

Town of Monroe Planning Board Regular Meeting MINUTES

— 08/18/2020

Town of Monroe Planning Board Regular Meeting (Tuesday, August 18, 2020)

Generated by Norinne McSweeney

Members present

Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

Consultants:

Ashley Torre. Esq

Shawn Arnott, PS

1. Welcome

Procedural: 1.1 Roll Call

Procedural: 1.2 Pledge of Allegiance

2. Public Hearing Continue

Action, Discussion: 2.1 **Raywood Drive** (0176-2019) SBL # 43-1-11

Joel Mann - Applicant representative

Larry Torro - Civil Tech Engineer

continuation of public hearing

Mr. Mann did an overview:

proposed 3 lot subdivision

end of Raywood Dr

3 single family homes

all lots conforming with the Zoning Code

all lots have separate driveway, garbage enclosure, utilities all on plans including all the trees to remain and the proposed plantings

discussion of extension of cul-de-sac reviewed with Highway Supervisor

Mr. Toro a couple of comments from the last meeting needed to be changed on the plans regarding the project address

type of trees the white pine blue spruce was changed to the green arborvitaes

moving some of the large rocks within planting areas

standard notes added re: sediment erosion control, provided copies of the SWPPP

Chairwoman Franson opened the public hearing to the public - noone at this time

Mr. Arnott comments: see attached

Ms. Torre it does require a stormwater management agreement discussion as to the maintenance of the trees, circle back to the Town Board and Highway Superintendent

Ms. Torre question about water agreement with Kiyras Joel submitted a couple of months ago, was that their form agreement with Kiyras Joel I think it was April, big issue with that form agreement is that it talks about dedicating any existing wells or dedicating wells on the property to Kiyras Joel and that should definitely not be in there as that was not addressed as far as SEQRA, as we were going through the process it was always understood that the water would just come from the village and don't believe the board was ever aware that there was any intent to have the wells dedicated to the village so this is definitely an issue

Mr. Mann that is basically a standard agreement when the Village made agreements with other property owners when there were existing wells, and there are no existing wells on this property

Ms. Torre in contracts and contract law whenever there's a provision in an agreement you always have to read the agreement as if there's a reason why that's in there, so if it's irrelevant because it doesn't apply to the circumstances it can't be in the agreement

Mr Mann. okay let me check on that and we'll see if we can have it revised

Ms. Torre ultimately in relation to that so I came across what looks like an agreement that was actually already filed so that's why I was confused as to what your agreement with the village was whether it was the one you gave to this board or if you reached a different agreement that was then filed

Mr Mann there was a discussion about it a couple months ago and there were some people taking care of that so do you have the filed agreement

Ms Torre so I found it on the county clerk's website and it's not consistent with what was given to this board. So as you know the agreement was always going to be subject to my review as the Planning Board's attorney, but this version that's been now filed with the county is different then the version that was provided to this board and different in significant respects, so it really now has just become a tenuous agreement where it is going to require the Town Board to create a water district for these properties which that's not something that was ever discussed. This is not something that the village or the property owners have the ability to agree to because it is beyond their control it was worded as if either it's going to be an X into the village land or it has to be the Town Board has to create a water district so that hasn't been contemplated by purpose of this approval. So these are some big significant issues that

we need to resolve at this level and I would advise the board to keep the public hearing open as we figure out where the water is coming from, how it's coming. I will say I was rather offended that we were not told and that this was filed and that this big change had occurred from the agreement that was presented to the town.

Chairwoman Franson: Ms. Torre what is the date of that agreement?

My recollection is during the whole annexation review process there were certain documents that were circulating around including requirements for paying for water or to be connected to water I saw. Ms. Torre if you

could send that around to everybody

Ms. Torre sure it was dated June 18, 2020

Chairwoman Franson: I'm curious to see if it's some version of what was circulated a while back. But ultimately you know I concur with what Ms. Torre's saying you know this is something legal, it's a property in the Town of Monroe and any and all agreements regarding servicing with utilities need to be approved by the Town Board need to be reviewed by our attorneys and somehow we have to address this and we need to leave this public hearing open until it is.

Mr. Mann unaware anything was filed and will look into it

Chairwoman Franson no documents or agreements should be filed without this board aware of it

Mr. Mann not talking about what was filed, but it's the issue that the wells being dedicated to the village and the second issue the Town creating a water district

Ms. Torre There are 2 I would call fundamental issues that just because these are main issues with the agreement, what it should be and what's typically done would be some kind of unconditional will serve letter from the Village where it's not conditioned on these other circumstances such as the dedication of the wells and the creation of a water district. Those are just conditions that make it really not an agreement, it's pretty much worthless at this point. The Planning Board can't require any of these things to happen and again the village and the property owner can't agree to that.

Chairwoman Franson ultimately the agreement has to be tailored between the Town and this particular property and specific to it.

Ms. Torre I was under the impression that it was just going to be a user agreement with the village and the property owner, this was not how it was phrased or agreed to

the tree plan add note about penalties for not complying with the tree law

some of the seven arborvitae trees are in the rear of lot 2 right on the property lines

wondering if they can be moved to lot 2 or one of the back lots, what's the planting size of the arborvitae

stormwater easement maintenance agreement

brought up last time the Planning Board would have to discuss the mandatory and

discretionary public improvements in the subdivision regulations

also ultimately you'll have to make the findings regarding recreation fees

Member Vaccaro have the dry wells been reviewed and are there storage capacities above their ground water table

Mr. Arnott they were reviewed as part of the SWPPP

Member Vaccaro is there a performance guarantee on the trees for a year to make sure they survive

Ms. Torre nothing specific spelled out but there will be a performance or maintenance bonding so those types of things will be raised at that time

Chairwoman Franson would like a master set of Landscaping notes developed to be part of subdivision guidelines

Mr. Ward Bower change trees from Red Maple to red oak, don't use galvanized wire as a stabilizer use something like biodegradable rope

Member Manson brought up during his site visit he noticed a man made path through the area and he is afraid with the new plantings the path would still be used and the plants would be destroyed.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to continue public hearing for Raywood Dr until September 15, 2020 regular meeting.

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

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

3. Returning Projects

Action, Discussion: 3.1 **Yoel Shtosel** 502 Rt 208 (0183-2020) SBL # 1-1-87

Joel Mann - applicant representative

Ricky Brull - Designer from C Stern

Mr. Mann we submitted revised rendering set, detailed illumination under the lightings and wording signs as requested by the board, addressed all comments

Chairwoman Franson board members any comments regarding the submission, we do have a draft resolution to consider for this evening.

Board reviewed resolution.

Discussion regarding the lightening and the final review

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the resolution subject to tonight's changes.

Motion by Anthony Vaccaro, second by Lisa McQuade.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

Action, Discussion: 3.2 **Cupo/Maffei** (0184-2020) SBL # 3-2-8, 6-4-2, 6-4-3.1

Jon Loch- Engineer

RoseEllen Cupo - owner

Vito Maffei - owner

Mr. Arnott comments:

Metes and bounds of proposed easement should be shown on plan

Ms. Torre clearing up arrow for rear setback

Board members any comments

Chairwoman Franson reviewed resolution for approval

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the application of Cupo/Maffei for a lot line change subject to adjustments this evening.

Motion by Jeff Manson, second by Jason Czerwinski.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

4. Minutes

Action, Discussion: 4.1 Planning Board Minutes January 21, 2020

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby approves the January 21, 2020 minutes.

Motion by Chairwoman - Bonnie Franson, second by John Allegro.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, John Allegro

Abstain: Jason Czerwinski, Jeff Manson

Not Present at Vote: Pat Shea

Action, Discussion: 4.2 Planning Board Minutes February 13, 2020

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby approves the February 13, 2020 minutes.

Motion by Lisa McQuade, second by Jason Czerwinski.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Jason Czerwinski, Jeff Manson

Abstain: Chairwoman - Bonnie Franson, John Allegro, Pat Shea

Action, Discussion: 4.3 Planning Board Minutes March 30, 2020

not available 5. **Adjournment**

Action: 5.1 **Adjourn Meeting**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to adjourn meeting at 9:07 pm.

Motion by Jason Czerwinski, second by Jeff Manson.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea