

Town of Monroe Planning Board Regular Meeting MINUTES

— 08/20/2024

Town of Monroe Planning Board Regular Meeting (Tuesday, August 20, 2024)

Generated by Norinne McSweeney

Members Present:

Chairperson - Bonnie Franson, Pat Shea, Dylan Penn, J Louis Rivera, Robert Garstak

Members Absent:

Jeff Manson

Planning Board Consultants:

Ashley Torre, Esq.

Shawn Arnott, PE

1. Welcome

Action, Discussion: 1.1 Roll Call

Procedural: 1.2 Point out Fire Exits

Procedural: 1.3 Pledge of Allegiance

2. New Public Hearing

Action, Discussion: 2.1 **Eagle View Estates** (0168-2018) SBL # 18-4-60 402 Lakes Road
Monroe, NY

Applicant Representative:

David Niemotko - Architect, P.C.

Mr. Niemotko review of project:

- hopefully here for final round with public hearing
- proposing a 2 lot subdivision
- existing lot is 1.1 acres subdividing into 2 - 1/2 acre lots that meet the zoning requirements
- meet all bulk table requirements
- received Orange County DPW approval for the driveway opening off Lakes Road
- both houses will be serviced by a septic and well which is now permissible per local laws that have been recently passed

Chairwoman Franson - Ms. Torre has prepared a negative declaration which we need to adopt prior to opening the public hearing

Ms. Torre - reviews the Short EAF form

- the DEC form has a column for either no or small impact or moderate to large impact there's no way to distinguish between no and small so I use those red boxes to indicate that it's a small impact rather than no impact
- first is that there's a change in the use or intensity of land that would be a small impact
- change in the character of quality of existing community it's also a small impact
- and the ones I'm not mentioning are no impacts
- adverse change in existing level of traffic or affecting existing infrastructure for mass transit biking or walkway again a small impact
- increase in use of energy small impact
- will the proposed Action Impact public or private water supplies and wastewater treatment utilities both of those are small
- natural resources wetlands, water bodies, groundwater, air quality, flor and fauna impacts small
- an increase in potential for erosion flooding or drainage problems is also a small impact

Chairwoman Franson -- my only question was should we include impair the character quality of important historic archaeological architectural or aesthetic resources. Because some may consider Walton Lake aesthetic and then is Lakes on the scenic road. So it would be minimal but I would box it. that would change

Chairwoman Franson - reviewed the Amended Negative Declaration for Eagle View Estates Subdivision prior adopted March 19, 2019

Chairwoman Franson - Mr. Niemotko did you start the DEC permit process yet?

Mr. Niemotko - no

Mr. Arnott - MHE contact Mr. Fratz who accepted the water boundary limit as the wetland boundary in an email he said he didn't have any objection to what was proposed. Meaning that it sounded like he would be willing to permit the proposed improvements within the Wetland buffer.

Chairwoman Franson - maybe we can add reference to that email in this section.

Mr. Niemotko - I actually have an email for reference saying it would be minor or no impact

Ms. Torre - that first paragraph I'll add a reference that the New York State DEC has reviewed wetland buffer (inaudible)

Mr. Niemotko - it's an email from Bethany Tipping from DEC and she received the application and everything looked good for her it seems like it would be of no impact and the email is dated August 8, 2024

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to adopt amended negative declaration subject to revision that Ms. Torre will finalize.

Motion by Pat Shea, second by Robert Garstak.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Pat Shea, Dylan Penn, J Louis Rivera, Robert Garstak

Nay: None

Abstain: None

BE IT RESOLVED, that the Planning Board at the Town of Monroe hereby makes a motion to open the public hearing for the Eagle View Estates.

Motion by Chairperson - Bonnie Franson, second by J Louis Rivera.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Pat Shea, Dylan Penn, J Louis Rivera, Robert Garstak

Nay: None

Abstain: None

Chairwoman Franson opened public hearing to the public.

Cynthia Francis - 404 lakes road - not happy with the project going forward, feels there is impact to the community as she lives right next door to this project. Wants the board to reconsider this project and keep the public hearing open for more residents to appear
Chairwoman Franson - addressed Ms. Francis and asked if there were any specific concerns she envisioned are the impacts?

Ms. Francis - it's a small space so we are very close to each other. Once things start what's the real impact to those that live there in the surrounding areas. That needs to be taken into consideration.

Chairwoman Franson - asked if a buffer between properties would work for her?

Ms. Francis - not sure if there is room for a buffer between the lots. Asked that the board consider leaving the public hearing open as she feels more neighbors might still come out and speak. Asked if board members have been to the project area.

Chairwoman Franson - said she has walked the space.

Ms. Francis - I have nothing wrong with business or someone having a home, when you don't think about the impact of the people already in the area I think is insensitive. I've seen them there doing the tests I've seen garbage left is just a sign of what could be. My personal interaction with the gentleman that actually owns this space has not been the nicest, like I said I like to leave personal comments out of it because it is business but business speaking I live there you want peace not overcrowding, I am not trying to infringe on someone trying to make a dollar but at the end of the day these are our homes.

Mr. Niemotko responses to comments:

- this project has been before the public several times it's been around for quite a few years
- we have done everything to design this project in an aesthetic fashion and contextual with

the property it's bottom line though technically the project works

- it meets the zoning code
- it meets the setback requirements in fact the half acre lots are probably bigger than some of the lots along Walton Terrace and along Lakes Road
- it's definitely not a crowding of homes within that area a half acre lot probably as I mentioned would be larger than several of the properties on Walton Terrace and Lakes Road if not similar
- there's nothing that's being proposed that would indicate any kind of lack of consideration for the surrounding area or for the property itself
- it's been reviewed by many different agencies and entities
- we've had DPW approval DEC approval is forthcoming
- we've had review by your board, by the professionals
- we did receive Karen Arent a landscaping memo that would be incorporated onto the plan which will beautify the area along Lakes Road
- I would ask the board, we've heard the public comments, to close the public hearing and let's take action at this point it's this is not a a third presentation or fourth presentation this is been ongoing for quite a while so we have had the third party reviews to allow the project to go ahead.

Chairwoman Franson - so can you get into detail what's proposed along the Westerly property line because I believe that is what adjoins the commenter property.

Mr. Niemotko - the setbacks for the side yard are 16 and 46 and we are at 19 and 50 so we are quite a ways from the property line 19 feet from the side of joining the western property which is consistent with the Zoning Code and consistent with the setback requirements of other properties, we need no variances.

Mr. Arnott - if I could make one suggestion Ms. Arent's Memo from the 15th is to screen the retaining walls that are proposed perhaps we could consult with Ms. Arent to also provide suggestions on how to screen the adjoined from the proposed dwellings to provide more of a buffer within the 15 foot yard within the required setback.

Chairwoman Franson - would you be amenable to that?

Mr. Niemotko - I mean the side yard setback is 15 feet we're 19 18 ft away so we don't even exceed or encroach upon the setback you know if her comments are reasonable of course 6 foot 8 foot trees in an alternating fashion to screen the adjoining property would be reasonable.

Chairwoman Franson - Planning Board members what are your thoughts on this in terms of additional screening or providing some buffer between neighbors?

Member Shea - if I was living next to this I would want some sort of buffer to be able to screen and continue privacy. The question is who should provide that? Is there any does this gentleman have to or the owner have to provide or can we ask them to provide some screening some buffer trees.

Ms. Torre - that's a fairly common requirement when you're reviewing any type of application to mitigate views and impacts on adjacent properties that would be an appropriate as long as

it's a reasonable condition.

Member Shea - then you said you were amenable to that?

Mr. Niemotko - yeah we'd like to for the purposes of this discussion this satisfy the public close the public hearing move it on absolutely.

Member Garstak - before we ask to do that we should ask the person that came up to speak if that would satisfy that if not why spend the money if it's not going to make the neighbor happy still going to be acceptable solves the problem.

Member Rivera - I agree with Member Garstak right would that satisfy Ms. Francis's you know question and concern I mean I would have concerns myself if I owned that if I was in her position as well. Would that but something that would be entertained by Ms. Francis, these are legal matters so I don't know how that all would play out.

Ms. Torre - so it's up to the board and you can't delegate your authority to what a resident may want or may not want. So, it's up to this board know to impose any conditions that you find are reasonable in order to lessen the impacts you know it is an approved use and it does comply with the zoning you could certainly work with residents and if you want their opinion I think you could certainly ask that and it might not alleviate all of the neighbors concerns but it might at least improve their view of the project.

Mr. Niemotko - I would ask the board to also please consider the bulk table the required lot width is 85 feet our lot widths are 98 ft and 92 ft we exceed the lot width requirement per zoning code so you know while there is a thought regarding screening from the adjacent properties I mean that would almost apply to most projects and we're seven and 13 feet wider than that so you know I appreciate your thoughts and I also would consider you know this is not going to satisfy things then we don't make a requirement. We exceed the the zoning code requirements for lot area and lot width, separation from one home to adjoining homes.

Member Penn - I'm not a fan, I'm never a fan of opening and closing public hearing in one meeting never. I am not also willing to support a condition of opening closing public hearing predicated on some screening, with that being said if I built a home and a pool with the preconceived notion that this is the open area rather than looking at a in zoning law required division to homes I would think differently so with that being said I'm aligned with Member Riviera and Member Garstak possibly leave it up to the public comment to say this is what we would want consider the public comment and then impose our authority to say we want some screening or some sort of brush or greenery with that time by the next meeting there may be some neighbors that would say I did not come I didn't know this was an option to say hey maybe I want some shrubs to screen my edge too. We've gone through this at nauseum we've been through this pretty thoroughly I think we're right there at the finish line but that's my opinion.

Chairwoman Franson - so your thoughts are one of two, one to leave the public hearing open so if there any other ad joiners that they can come in and express their thoughts on screening and two is that's hear from them to see whether it makes sense to provide screening. I'm aligned with you on the public hearing aspect of this I don't know if more people will come but

you know our public is representing that they will come and I think we have to afford the adj joiner and the resident opportunity to honor that. In terms of the screening I would say this the applicant is proposing two complying lots and it doesn't need variances you've met all the requirements so it's not going in my opinion going to be a matter of saying it's not happening I think the applicant and based on what we can and can't do, we would probably approve the two lots. Then it becomes a question of what can be done from a design perspective, if there is going to be another home to help mitigate your concerns and given the fact that there's nothing on this parcel in terms of any vegetation or screening between your property and this applicant's property. It would be a good idea to put some screening in and we'd like to hear you know thoughts on that if you think that would be beneficial. I do suspect that in terms of the adj joiners it looks like the house to the east has plantings already and the house to the north, I don't know that they would want more because they probably have lake views. I don't know that they'd want to necessarily screen that, although if these applicants wanted to put plantings up that's within their rights if new homeowners are there.

Mr. Niemotko - let's address the property to the north we provided a cross-section through the site or out be it today, but yet it does show the relationship of the house along Walton Terrace to the new homes there's a foot difference in vertical elevation between the finished floors of the approximately or on the average of the homes on Walton Terrace to where the homes the two homes would be off Lakes Road. That would definitely have shown that would not encumber or hinder the views of the lake at all in fact they have a clear view without question. We've satisfied the requirements for public hearings the requirements are there for a reason I think you should give us that courtesy of doing so since we have done this several times and consider closing the public hearing and letting us move forward.

Chairwoman Franson - we've been through this process already and this has been in front for a while, but I think it would also afford you an opportunity to think about the screening along the side yard if that's something that we want to consider and as I said I suspect I don't envision that others would necessarily want additional screening given what's out there but I think we are respecting our residents here in Monroe to give them one more opportunity to come out. But, again in terms of the actual project from our perspective if you meet the zoning the lots have been designed there are no variances it will happen.

So you need to again consider how it could be mitigated and then perhaps send us comments on that. Again, I think we're just doing this in interest of the public and if you want to get us any thoughts on any kind of landscaping keeping or screening what you envision and if we have any comments or get comments from the neighbors then we will send that to you.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to continue the public hearing until September 17, 2024 at 6:30 pm or as soon there after.

Motion by Chairperson - Bonnie Franson, second by J Louis Rivera.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Pat Shea, Dylan Penn, J Louis Rivera, Robert Garstak

Nay: None

Abstain: None

3. New Projects

Action, Discussion: 3.1 **81 Raywood Drive** (0228-2024) SBL # 43-1-11.1 81 Raywood Drive Monroe, NY

Applicant Representative:

Shloimy Gelb - Hartman Design

Mr. Gelb reviewed why he is here this evening:

- This property was part of a 3 lot subdivision in 2021.
- Back today to get approval for a 2 family dwelling located at SBL # 43-1-1.1
- Water agreement with Village of Kiryas Joel it says that in case the demand is increased by the approval of any site plan they will give accordingly the water as the agreement.
- regarding sewer we are in the middle of doing the application for Orange County Sewer District for the additional unit

Mr. Arnott comments:

- application is in the family overlay district
- this is lot 1 from the 3 lot subdivision
- access continues to be from the existing Raywood Drive
- increased the parking stalls to meet the 4 count that's required however I questioned whether or not the backup space for the eastern most lot would be adequate so I'll ask the applicant to look at that -
- additionally some of the board members may remember this property slopes significantly to the back so there is grading proposed so two comments on that I asked the applicant to add spot elevations at the corners of the the driveway to ensure that there's not too much slope across the driveway so that it actually can be driven over
- secondly you'll see in that plan there the grading that's contemplated is only for the lot that's in question however obviously the rest of the subdivision is integral with the rest with the grading so I ask that the rest of the grading be shown on the plan

Chairwoman Franson - the rest of the grading for the other two lots just to superimpose the two to see how they fit together

Mr. Arnott - that's correct and any revisions to this lot that need to be incorporated based on the revised layout of the dwelling and the driveway and Etc.

Chairwoman Franson - quick question are all of the lots owned separately now or are they the same owner?

Mr. Arnott - I didn't look into that I was hoping the applicant could clarify that.

Mr. Gelb - lot 1 & 2 are the same owner and lot 3 is a different owner. If I may reply regarding the grading the lot if you can see the old plan, did you review that plan, the grading basically

the same as the

old plan the only difference is by between lot one and lot two along the narrow way of 54 ft by the previous plan they tied in topo into the next building. Since we are not doing any construction on lot 2 we just tied them back to the number.

Mr. Arnott - right, but the board approved a subdivision with grading and a SWIPP that was integral to this lot so changing the grading could effect what could be developed on lot two, so that's why I think it's important to review it all in you know in totality.

Mr. Gelb - okay I see that we doing now a partial grading as needed for lot 1 and the rest will be able to follow the same as the as the original approved plan.

Mr. Arnott - right, but how does this grading tie into the original approved plan that's what we're looking for?

Mr. Gelb - okay he had it on the plan I will make sure to clarify that

Mr. Arnott continues:

- as the applicant was noting the water is being provided by the Village of Kiryas Joel there's an outside user agreement that exists for all three lots, this would modify that outside user agreement so the applicant would have to work with the Village in order to modify that agreement

- the application also proposes to tie into sewer district one. It would modify that approval or perhaps it may not so we'd look to get a letter from Orange County Sewer District number one that whether or not they want a new approval or if the existing one is acceptable.

Mr. Gelb - we have to go for a new permit because there a new unit so we are working now with the application for them

Mr. Arnott - I had a few comments on the EAF which I've provided for the applicant

- the applicant did provide architectural plans for review I had a couple of comments specifically regarding the size of the proposed dwelling total size be added to the site plan as well as the finishes and types of finish types and colors be provided on the renderings. I know there are a number of colors and it says horizontal or vertical siding, but we'd like to know is it vinyl siding, wood siding, Etc. be more specific on the construction materials.

Ms. Torre - any of the exterior elements that you haven't labeled just make sure you have color and material for everything, there's lighting fixtures and spec sheets

Chairwoman Franson - yes what is happening on the ground level? Where you have these stairwells? Do you have walk out area?

Mr. Gelb - where you see the windows that are partly below grade it's a part of the unfinished basement, not living area. No walk out area.

Chairwoman Franson - for purposes of knowing what the sewer and water Etc if you can inhabit that space if you wanted to put bedrooms down there just to let us know now it's not a matter of you can or can't it's just letting us know as part of the approval that's all.

Mr. Gelb - so as part of the approval the owner wants just to sell this and not do anything in the basement. I want just want to understand regarding the grading what I should improve.

Mr. Arnott - if you can either superimpose the grading for the entirety of the subdivision on a

sheet or provide a separate sheet that shows all the grading that was approved. Preferably you would superimpose it with the proposed grading that you're doing now.

Mr. Gelb - so you want to see the grade how it was approved and what we changing now. Basically, as I have now my two plans as we have discussed it's not so much different just a little different because we're not doing now the work for lot 2.

Mr. Arnott - right but that's the point is you can't grade the property such that you can't achieve the grading that was previously approved for lot two that the building on lot two that was previously approved can't be built.

Mr. Gelb - this will be able to be achieved when we going to construct lot 2. We not doing anything which will result that we will not be able to make the grading. We are just doing it in phases.

Mr. Arnott - understood, let's show that so that we can confirm that we're not that you're not impacting the previous approval. Just to confirm your applicant owns lots one and two and not three.

Mr. Gelb - just one question regarding the EAF if this will be as a Type II action that then all the comments of the EAF will not be applicable.

Mr. Arnott - you can disregard my EAF comments.

Ms. Torre comments:

- first it looks like there's some steps or encroachments in the side yard setbacks the code does allow for fireproof fire escapes or stairways required by law going into a yard not more than 4 feet just want to confirm that's what's shown there and that they don't protrude more than four feet into the side.

Mr. Arnott - I'll refer that to Mr. Maldonado to confirm whether or not he thinks it needs a variance

Mr. Gelb - so we are allowed to go till 4 feet

Ms. Torre - certain types of encroachments and stairs fire escapes

Mr. Gelb - we have here a steps goes down to the basement which is only 4 ft and the steps goes up to the house comes in only one feet that's all what we have into the setback

Chairwoman Franson - that looks like that's 15 ft and it's approaching about four feet in and it's allowed for stairwells for stairs

Ms. Torre - allowed for open or lattice enclosed fireproof fire escapes or stairways required by law.

Mr. Arnott - I'll refer to Mr. Maldonado just to make sure it meets code or whether or not it needs a variance

Ms. Torre - just looking at the special use permit criteria in section 57-13 U if you could show the width of the driveway on the plans

- also it provides for the protection of Woodland character. When the subdivision was approved there was a tree plan, you were removing or the applicant at that time was removing a total of 14 trees including some on this property and planting some additional. I don't know if

there's any changes are you removing any additional trees.

Mr. Gelb - no we're not doing any changes to the original landscaping plan.

Ms. Torre - make sure you show the prior landscaping plan and tree plan and if you're not removing any additional trees then that should be noted as well.

- we talked about Architectural Review and indicating the material and color of anything that's not specifically labeled including any lighting fixtures and spec sheets.

- did want to note that the address sign appears very large and it doesn't appear to comply with the code. Your Zoning doesn't address signs, but there is Town Code Chapter 33b that does have some restrictions. - I don't believe it would be able to get a permit from the Building Inspector for residential property the displayed numbers are to be 4 Inches in height.

Mr. Gelb - okay we can change that just from the designer put some numbers to make it nice.

Chairwoman Franson - where are we with improvements sidewalks, were they installed?

Mr. Arnott - nothing's been done. There are public improvements of the sidewalks and the street expansion but that work has not begun. There is a performance security for that.

Chairwoman Franson - be aware of that because your improvements are overlapping with the other approval and the performance bond is going to be in the name of the original owner, and now it's a different owner?

Ms. Torre - owner for lot 1 & 2 are the same as the original.

Chairwoman Franson - who is responsible for the public improvements if the lots are sold?

Mr. Arnott - the subdivider is because the performance security is that person's either Bond or cash. They're responsible for completing the public improvements okay so regardless if they sell all three lots or not.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to type this project as a Type II action for SEQRA purposes.

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Pat Shea, Dylan Penn, J Louis Rivera, Robert Garstak

Nay: None

Abstain: None

4. Returning Projects

Action, Discussion: 4.1 **Monroe Commons** (0182-2020) SBL # 2-1-10 Nininger Road, Monroe NY

Applicant Representatives:

Daniel Richmond

Jon Dahlgren

Mark Siemers

Ken Wersted

Additional Planning Board Consultant:

Aaron Werner - AKRF

Ms. Torre -

- so the last time the project was before the board you did accept the FEIS as complete so the next step in the SEQRA process is to adopt the finding statement and this is really the final step in the

SEQRA process. Afterwards you'd be able to issue an actual decision on the land use approvals before you, before doing so of course because this project does require Zoning Amendments from the

Town Board the Town Board would have to take action on those before you would be able to issue any approval, but the purpose of the finding statement that's before you this evening is really to summarize the impacts that have been studied in the environmental impact statement and address the mitigations that are required in order to mitigate those impacts to the greatest extent practicable. There have been iterations the applicant had sent around a draft finding statement after the FEIS was adopted and your consultants went ahead and revised that document it was sent back to the applicant and also to this board so that you'd have an opportunity to review it before tonight's meeting the applicant had a few additional comments that the consultants have looked at and this version that's before you now is the result of that further review. So there's some red lines you'll see in this one the documents otherwise what was sent to you I believe it was sent last week I had circulated.

Chairwoman Franson - Mr. Werner do you want to add anything else.

Mr. Werner - I believe Ms. Torre summed it up very well. An important piece to also make sure you review and understand is the last section on the last page about certification of approval and findings. The way that this finding statement is structured is what's commonly called like a positive finding statement meaning that you're saying that the applicant has met the requirements of SEQRA, you've weighed and balance the impacts versus the relevant social economic other considerations that the action is approvable. It doesn't mean you're approving it tonight, the way that this is framed is a positive finding statement meaning that the project can advance to the next stage which would be the Town Board followed by the Planning Board's review of the site plan and wetlands permit. I'm happy to answer any questions on certain topics that AKRF was involved with like the traffic and overall planning chapters of the document like visual resources Etc. otherwise we've met with the applicant we've gone back and forth a few times on this version and like Ms. Torre said it's not that different from the version that you received last week.

Chairwoman Franson - I have a legal question with regard to that, but why don't we go through any of the edits. Mr. Richmond do you have any edits from the latest version, assume you looked at them are there any additional revisions or any discussion of this.

Mr. Richmond - thank you Madam Chair, members of the board just for the record my name is Dan Richmond with the law firm Zarin & Steinmetz LLP on behalf of the applicant with me here this evening also on behalf of the applicant Ken Worsted for Creighton Manning Traffic, Jon Dahlgren of Tim Miller Associates our Planning consultant and Mark Siemers of Pietrzak & Pfau the plan projects engineering and planning consultant. We have gone back extensively with your Consultants are comfortable with the most recent iteration of the findings as you know this has been the process of a lengthy SEQRA review uh that's taken place before your board including the preparation of a draft environmental impact statement was the subject of a public hearing and then a final environmental impact statement that addresses all the substantive comments that were issued on the DEIS. This has been a comfortable comprehensive process that your board should be comfortable with. We are looking this evening for your board to adopt the findings this evening and as your attorney mentioned that we are hopeful that the Town Board will adopt the Zoning Amendments that the applicant has petitioned for at its September 30th meeting. We would also ask this evening if your board could let us know if you have any comments on the site plan but again we're hopeful that you can direct your consultants to draft a site plan approval resolution for the project so that could be adopted at its next meeting.

Chairwoman Franson - I don't know that we're ready for that but the findings I think do we need to go through any of the revisions do you want to go specifically into any of the items does the Planning Board have any comments or questions on the finding statement.

Ms. Torre - I think we should run through the edits there's not that many.

Chairwoman Franson - we have for the board members information it starts with the project and an over overview of the project so describing what the current proposal is in front of us.

Ms. Torre - reviewed the changes with the findings statement for the boards approval.

- the first change clarify the location - because the project site itself the main parcel is located of course in the Town of Monroe that's where the development will occur there's also some clearing and grading that will occur on a portion of a property that's located in the Village of Woodbury which will require the appropriate approvals from the Village of Woodbury and also portion of adjacent property located in the Village

of Kiryas Joel and the Town of Palm Tree actually two parcels located in the village and town and portion of that property will be cleared and graded for driveway connections sidewalk connections and utility connections so that addition there was to elaborate and clarify which parcels are involved.

- next revision is on page 7 the last bullet point.

Chairwoman Franson - I just wanted to remind the board that the applicant also is proposing text amendments to the HI Zoning District but there isn't a lot of land included in the HI zoning District I believe it's this property area (showing on the screen) and then the one that's over by 208 when you get off Professional Square.

Ms. Torre - the DEIS (inaudible not sure if DEIS or FEIS) did go through the various parcels in the HI Zoning District and what's there currently and if it's vacant what could potentially be developed there on as a result.

Chairwoman Franson - each of the sections address the topic and then itemize the different mitigation measures that have to get incorporated and are incorporated into any decision.

Ms. Torre - there was just a minor addition on page seven it was just to add the date when the notice of completion for the FEIS was published with the ENB that was August 7th.

Ms. Torre - B2 the language has been clarified there that no storm water from disturbed areas will be discharged directly to the wetland areas. Also made some modifications clarify the storm water practices that

are going to be used there'll be three proprietary storm water treatment practices.

Chairwoman Franson - what are proprietary?

Mr. Seimers - in this case the proprietary practice is a flowthrough practice where we can't use infiltration or any other type of typical storm water treatment. We're using a ADS right now it's a manhole and it's a Vortex which will separate the oil and sediment and then it's flowing into a second device which is also ADS and it's filter cartridges that are in a concrete underground basin it'll flow through both of those things and then go to a detention area where it'll be detained for the peak flow run off.

Chairwoman Franson - proprietary just means it's not a standard practice.

Mr. Arnott - right and and it's manufactured by a company.

Mr. Arnott - B6 deleted items so this is with regards to the rock that we had talked about during the foundation so in the geotechnical report the geotechnical engineer recommended that additional borings be done in order to determine if rock would have to be excavated as part of the foundation excavation the applicant did perform additional test pits to look for rock they did find some boulders but in addition the applicant did provide a draft blasting plan so that in the event the applicant needs to blast rock or perform rock removal there is a protocol in place that the applicant can do that and not return to the Planning Board for additional SEQRA findings. I felt that since we already had that belt and suspender approach on the rock removal that it wasn't necessary to perform additional borings in order to determine if there's rock so that's why that part was struck out.

Chairwoman Franson - (inaudible) or cleanup language regarding the SWIPP and storm water management.

Ms. Torre - D1 - yes this change is respect while the applicant is going to be getting water from the Village of Kiryas Joel they have provided a letter stating their willingness and ability to provide the water. One of the things the Planning Board's requiring through the FEIS and now would require in the findings is for the adequacy of the water to be confirmed by the Orange County Department of Health in addition to the

Village and the timing of when that confirmation is going to be made is going to be determined as part of any resolution of approval issued by the Planning Board. The type of permit that would trigger that when that would have to be. It wouldn't be out before a CO but to specify

when exactly the type of permit that would trigger it.

Mr. Richmond - I could just chime in on that particular point. We obviously would like to start work recognizing however that Department of Health review may take some time so we're reviewing with your consultants and I understand they'll be contacting the Town Building Inspector to confirm that some kind of foundation permit or something could be issued to allow us to commence foundation work while we're waiting and that could be bonded.

Mr. Arnott - I did speak to Mr. Maldonado this afternoon regarding that he is comfortable with allowing a building permit for foundation only so that the site work can proceed although he would like to review any language of the resolution just to timing wise to make sure that he's comfortable with how that is approved.

Chairwoman Franson - D5 looks like refinement to wording again this looks like just refinements to wording in D5 underground infiltration.

Ms. Torre - at the end there it's been one of the mitigation measures is for monitoring of the groundwater levels so that's something that will have to be satisfactory to the Town's Hydro geologist and it's going to be determined by the Planning Board as part of any site plan resolution.

Chairwoman Franson - Language in general to the reference to the applicant versus project sponsor property owner. This one in particular transportation and traffic this gets into the relevant intersections

and we have the mitigations. With the mitigations because some are 12 to 18 months out they will get a building permit they'll be allowed to construct but they won't be issued a C/O in essence. When it says there's an unmitigated impact at the Route 17 westbound ramps and Route 32 intersection Sunday peak hour and they're no known improvements to diverging diamond interchange what is the unmitigated impact. In other words what's the level of service that it goes down to that isn't being mitigated.

Mr. Worsted - I would have to look that up I don't have it in front of me but the impacts there are simply a delay to that interchange or that intersection because it's a new intersection we're not going to add Lanes or make any modifications they do have I think it's mentioned in their an Adaptive traffic control system which means think of it as like an AI type of system where it is monitoring that traffic is changing and itself adjusting within a certain parameter to alter the green times to better effectively handle that traffic so it's really more effective when you have a significant change if traffic was consistent every day of the week we could set it pretty concisely but with the outlets and how much shopping traffic kind of comes and goes at various times this is more adaptive hence the name more adaptive at changing those timings to reflect those conditions.

Member Garstak - (inaudible) it's set for a time however long it would be it's going to (inaudible)

Mr. Worsted - I believe DOT also has remote access into it. If they do find that something is going on that they need to make adjustments it's not like they have to drive out to the intersection and push some buttons they can do that remotely.

Chairwoman Franson - when you say signal timing adjustments are expected to occur naturally is the system already in place or the system has to be added?

Mr. Worsted - the system is in place

Chairwoman Franson - in terms of your project versus Woodbury Commons the amount of unmitigated percentage contribution to the traffic at that intersection is not significant. Does this have to do a lot with all the no build conditions and your project.

Mr. Worsted - correct we had some 24 projects included as background developments there's also a number of assumptions of how much of Monroe Commons traffic is going to come from that direction now that the project is really there to serve the Kiryas Joel Community which is to the West Side. But based on those assumptions we assume you know there was some amount of traffic coming in that direction that would go through those intersections but in terms of percentage we likely have more traffic coming to and from Kiryas Joel to this shopping center as whereas Woodbury Commons would have a lot coming off of the thruway and Route 17 and more regionally as they pass by that area.

Chairwoman Franson - was the Fire Districts did they specifically respond to comments because it's in the Monroe Joint Fire District I guess through mutual Aid it could also be served by Kiryas Joel Emergency Services because it's actually on that side of the highway.

Mr. Dahlgren - yes it probably could be served by Kiryas Joel because it's in the closest proximity. In terms of a written response from the Monroe Joint Fire District we didn't receive any written comments but I know the applicant has had meetings with the Monroe Joint Fire District and there's been back and forth about access and that sort of thing fire hydrants even.

Chairwoman Franson - okay in terms of Fire review that can always occur right before the we actually before site plan approval happens. Asked Mr. Arnott to reach out to them.

Chairwoman Franson - is there any pilot contemplated for this? Meaning a payment in lieu of taxes or an IDA kind of arrangement.

Mr. Dahlgren - as I recall no pilot that wasn't brought up during the process.

Mr. Werner - if your looking at J1 or J4 under the fiscal those changes were just made to make sure we had the latest tax estimates based on the fact that the project did change slightly between the DEIS and the FEIS the number of hotel rooms changed the square footage was roughly the same but there were some adjustment to the programming of the building and a number of employees and other factors as far as the taxes assessed value and other things that we made sure that the applicant gave us the correct calculations what we're calling the FEIS plan.

Mr. Werner - air quality edit under L1 that was just to clarify that there was a screening assessment that was done for stationary source air quality for the buildings exhaust basically and its effects on any sensitive receptors that may be in the area since the State SEQRA guidelines don't really have a methodology that's commonly used we in the scoping document you may recall we had the City SEQRA manual methodology requested to be used which is basically since there's a lot of tall buildings in New York City they have a nomograph appendices in their manual that can assess at what distance a plume from a shorter building

might impact a residential or other receptor on a taller building nearby in this case this building is going to be taller than most of the surroundings. All this is really saying is that the distance that was determined to be where we would want to see a more detailed analysis was 275 ft from a building of equal or greater height in this case they're well beyond that so the 275 ft was just referenced as the kind of threshold distance and they didn't based on their distance away from any building of equal or greater height they don't need to do any more detailed analysis that's just summarizing what the DEIS concluded. There was more of a Mobile Source analysis that was more involved and that's what L2 gets into. That has to do with all the the cars in the parking lot traffic generated by the project.

Chairwoman Franson - so no hotspots?

Mr. Werner - no the conclusion they did an analysis that you know we went back and forth a little bit on that as well and what methodology they ultimately used for the DEIS and the FEIS with our air quality team at AKRF and we found their analysis to be acceptable. It doesn't show any exceedances or impacts from the parking lot air emissions.

Chairwoman Franson - in terms of the colors I don't think white stucco is something that's earth tone and this is something I've said for some time that and when we go through this I rather that the color hue be something that blends a little bit more into the environment. Where are we on the facade and the colors? If it's something we don't want to discuss now then I would prefer not to reference White stucco.

Mr. Richmond - (inaudible) not sure the reference mention stucco as a material

Chairwoman Franson - it says at the bottom M1 the proposed white stucco I think if for now we want to move along that we remove that sentence and then get to the final color as part of site plan approval.

Mr. Richmond - yes I think Madam Chair what we'd like to do is to get you all the materials and perhaps set up a technical meeting with yourself and perhaps one other board member to go over the details of the architectural plan we think that would be the best way of advancing that. We're hopeful to do that soon again hoping that your board can act on the site plan in September.

Chairwoman Franson - okay so then I'd like to delete that one sentence until we get to it.

Member Garstak - (inaudible) questioning the lights I believe?

Mr. Dahlgren - can I can speak to that in general terms. What I'm familiar with is that if the light is directed downward somebody looking from either a higher elevation or higher grade looking down on the parking lot we'll see the parking lot lit up but what the dark sky really does is you won't see the light directly what you're seeing is the light on the ground reflection and not the light fixtures and that's kind of the goal is to shield the fixtures so you're not looking at a light and what's lit up is the ground and it's pretty effective it makes a big difference than looking right at the light. Now the parking lot lights we did talk about the elevation of the lights during the process those came down instead of originally proposed at 35 ft or something there at 20 feet generally I think a few in the middle are 25ft so they're relatively low for a large parking lot. They have to cover a lot of ground so that's the reason for the height because you're you're lighting up a bigger area.

Member Garstak - specific types of bulbs that help mitigate the the amount of lumens that they're throwing off?

Mr. Dahlgren - yes that's part of it too is certain bulbs or the light fixtures is brighter than others you know.

Mr. Werner - I would just add to that if you look at M6 it does lay out that there was a lighting plan done the lighting plan was based on the fixtures and the bulbs that are proposed there was some exceedance there was some light spillage onto the adjacent VMG property only because there's a connection proposed there and they need to have it safely lit but you know the language in M6 here speaks to the fact that the Planning Board can grant waivers to certain aspects of the lighting code including if the light spillage is necessary because of you know safety concerns or safety issues because of that proposed access. There's a couple of waivers that are mentioned there on the bottom of page 33 into page 34 that would be considered as part of your site plan review.

Chairwoman Franson - in terms of the waivers that any exceedances any non-compliance have to do with the VMG property? It does say all lighting poles along the shared property line with the VMG property are 20 ft in high with a total of 9 25t poles proposed for main Southern parking lot and six for the Northern parking area serving the hotel and office uses.

Mr. Richmond - (inaudible) there's also the light exceedances we're talking about are the entrances Nininger Road for safety purposes.

Chairwoman Franson - what are the exceedances? I mean how far are we off because it says 0.1 foot candle? I don't know on adjacent business property 0.05 on adjacent residential property so at the entrance only and then along VMG but not to the north not to the east so I think if we could just make that a little tighter. M6 in the beginning mentions the lights within this project and the adjacent VMG.

Chairwoman Franson - would it be okay to just add a you know final lighting is subject to final site plan approval.

Mr. Richmond - think that's implicit but because we're talking about waivers does

Ms. Torre - also require you'll have to grant waivers from those provision. It's two that they exceed the at those spots and then also the pole fixtures are greater than 20ft at some spots. The specifics of the waivers will need to be flushed out the exact illumination and then it'll be up to the board to at site plan approval.

Mr. Richmond - Madam Chair when we go through the conditions later on there's a condition at the lighting plan as approved by the Planning Board to avoid (inaudible) properties.

Mr. Werner - that lighting plan is part of the site plan set and it's been the same one that the FEIS addressed the DEIS addressed.

Chairwoman Franson - actually doesn't specifically say if we want to make any little minor adjustments or anything that still can be done if it turns out it's 15 and not like 10 or five.

Mr. Richmond - again I think the conditions at the end say that it's a lighting plan that's approved by your board.

Ms. Torre - I could add a sentence at the end of that that the Planning Board approval of the

lighting plan at site plan approval.

Chairwoman Franson - utilities water coming from Village of Kiryas Joel and proposal is to connect to Orange County Sewer District number one. My only comment would be didn't we get a letter from Orange County DPW that Sewer District number one is at capacity or nearing capacity. Where are we on that?

Mr. Seimers - currently the Harriman treatment plant does have capacity they are nearing capacity. I think the letter that you are recalling is the Moodna letter because Moodna is all the different Towns and each

Town is allotted a certain flow for the sewer plant and Monroe is currently over their allotted flow for Moodna. This property is located in the sewer district not in the Moodna section.

Chairwoman Franson - addresses Mr. Arnott - I don't know if you recall I think the letter was the same letter that came addressing traffic so it was from DPW was regarding traffic but then it said by the way and I don't think it was Moodna I think it was specific to Harriman.

Mr. Seimers - the plant currently has enough treatment capacity they are nearing the end of that treatment capacity and they are also in the stages of designing and expanding the plant.

Mr. Garstak - question I guess that brings up is how much is this going to generate versus how much is left being we're nearing capacity at the Harriman plant? If this is going to generate more than the Harriman plant has before they continue with their expansion then doesn't seem like that's correct.

Member Penn - I believe that was outlined in section right there (looking on the big screen at the document)

Ms. Torre - the estimated demand for the project is 58786 gallons per day and as of May 31st 2024 the 12-month average combined Wastewater flows from Orange County Sewer District number one and the Moodna communities into the Harriman sewage treatment plant was 5695000 basically there was a remaining capacity of 390500 gallons per day. so this project is see requires a little under 59000 and there was capacity of 390500 at this point in time.

Chairwoman Franson - it does say approval to connect is contingent on available capacity at the time application to connect to the system.

Mr. Arnott - Orange County has to issue a permit (inaudible)

Chairwoman Franson - so if they don't have capacity then permit won't be issued.

Chairwoman Franson - construction impacts - I would only say that O2 it has to do with concerns about the school district but it's really it doesn't sound like anything's really being promised it just says to the maximum extent practicable.

Mr. Arnott - we had talked about adding a note to the site plan that could be enforceable during construction.

Chairwoman Franson - a note will be added to the site plan to address timing of construction activities relative to School District Operations.

Ms. Torre - the type of condition would be required in order to effectuate the various mitigation measures so they're all consistent with the mitigation fundings I did just make one addition to

the one that addresses the number 30 number 57 it's on page 45 which deals with the construction deliveries and construction traffic so I added that same sentence that a note will be added to the site plan to address timing of construction activities relative to school operations.

Chairwoman Franson - these are the various conditions that are essentially their mitigations that would become conditions

Chairwoman Franson - in terms of the waivers we're in MS4 so it would be the Building Inspector that would issue a waiver if he issues a waiver.

Mr. Arnott - it would be the Storm Water Management officer and none have been assigned so it would be the supervisor.

Chairwoman Franson - okay but in other words it's not DEC it's the Town that would consider the waiver? correct

Chairwoman Franson - it says applicant shall obtain approval from Orange County Sewer District to connect the sewer system prior to the issuance of certificate of occupancy. Is that typical or do you normally get a permit before a building permit or somewhere in between.

Mr. Richmond - I think you typically get it you know again it's prior to certificate of occupancy because you got to do the building I think that's my experience the way it's work.

Chairwoman Franson - to the point of what's let's say you build the whole building and they have no capacity so I mean I guess it's at the applicant's risk if it sits there empty but I just didn't know from a permitting process when they typically would issue an approval.

Mr. Arnott - I have seen it where that building permit is issued prior to the issuance of the Sewer Lateral connection which is all this is kind of an alternative the board is requiring that the approval be required prior to building permit in all intents and purposes I know they're we're talking about it some small exception but that is a main extension versus this is a lateral connection. So to that end I think leaving it at certificate of occupancy would be okay. As you mentioned it's at the applicant's risk that if sewer capacity does not exist.

Chairwoman Franson - should we say something like that or should that be in the site plan if not in the FEIS should that be in the site plan.

Mr. Arnott - I think we should acknowledge that the applicant is proceeding at their own risk if they don't receive it prior to building permit.

Ms. Torre - states that the comment should go in the ability section page 35 N3. The Planning Board acknowledges that capacity at the Harriman Sewage treatment plant is nearing capacity and that the applicant is proceeding at its own risk to the extent construction is commenced prior to obtaining the requisite approval from Orange County Department of Environmental facilities and services. Also in that corresponding condition it should be that the approval is from Orange County Department of Environmental facilities and services rather than from Orange County Sewer District number one. We're going to clarify under condition 52 you made your finding that your acknowledgement is part of the finding but not necessarily part of the condition. I would change here that the approvals from Orange County Department of Environmental facilities and services to connect to the Orange County Sewer District number one sewer system. One additional comment there's a couple spots in the document

where we talk about the well abandonment being per the Department of Health standards and that should actually be DEC there's a few spaces where it says in accordance with New York State Department of Health End/or American Water Works Association procedures that should be New York State DEC End/or American.

Chairwoman Franson - we are up to certifications. Mr. Werner you said something to the effect of if we approve this finding statement we're essentially saying we're going to approve the project and this is part philosophical but can you approve a finding statement and not approve a project.

Ms. Torre - what Mr. Werner was saying is that if you approve the finding statement you're essentially saying from an environmental perspective under SEQRA the applicants complied with SEQRA and you find that they've mitigated all the adverse environmental impacts to the greatest extent practicable. So the converse of that would be there would be no environmental reason no significant environmental impact that would warrant a disapproval of the project there would be another option which is rarely used but a negative SEQRA finding statement where you find that the applicant has not mitigated all of the adverse environmental impacts to the greatest extent practicable and then from that would stem a disapproval based on environmental reasons.

Chairwoman Franson - normally we certify that SEQRA been addressed and non balance you've mitigated to the maximum extent practicable but I just want to make sure there wasn't anything saying here and therefore

Mr. Werner - I think that sums it up and that disapproving it based on the SEQRA reason wouldn't really be permitted

Chairwoman Franson - agreed and I'm not planning that but I when I heard that I was like wait a minute because then it sound like it was deal and I didn't understand that relationship between SEQRA and decision making. Board members any other comments questions anything not addressed.

Mr. Fordham member of MCC - who will be responsible to change the cartridges and filters in water filtration system?(inaudible)

Mr. Arnott - part of the resolution the I'm going to recommend that the board require a storm water management agreement which is going to be between the Town Board and the applicant which is going to specify that the applicant comply with the stormwater regulations and the maintenance procedures that are in the SWIPP that will eventually be approved.

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to approve the findings statement for Monroe Commons conditioned upon as modified this evening.

Motion by Chairperson - Bonnie Franson second by Robert Garstak.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson Pat Shea Dylan Penn J Louis Rivera Robert Garstak

Action Discussion: 4.2 **127 Seven Springs** (0204-2022) SBL # 1-1-41.2 127 Seven Springs Road Monroe NY

Applicant Representative:

David Higgins - Lanc & Tully

Lipa Deutsch

Mr. Higgins does a review:

- a negative declaration has already been granted for this 3 lot subdivision
- public hearing complete last month
- comments on submitted plans from the Landscape architect looks like they were based on prior plan submission not sure if you were aware of that but it looks like the the comments that Ms. Arent had in that letter was made in July would have been addressed

Mr. Arnott comments:

- applicant revised the SWPPP pursuant to our last comments based on the revised SWPPP we take no exception to that SWPPP
- essentially the storm water is adequate from our perspective at this point
- however kind of looking forward there are a number of drainage improvements that are shared between all three lots so I've asked the applicant to address who will be required to maintain those in perpetuity so that we can incorporate that into a storm water management agreement. Looks like some of the curtain drains might be a little too close to the septic absorption field I think there's an easy fix just asking Lanc and Tully to look at that.
- the applicant on the Subdivision plat has included some easements for drainage improvements and access improvements so those easements should be provided to Ms. Torre for her review prior of final subdivision approval and site plan approval
- a request from the Highway Superintendent to provide the drainage to be piped for the entirety of the length in front of the property. I believe that was previously shown that way but for some reason this revised version it was just shown as two driveway culverts.
- previously there was a note on the plans with the site distances and required clearing I didn't see that on the newest version of the plans I know there it was noted that there needed to be some brush clearing in order to maintain site distances so I'd like to have that clearly noted on the plans who's responsible for it and how much clearing needs to be done.
- to satisfy the septic proposed for the two family dwellings there has to be a certification that's provided and there was a note provided on the plans but it wasn't signed and sealed by John Queenan so that'll have to be completed
- last meeting we had discussed with the MCC some of the tree plan items I didn't know if the MCC had noted whether or not there was any Landmark specimen or protected trees that warranted discussion maybe we could ask them and again is about the storm
- storm water management

- the applicant provided some architectural renderings which are up on the screen I asked that those be signed and sealed by an architect that the total square footage of the building and each side of the duplex be noted on the architectural plans and that the colors siding types Etc be uh clearly identified on the elevations

Ms. Torre comments:

- at the last Planning Board meeting you closed the public hearing
- the applicant did agree to extend the 62-day time frame for the Planning Board to make a decision so the applicant did indicate they'd be submitting a letter just confirming that so I'd ask that you just submit that letter with your next submission
- I did have a couple of just minor typo cleanup things for some of the map note language that I'll just email you
- MCC did submit comments on the or I don't know that they've resubmitted revised comments on the the tree plan so that was referred to them they do have 30 days from referral to give comments on that
- so the architectural drawings they do identify the three options so the applicant should confirm if each dwelling is going to have one of those three options rather than allowing each to choose their own that it'll be three one of each as proposed and not that they could pick and choose and also if you could add just there's some elements of the architecturals that weren't labeled I think the windows doors any lighting fixtures the color of the concrete staircase Etc.
- they are removing 278 trees over 6 Inches at dbh they're proposing to replace 42 so just wanted to confirm that they'd be seeking the fee in Le of replacement for the remaining

Action Discussion: 4.3 **Home Depot** (0227-2024) SBL # 2-1-31.2 254 Larkin Drive Monroe NY
No Show

5. Additional Matters to Discuss

Action Discussion: 5.1 **Updated Law Amendment Local Law - Tree Preservation**

Ms. Torre suggested revisions to page nine paragraph D where it talks about tree plan permitted removals without mitigation. Under number two it would make sense to revise the beginning of that to say for site plans and special use permits other than single family detached dwellings two family detached dwellings and places of worship and then delete the end for special use permits at the end because two families and places of worship I believe require special permits I wouldn't want to get into a situation of it's which one would control they are saying that's what it's trying to say but the way it's worded to me it's exempting or it's not applying to site plans for single family two family or places of worship but it's not specifically exempting special use permits for those uses and special use permits other than single family even though I don't think there's ever a scenario where you need a special use permit for single family definitely for two family for two family and places that worship you do. I

can review it more this was just something that stuck out to me.

Chairwoman Franson - (inaudible)

- I have questions for example what does this mean there's dwarf flowering trees this tree definition I'd like to examine a little more tree native so the difference is that the native refers specifically to Orange

County or such larger region as is otherwise appropriate the original definition actually had New York New Jersey Pennsylvania Connecticut and Vermont.

- definition of tree removal I would almost prefer a larger region than just saying Orange County because Woodland we go down into New Jersey for instance this whole system of forest if a larger region matters

but I think we would look at a larger region than just Orange County.

- definition of tree removal is being deleted and here we had a definition that it's any removal except for things like dead trees or trees that pose a hazard and then removal of 50% of the crown trunk or root system.

- tree density unit I didn't get to the point where it says actually what tree density unit is

- here in G before section 11 preserved I think should be protected that was what was defined

- under 57-82 exemptions the following activity shall not be subject requirements of this article removal of non-regulated trees except for trees shown on a plan approved by the Planning Board and I think maybe it should say and mitigation trees not or mitigation. That was on that's under 57-82 exemptions so it's a if you could look at whether after Planning Board.

- under F so these are all supposed to be exceptions and it says removal of dead or dying tree subject to the following conditions but then it says where living regulated trees are proposed to be removed at the same time as dead or dying trees a tree removal permit shall be required so then it's not really an exemption.

Ms. Torre - exemption would be removal of dead or dying trees where no living trees are proposed to be removed at the same time.

Chairwoman Franson - F sub paragraph two instead of saying where the building inspectors unable to ascertain the state I would say the condition of the tree

- under G1 so this is about emergency tree removal and in one it talks about where tree endanger life or property within the public RightWay person seeking to remove the tree shall notify a police department of appropriate jurisdiction. If this is in the town we only have the state police and that part of it isn't really about tree protection so I don't know that that's necessary like the rest of it is necessary about the tree removal aspect of it but notifying the police department that's not really part of tree protection you should do that but I don't know that it has to be here that's related to life or death matter now right right

- so I just had minor word change I'll send these to you Ms. Torre

Chairwoman Franson had some additional wording changes that she will be forwarding on to Ms. Torre to incorporate into a letter back to the Town Board.

All Board members can also make any additional suggestions that they might have Ms. Torre as well.

Action Discussion: 5.2 **Blooming Grove Project Mary Crest**

Chairwoman Franson disclosed that her firm represents Blooming Grove so she has recused herself from this matter.

Member Shea was appointed acting chair for this item.

Mr. Arnott - The question we're facing here whether or not you want to provide comments either at this time or in the future on the proposed application. I believe part of the lot does run into the Town but my understanding is there's no improvements within the Town at this time but it is immediately adjacent.

Member Shea - Ms. Torre what responsibility do we have here if it's not on our property.

Ms. Torre - you don't have any approval Authority if there's nothing within the town that requires Planning Board Approval then you'd be considered what's known as an interested agency so there's no obligation for you to do anything or provide any comments but because you're an agency that should be interested in the project given the proximity to the Town and potential impacts it might have on the Town properties you're able to give comments on it. I'm just trying to look now where they are in the the process and in terms of SEQRA particularly where they are.

Mr. Arnott - they just circulated or they're about to circulate for lead agency it's a type I action.

Ms. Torre - I think that it would probably make sense to wait for all of the material perhaps put this back on an agenda that way you know the board can make comments and I'll review and Mr. Arnott can review as well and that way if the board has any comments to pass along you can.

Member Shea - does that require a motion?

Ms. Torre - no

6. Adjournment

Action Discussion: 6.1 **Adjourn Meeting**

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

Motion by Pat Shea second by Robert Garstak.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson Pat Shea Dylan Penn J Louis Rivera Robert Garstak

Nay: None

Abstain: None

