting conservation easement, nothing started for a dedication

Ms. Torre has spoken with Mr. Queenan regarding this and starting the process with the town. Either has to be the town or someone acceptable to the town and is required by conservation regulations for a cluster subdivision.

Chairwoman Franson OCDP Letter:

access the cul-de-sac in the village on paper but not yet constructed

open conversation in regards to the cul-de-sac leading to a private road at the village line, road is supposed to be filed but not sure if Village will accept dedication of said road. If no dedication then other options need to be reviewed for this project. Mr. Higgins brought up that

it is on a filed map and bonded. Even though filed map the town or village has to accept the dedication it's not automatic

Question of if cul-de-sac not accepted and remains private can a town road have access to a private road.

Ms. Torre has reached out to the Village attorney and the Village Planning Board attorney to discuss this matter as well.

Ms. Torre some of the notes on the tree plan need specific language I will email to Mr. Queenan. Need to indicate trees being removed and added on the tree plan.

SEQRA started looking at part II EAF

open space a & b shown on map O&R not showing up as anything (part of lot 1) should be noted to make sure no encroachment onto it. Discussion how to show the open space and the O&R easement area.

Reviewed Full EAF

Need a Natural Heritage Program letter - DEC program

asked for a Visual EAF include the Heritage Trail

Mr. Deutsch the first well report sent to the county listed 6 bedrooms total maximum, we got the approval for the sewer main and it's not in moodna,

Chairwoman Franson please submit the county sewer paperwork to the Planning Board

Member Vaccaro asked if the multi family lots will have 2 wells and 2 sewer laterals

Mr. Arnott right now it is one for each unit of both

Action, Discussion: 2.2 A. **Kestenbaum** (0188-2020) SBL # 7-3-13 20 Allison Drive

Lee Lefkowitz - Zarin & Steinmetz

Mr. Lefkowitz we understand the board's position in regards to the letter from the building inspector, it's our position that we meet the frontage requirement as the building inspector indicated, and if the board differs on that then we would be requesting a waiver from that requirement

Chairwoman Franson read over the letter/email from the Building Inspector in regards to lot frontage access to a major collector road for Allison Drive

Chairwoman Franson wants additional clarification as the intent was said frontage on a major collector was not just the property would have frontage but it was where you get access from to use the road for in and out of the property. Yes there is a waiver provision, but my

perspective is the ZBA should review it so as not to set a precedent for frontage. There is a certain amount of time to submit to the ZBA for a determination.

Ms. Torre You have 30 days to appeal the determination or decision of the building inspector from the date of the letter. Any board of the town is able to under state law and under Monroe town code you could submit a notice of appeal and application which ever is required to effectuate that appeal. You need to formally vote to appeal and then authorize the drafting of the application documents.

Chairwoman Franson reviewed what the purpose of going to the ZBA is for. The said property does front on a major collector and that is a piece of it, but access isn't being gained from Cromwell Hill Road.

Member Vaccaro what the alternative is if they don't decide and we don't do this going forward would it be up to the discretion of the Planning Board to determine what frontage is

Ms. Torre this would be the determination going forward in regards to frontage used in this sense. Frontage is used in different ways throughout the special use permit criteria and elsewhere throughout the code. Frontage would be satisfied by having a portion of the property abut a road even though it is not getting access or you're not able to have access.

Chairwoman Franson this particular property was designed as a residential dwelling as part of a cul-de-sac subdivision. The school regulations are written that the school is to have frontage on a major collector road and the point being that the frontage meant access from the major collector road because it can handle better traffic. A collector road is a higher level road. It comes down to frontage and what the intent was as far as frontage is concerned.

open discussion regarding frontage and major collector road and what other criteria frontage can fall under. Reason for sending it to the ZBA is a clear interpretation of frontage not only for this project but it sets precedent for other potential application down the road and we need to be clear on what frontage is.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to have the building inspector determination regarding frontage on a major collector road appealed and reviewed by the ZBA and that we allow our planning board attorney to assist in drafting up the application and supporting documentation to the ZBA for their determination on our appeal and to authorize the Planning Board chair to sign the documents.

Motion by Chairperson - Bonnie Franson, second by Pat Shea.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairperson - Bonnie Franson, Jeff Manson, Pat Shea

Absent: John Allegro, Jason Czerwinski

Action, Discussion: 2.3 **J Squared** (0191-2021) SBL # 47-1-16 Harriman Heights Road

Michael Morgante PE

Paul Edwards applicant

since last time we had a site visit with the Planning Board to look at driveway locations, there were some open comments from consultants which we've have addressed, tonight we are hoping to get the public hearing scheduled

Mr. Arnott - comments

driveways fairly close with the utilities between driveways

water and sewer exactly 10 feet apart

bulk table is correct for the zoning use

stone wall through lot 2 - last time provided the relocation of existing stone wall related to the scenic road - don't see on this design set

Mr. Morgante intent was always to take the stone wall and relocate it along the frontage of the lots - omitted location by mistake will be on next set of plans

Mr. Arnott continued:

clean up on grading topo lines didn't tie back in

proposed grading only provided for the 2 foot contours and there is one foot shown

request steep slope stabilization be provided for erosion and sediment control

comment on tree preservation plans in regards to whether trees being replanted on site

Mr. Morgante consideration of trees being replant once the work's done the applicant doesn't take any exception to that, maybe work together as to where those locations should be the thought process was the stone wall between 2 lots driveways and to provide as much planting around the outside of the driveways

plantings outside driveways

Chairwoman Franson additional trees need to be shown

Ms. Torre you need to show the removal trees clearly numbered and the new ones being added with type, replacement is on a one to one basis or a fee in leu of planting, trees could be added elsewhere in the town under the code.

Chairwoman Franson bottom line it is a requirement of the code, if you want a waiver from it if allowed you need to request it. You need to show some amount of landscaping because it is a scenic road.

Ms. Torre you have the tree survey table, but you need to add the totals, x = removed solid dots planted

continued discussion regarding the trees being removed, grading, trees replanting, on site, off site, fee for some, possible combination situation if allowed. Removal and replacement trees

fall under 2 separate criteria's one being the tree preservation law all trees above a certain diameter subject to one-to-one replacement, separate requirement for the scenic buffer in regards to the limit of disturbance

Mr. Arnott continues his comments:

utilities regarding the sewer Mr. Morgante has submitted a conditional approval for the technical aspects of the sewer connection

still have the issue with the OCDP comments regarding Moodna allocation needs to be resolved

need OCDPW approval for the driveways

regarding water there is a resolution by the Village of Harriman Board of Trustees in regards to providing service to an outside user. So any conditional approval resolution should be conditioned on acceptance

Ms. Torre as far as SEQRA you assumed lead agency, one of the open items in order to make your determination of significance are the comments from Orange County Planning regarding the sewer.

I have reached out to OCDP regarding comments on the sewer to understand their position on why they are making these comments mandatory since your in OCSD # 1 so that needs to be resolved.

OCDP also had some advisory comments on the environmental constraints tree clearing notes as far as bat habitat, also had comment regarding the spill incident not being resolved.

Chairwoman Franson these are advisory comments, but the main thing that has to be addressed is the Moodna Basin. This needs to be resolved as it would require a super majority vote and we shouldn't have to override the county.

Ms. Torre continues her comments:

need to schedule a public hearing

will need to complete SEQRA before opening the public hearing

Chairwoman Franson:

lets work on the Orange County Sewer district issue getting some form of clarification

Member Manson like the reuse of the stone wall, replant as many trees as possible to create a visual and noise buffer keeping with the surrounding neighborhood.

Chairwoman Franson don't want to see clear cut to the houses, some vegetation with some buffering towards the North side, scenic road nice visuals the stone wall would be great.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to have the Planning Board attorney draft a negative declaration for the September 21, 2021 meeting and to schedule the public hearing on this application for the September 21, 2021 meeting provided the planning board received sufficient confirmation from Orange County

regarding the binding comment number one on the Orange County Planning Department general municipal law report reflecting the sewer capacity is not an issue for this project because the project is located within OCSD # 1.

Motion by Chairperson - Bonnie Franson, second by Jeff Manson.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairperson - Bonnie Franson, Jeff Manson, Pat Shea

Absent: John Allegro, Jason Czerwinski

Action, Discussion: 2.4 **Pallentine Sisters** (0196-2021) SBL # 33-1-1.21 98 Harriman Heights Road

Michael Morgante Project Engineer

Mr. Morgante overview of the Project:

January 2021 submitted a petition to Town Board for proposed project, Town Board has some comments which we addressed, returned to Town Board which recommended seeking comments from Chairwoman Franson

to start the Planning Board process. We have been back and forth creating this massive development plan of a concept plan for the Town Board review, which was predominantly satisfied with and still working with Chairwoman Franson on the northern site in terms of layout. During this time the town board deferred the project to the Planning Board as lead agency.

Southern side senior housing complex with approximately 88 1 bedroom and approximately 12 2 bedroom units (old military academy site)

there is a waste water treatment plant on site on the east side, it consists of secondary and tertiary treatment and it discharges to the NYS DEC wetland further to the east. It is designed for 20,000 gallons per day.

current convent on the site that was constructed in the early 2000.

very limited discussions with the DEC at this point as lead agency hasn't yet be circulated, but I did reach out so they know what is planned.

existing well located just in front of the central turnaround in front of the proposed building. We plan to reutilize that well, may also need a second well under today's regulations as this will be a public water supply system. if unable to reutilize will have to drill 2 wells.

2 access roads off Harriman Heights Road we have preliminary discussions with Orange County DWP. We are currently preparing other plans for them to review and approve where these entrances are for this site.

currently multiple existing entrances along Harriman Heights Road on both sides of the property which we will be eliminating the additional ones.

The project has tried to reutilize the existing impervious surfaces so it falls somewhat under the category of a redevelopment project. We are placing a lot of pavement for the entrances in

the same location as existing driveways now, the building itself is approximately in same location as military academy was. Unique project something was already carved out there and makes sense to reutilize those areas again.

The site will be developed in 2 phases south site 1st and phase 2 northern site.

Northern site will consist of condos and townhouses multi family dwellings

entrance off Residence Road

western side are also proposed townhouses, buildings would face each other with common parking in the middle

there is a proposed town soccer field

northern site has at least 3 existing public water supply wells

previously a convent or priest residence the building pad is roughly shown where the multi family dwellings located

public water supply well to the right of Residence Road, and 2 more down near the proposed soccer field these will be looked into and see what the yield is and if adequate for this project and reutilized if not we will drill new ones

Northern site will consist of 78 units

total of 78 on Northern and 100 on the Southern site these numbers come from a calculation in the CCR code

essentially its 89 acres multiply that by 2 for 178 units

open space area 82%

FAR calculation falls about point zero six seven, believe point zero seven is maximum allowed northern site also has a waste water treatment plant with 25,000 per day capacity

Chairman Franson:

what aspects of what exist will be retained and who is the planned owner will it remain to be owned by the Palatine sisters is it going to be leased?

Mr. Morgante my understanding is the property will be sold and conveyed to the applicant upon approval from the Planning Board for the actual site plan, but I would prefer to defer that question to them as I am not involved in the aspect of the application. They had intended to be here tonight, but were unable to attend last minute. The main focus has been phase 1 and this is for phase 2 so to my knowledge nothing has been decided.

Chairwoman Franson I agree, there is still the cemetery there and other buildings have to figure out how all this will work.

Mr. Morgante we may need to put in a subdivision line so a portion of the site remains with the sisters and some will remain with the applicant. As a note we intend to do this on the southern portion as well the CCR code states that the subdivision is the actual last thing that you do, even as far as showing the subdivision line. Right now you need to look at the project as a contiguous area standpoint, there will be a subdivision line between the senior housing

complex and the convent, and a subdivision line between the Little Pals Preschool, the cemetery and the Pilates center, that is currently under discussions with the applicant who may become the owner as a community recreation center or the sisters may want to retain it. The convent has it's own public water supply well.

Member Manson there seems to be 3 different versions of how the townhouses might be so it is a little confusing as to what is going on.

Mr. Morgante so we first presented to the Town Board there were 2 options, and you might have everything from the start, one version was selected and the reviews started with Chairwoman Franson and things have changed. Refer to those other versions for a stylistic standpoint only. Once we have a conceptual layout then the architect will modify for resubmission for consistency. The senior housing project hasn't changed much from day one, the renderings, elevations and floor plans are fine, the multi-family buildings are ok for general architectural.

Member Manson in regards to the CCR zone my understanding as to the way it works is the town board takes the lead and the planning board is really handled like a consultant where solidified plans are ready it goes to the planning board who has 60 or 90 days to provide input and then it winds up back with the town board, but it sounds like this might work differently than that.

Mr. Morgante the town board is endorsing the project but they are wanting to rely on the planning boards experience from a concept layout, density and site standpoint.

Chairwoman Franson it is the SEQRA part of it. When the original CCR was adopted they did a generic environmental impact statement and I don't know to what extent we do SEQRA once the site plan application is actually received by us, I don't know if the CCR contemplated this project or not and that's where we have to do more of the SEQRA and the town board would prefer the planning board be lead agency by virtue we're actually doing it on the actions we would take on a site plan and there won't be a decision until SEQRA is completed and that can't be done in 60 or 90 days.

Mr. Morgante we would work with the planning board to waive that time period. This evening we are looking to achieve a concept layout that we can finalize with the planning board to come back with architectural and we can start moving forward.

Chairwoman Franson addresses the board members that she was asked to participate in looking at the design and Mr. Morgante is expressing what we really talked about the senior on the south side had more to do with the breaking up the massing making sure that it is broken up in some way. The northern side discussed encroaching into the wetland buffer, the

big discussion has been the layout of the townhouses. Member Manson was in on a call as well I believe at this point. If you look at the renderings the big change was originally it had a road out to Harriman Heights Road the issue was the townhouses were fronting on that access drive and the way it was shown people would have to reverse out onto the driveway and with the traffic from the multi-family, we want this to be a smaller nicer quieter enclave so because of the fact that you have multiple access points in the northern side the desire was to create the little cul-de-sac at the end. Biggest decision was how many feet between ball field, parking lot and multi-family residences to give enough screening and buffering to townhouses from the ball field and other activities. Collectively decided the planning board needed to be brought in at this point and to start the process, which is why there is room for comment on the layout. The town board is in favor of the project so for us its important to make sure its the best design for the units proposed. There was discussion as to how far back from Harriman Heights Road and it is currently 100 feet.

Member Manson you mentioned anticipating 82% open space how much of that would either be under restrictive covenant or conservation easement?

Mr. Morgante it could be all if the board wants by default my FAR is is forcing my hand here and what the maximum development is and the unit yield. I would note that a good portion of the open space on the southern side is a DEC wetland and its 100 foot buffer, and we have a smaller army core wetland on the northern site. Northern site also has a lot of rock outcropping which also precludes development.

Ms. Torre my understanding if it is restricted just to seniors it would be filed with the county.

Member McQuade is the convent operational and will it remain? As the CCR is new to us is it necessary as opposed to having the conventional or cluster subdivision, I don't know what the difference with the CCR is? Is there a benefit as far as the CCR?

Mr. Morgante the reason for all of this it to keep the convent operational to generate revenue for the sisters.

Member Manson the CCR is going to allow greater development on a smaller portion of the property and the benefit for the town is more open space and more affordable housing. It's a different opportunity then what the subdivision plans would allow.

Ms. Torre this is different from a traditional cluster subdivision which first you would have the general subdivision which would be one acre lots but then the cluster would require 50% open space, this is 65% open space and it's more flexible you can build on a smaller portion of the land and more flexibility also as the town board will set all of the bulk requirements, where the cluster subdivision gives the planning board the ability to change certain requirements but it's limited.

Chairwoman Franson this is the OSR3 zone so 3 acres so the cluster would be less units and the town passed the CCR zone and certain properties are eligible, has to border the village, certain size property. The town board ultimately approves the development plan for this project.

Ms. Torre not looking for formal recommendation just a consensus is there something to resolve before moving it along. So the CCR law spells out you get a referral from the town board after SEQRA is complete, in regards to this project the town board's resolution of referral consented the planning board to be the lead agency, so that is why at this stay you don't have that determination either a negative declaration or and EIS is required. The town board has asked you to be lead agency for SEQRA because you are an involved agency based on your approval authority over the site plan. Possible needs wetland permit, subdivision and those items.

Chairwoman Franson at the next meeting start thinking about what studies have been done, what needs to be done and do we need an EIS or possibly an expanded environmental assessment form. Any studies that have been done please forward that information on for the boards review. Need to have some additional consultants utilized hydro-geologist, landscape architect, conservation commission will have to do a site walk and give us thoughts on trees,.

Member Vaccaro do you have a SPDES permit? Will there have to be a re-evaluation of the sewer treatment plant, any improvements or updates.

Mr. Morgante yes we have a SPDES permit will be forwarded to you. Regarding sewer treatment plant it is severely under utilized and that is DEC review issue they have SPDES permits can't engage with them until we start SEQRA at least circulating for lead agency. Chairwoman Franson we would definitely need their input in terms of obsolescence, it is adequate, what is the water quality.

The sewer treatment plants are going to need an operator, there already is one now.

discussion in regards to what is outstanding in order to circulate for lead agency. What additional information the board is looking for, bedroom count, how many multi family, total number of units.

Ms. Torre regarding circulation do you want to wait for the information requested and there are a few items on the EAF that need to be revised.

Mr. Arnott there was an earlier submission of a master plan that included a breakdown of the number of bedroom units assuming you want to proceed with that for circulation as a baseline.

Mr. Morgante that would be close enough to what we would revise our new floor plans to.

Mr. Arnott include that chart on this master plan in order to circulate.

Ms. Torre this would be classified as a type 1 action and circulate upon receipt of the EAF and the updated plan with the breakdown of units.

The process is not going as specifically spelled out in the law because the planning board is the one doing SEQRA there is a 60 day time frame to give a report to the town board on the master plan, and there is specific criteria in the code that you have to review and give feedback on whether it complies, specific recommendations to change certain things. The applicants consultant has said he won't hold you to the 60 days, as SEQRA isn't complete it's the referral perhaps the 60 day time frame hasn't been triggered. SEQRA is the biggest thing to get started and then the reviewing once the plans are developed and SEQRA is moving forward the analysis of the criteria under the code through the different requirements and why they think they have met those.

Once you report your recommendations to the town board it is then their responsibility to take action on the master development plan, they either approve, approve with modifications or deny the master development plan.

If the town board approves the master plan then it comes back to the planning board for site plan approval and any subdivision approval. I believe the petition indicated there would be 4 lots subdivided off, but everything has to be combined into one parcel for site plan approval. Make sure all parcels are identified with correct SBL and acres and if all owned by the Palatine sisters make sure owner endorsement covers all three parcels. Under the code the SEQRA process has to be completed before your recommendation to the town board.

Chairwoman Franson in reference to the referral time frame even though the town board consented for the planning board to be lead agency we have to become lead agency under SEQRA so the referral time really hasn't started.

Ms. Torre the referral time would start when you the issuance of a neg deck or the EIS.

Mr. Arnott comments:

in regards tot he master plan the area with the conservation value to be preserved and all the utilities be shown. I realize it's early for the utilities as this is a concept plan.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to declare their intent to be lead agency for the CCR Overlay Pilate Village project subject to our consultants review of the revised EAF and the applicant providing detailed information on the bedroom mix and total number of units in order to circulate the concept plan project location map and to classify this as a type one action.

Motion by Chairperson - Bonnie Franson, second by Jeff Manson.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairperson - Bonnie Franson, Jeff Manson, Pat Shea

Absent: John Allegro, Jason Czerwinski

3. Minutes

Action, Discussion: 3.1 **April 8, 2021**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the minutes.

Motion by Pat Shea, second by Lisa McQuade.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairperson - Bonnie Franson, Jeff Manson, Pat Shea

Absent: John Allegro, Jason Czerwinski

Action, Discussion: 3.2 **May 18, 2021**

no quorum

Action, Discussion: 3.3 **Jun10 2021**

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

Motion by Jeff Manson second by Anthony Vaccaro.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro Lisa McQuade Chairperson - Bonnie Franson Jeff Manson Pat Shea

Absent: John Allegro Jason Czerwinski

Action Discussion: 3.4 **June 15 2021**

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

Motion by Chairperson - Bonnie Franson second by Pat Shea.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro Lisa McQuade Chairperson - Bonnie Franson Jeff Manson Pat Shea

Absent: John Allegro Jason Czerwinski

Action Discussion: 3.5 **July 20 2021** Minutes

not ready yet

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 tonight's meeting.

Motion by Chairperson - Bonnie Franson second by Lisa McQuade.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro Lisa McQuade Chairperson - Bonnie Franson Jeff Manson Pat Shea

Absent: John Allegro Jason Czerwinski

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