Town of Monroe Planning Board Regular Meeting MINUTES

— 09/08/2022

Town of Monroe Planning Board Regular Meeting (Thursday, September 8, 2022)

Generated by Norinne McSweeney

Members present
Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli, Dylan Penn, J Louis Rivera

Members absent:

Robert Garstack - Alternate # 1

Consultants:

Ashley Torre, Esq.

Shawn Arnott, PE

1. **Welcome**

Procedural: 1.1 Roll Call

Procedural: 1.2 Point out Fire Exits

Procedural: 1.3 Pledge of Allegiance

2. **Returning Projects**

Action, Discussion: 2.1 **Monroe Commons** (0182-2019) SBL # 2-1-10 Nininger Road Monroe, NY

Ms. Torre Zoning amendment has 3 components
1) the height amendment wanting to increase the building height from 40' - 50' (as it was previously) in the HI Zoning District
2) parking amenedment to allow parking to be reduced 40% , where it's demonstrated to the satisfaciton of the board that the combination of uses on a particular site will generate parking that does not overlap or will not occur simutaneously, or the actual parking requirement is less than demand
3) maximum lot coverage increase from 65% to 75%

Chairwoman Franson it is specific to the HI zone
only affects a cluste of parcels that are in the town 208 & Rt 17 interchange, Professional Square Bldg, and Monroe Commons property

any board members have any recommendations or comments

Member Manson regarding the 50 foot height in the HI zone, the Professional Square is 50' approved under a previous zoning, it is an appropriate building height for the 50' height not a large area to not allow a 4th story to a small area doesn't make sense
75% lot coverage not a significant issue
regarding the parking situation, not a bad idea to have more discretion then less on parking coverage, our parking regulation require to much parking in general
good to look at parking on a case to case basis sometimes to much parking required for projects

Member Shea the way building situated so far back not sure height will make a difference
no objection

Chairwoman Franson this is a minimal area that the zoning amendment is looking to change, the language it tailored to the HI zoning district so it is limited it's not asking to waive parking throughtout the entire town, no change the building height for large swaths fo the town it is a very limited zone change

Mr. Arnott the code does allow the board to require bank parking if they didn't want to waive the full 40% they can require some parking to be banked

Chairwoman Franson to emphasize Member Mansons points about discretion as opposed to it's not that it has to be granted it gives the planning board under reasonable circumstances and based on the review to allow those waivers in essence after due consideration. Overall supportive of the amendments.

Does the planning board just recommendends the revision be adopted to the town board

Ms. Torre regarding SEQRA the planning board is the lead agency for Monroe Commons and this is tied to that, the applicant is currently doing a DEIS and they need to address the proposed zoning amendment changes and add these requirements to the DEIS
Chairwoman Franson did a quick overview of what is going on with the Monroe Commons project for the new board members.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion that the planning board recommends the proposed zoning amendments in the petition that was provided to us from Monroe Nininger Project and received in the town clerk's office dated July 5, 2022 and that a short memo be written by our attorney to indicate that the resolution passed and there's a reminder that we're in the midst of SEQRA and that SEQRA has to be completed unless the town board determines otherwise for the Monroe Commons project.

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli, Dylan Penn, J Louis Rivera

Absent: Robert Garstak

Action, Discussion: 2.2 **DG Management** (0172-2019) SBL # 69-1-1.2 Schunnemunk Road Monroe, NY

John Queenan - Lanc & Tully
Lipa Deutch - applicant representative

we are here with a plan that everyone is familiar with and looking forward to reviewing the draft preliminary approval resolution
during the last few meetings numerous items have been worked out with regards to the open space and the requirements for the variance and hopefully tonight we can go through the draft approval resolution and resolve any outstanding issues to we can move forward and get our outside agency approvals

Mr. Arnott all old comments addressed
waiting to do outside agencies

Ms. Torre received a letter from Village of Monroe in regards to the road connection the village would be accepting the portion of the road in the village and the town would be accpting the portion in the town, the letter from the village indicated they won't be accepting the road , town said it would accept ownership.
also some drainage infrastructure that this subdivision relies on that is located in the village so the village indicated the planning board would have to approve that. So that is part of the outside agency approvals.

Chairwoman Franson did a review of the project for the new members. This is preliminary approval for them to then get outside agencies approval and return to the Planning board for final approval.

Chairwoman Franson reviewed the draft preliminary approval resolution prepared by attorney Ms. Torre

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the resolution for DG Realty Management LLC preliminary major subdivision subject to the amendments we discussed this evening.

Motion by Pat Shea, second by Nicholas Napoli.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli, Dylan Penn, J Louis Rivera

Absent: Robert Garstak

Action, Discussion: 2.3 **Mountainview Shul** (0195-2021) SBL # 43-5-2 277 Mountainview Ave Monroe, NY

John Queenan - Lanc & Tully
Isaac Walter applicant representative

overview: construction of a new shul to replace the existing shul
we have made some changes per MHE Comments
we've included erosion sediment controls
a grading plan
more detail on the parking and the retaining walls
we have outlined the waivers we are seeking that are allowable under the code
talked about a site walk like to schedule that sooner than later to finish up the plans and the landscaping

open discussion to set up a site walk

Mr. Arnott Comments
outside agency approvals
uses new shuls 3 stories plus basement
existing bld still there for storage accessory to the shul
single family dwelling not included in FAR
Far did new shula and old shul
extension for KJ water will serve letter is needed
sprinklers in the shul
path to Karlsburg Road improvements stairs and small sidewalk didn't connect to edge of property
septic be removed from property instead of abandonded
grading through parking lot unclear beyond curb how ties in?
wall elevations included
proposed improvement by highway superintendent

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to to assume lead agency status for this proposed action.

Motion by Jeff Manson, second by Nicholas Napoli.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli, Dylan Penn, J Louis Rivera

Absent: Robert Garstak

Action, Discussion: 2.4 **BJ's Site Plan** (0200-2021) SBL # 2-1-30, 2-1-21.31, Harriman Business Park Larkin Drive Monroe, NY

George Lithco
Pat Smith
Chirag Thakk

Member Manson recused

Chairwoman Franson applicant has asked for a neg dec
draft issued for neg dec and resolution
give us a status update

Mr. Lithco status update produced an estimate of water use in Harriman Business Park inlcuded both uses we are entitled to 210,000 gallons of water from pursuant to the water agreement we are currently at 192 and that includes both uses there's a substantial contingency so water should not be an issue

Chairwoman Franson recieved landscaping comments from KALA
Mr. Smith we will comply with that letter

Mr. Arnott did independly studied the water agreement with the current allocation to all the exisiting users and potential users and came up with a conservative estimate of 199,884 gallons per day don't foresee this over the 210,000 allocated

Ms. Torre no comments
just start the review of the negative declartion first, need to fix date on first page shows ysterday's date, thank you

Chairwoman Franson review of negative declaration this is a determination that the project will not have a significant adverse impact and that an EIS will not need to be prepared
the action is RD Managment / BJ's proposed fueling station and fast food restaurant
we are the lead agency
date of action is today September 8, 2022
SEQRA status is unlisted
this is not a condition negative declaration

there is a brief description of the action
the location
and the boards reasons supporting the determination
Chairwoman Franson scrolled through and reviewed the negative declaration
there'll be a SWPPP to control storm water runoff
existing O&R easement
there has been a traffic study done with AKRF as our consultant
parking study was done
there is a well that has to be disconnected in accordance with the AWWA and DEC procedures

Chairwoman Franson reviewed the draft resolution:
lengthy introduction with regard to the overall approval of Harriman Commons Shopping Center
construction and approval of BJ's Wholesale club
well 4 was never placed in service
relocation of the Town 9/11 Memorial
removal of satelitte parking to accomodate the BJ's fueling station
6 pump islands and 12 fueling stations
LI Zoning District
listing of primary documents submitted in support of application
architectural rendering
stormwater pollution prevention plan
preliminary and final major site plan sheets are listed
traffic studies
history date of application on or about November 22, 2021
no public hearing
this is an unlisted action
coordinated review
established ourselves as lead agency January 13, 2022
issued negative declaration this evening September 8, 2022
referred to OCP for GML review one binding comment with regard to groundwater protection - applicant is required to comply with specific conditions of approval
requiring the decommissioning and sealing of well 4 be done by authorized well driller in accordance with best practices observed by licensed professional satisfactory
they also had 4 advisory comments consult with OCDOH, OCDPW, include standard note with regard to tree clearing limits and SWPPP - all given due consideration
planning board findings:
determined that approval os site plan will substantially serve public convenience saftey and welfare harmonious relationship with existing or permitted development of contiguous lands

considered the traffic assessment
conducted architectural review
no public improvements necessary
approve the ameded site plan subject to the following specific conditions:
planning board approval is subject to final engineering review by town engineer
plans shall be revised to address any outstanding comments of the town of Monroe Conservation Commission and the planning boards landscaping consultant memo of July 14 and September 8, 2022, except where compliance cannot be accomplished due to restrictions of the O&R easement
plans shall be revised to note mesh between the split rail fence around the bioretention pond will be black vinyl coated
following map note to be added to tree plan: prior to signing the applicant shall find the amended O&R easement is depicted on the plans
prior to signing the following shall be provided by applicant:
well serve letter from the Village of Harriman acceptable by the town engineer confirming the village agrees to supply water
provide proof of O&R easement approval of improvements within the easement
applicant required to comply with all conditions of such approval
prior to removal of towns 9/11 memorial applicant shall obtain approval and relocation from the town board and be required to complete installation at such location
BJ's fueling facility is only permitted as part of BJ's membership club
approval of fueling facility shall lapse facilities shall be decommissioned in event BJ's retail use is terminated

prior to issuance of building permit applicant shall:
post with the town clerk a performance and removal bond, an amount recommended by the town engineer to fix and cover the cost of the removal of the fueling station and the restoration of the site
for either site Orange County Sewer District # 1 must approve the sewer connection and Village of Harriman the water connection
for the restaurant use applicants shall either demonstrate to the satisfaction of the building inspector that the archectual details colors and materials of the proposed building and signage conform to the plans presented to the board or return for board for amended architectural review and approval
if the resaturant needs a different driveway design you would have to come back
decommissioning of well 4 in accordance with applicable NYSDOH regulations
prior to issance of certificate of compliance or occupancy applicant shall demonstrate:
to satisfaction of the building inspector that the underground fuel tanks have been installed in accordance wit the procedures described in Stantec Consulting services safety features letter of August 2022

that the compensatory removal of surplus parking spaces in the main BJ's parking field has been completed in accordance with the approved site plan and pervious surface has been suitably stabilised
provide proof of acceptance of the sanitary sewer main extension by OCDPW and DEC
for the restaurant use the sidewalk between the restaurant and the BJ's fueling must be installed
will have to return to the planning board for any modifications to the approved plans
BJ's fueling station if the building inspector determines additional directional striping of the stacking lanes is required BJ's shall install such striping within 30 days of receiving notification

Mr. Lithco & Mr. Smith comments, minor comments and moderate comments:
5, 6 & 7 change of wording to prior to issue of building permit versus signing of the plans reason issue with will serve letter on restaurant portion until actual client lined up updated the language
regarding O&R board prefers to have signed easement from O&R before signing of plans incase of any changes , Mr. Smith signed plans does 2 things for us addresses board comment because of signed plans and O&R knows that the board has acted and complete no chance for mischief 2nd reason it will take a little while to get the easement from O&R showing signed plans will move it faster, Chairwoman Franson resolution will show we have acted prefer signed plans again. Mr. Smith there is no easement right now we have to and we would like to get moving on the building plans.
discussion of signing or not signing of plans without O&R easement approval

12 actual approval of decommission of well - it is a DEC process there really is no approval, there is a certified person who does it, provide information to the village and the DOH, it is a section of the NYCRR they tell you how it is to happen, they tell you who has to do it and it must be done this way or they don't approve it, so the wording should be DOH/DOEC and we will provide the letter once complete saying accepted. Prior to receiving the building permit the procedure to decommission the well shall be in accordance with the letter received from the Village of Harriman dated August

14 Stantek wont be there during testing, the contractors test them, but Staneck will write reports. We suggest maybe having the building inspector there. It says served by and observed by a licensed professional. Instead of observing it is approving and issuing of the report. Need report prior to certificate of occupancy.

16 prior to C/O applicant to provide building inspector with proof of the sewer main extenion, in the current design we don't require a sewer main extension we have two laterals we don't need just DPW

21 refers to structures, if the structure is larger. I interpretit to mean if the impervious surface area is larger that would affect drainage, so if no increase in the pervious surface there would be no need for further drainage study

#9 what happens if BJ's membership club goes away without gas station. Right now it is in BJ's lease that if they leave they take the gas station, it is a requirement of their corporate practice as it is potential liability, and if they don't remove it RD steps in and enforces the lease. Chairwoman Franson from my perspective, we are not going to rely on corporate or lease agreeements we need to rely on something related to the town regulations. Mr. Arnott I would like to add NYS DEC they require weekly test monitoring of underground storage in the event that BJ's adandons the tanks, the weekly reporting wouldn't be received from the DEC therefore the DEC is going to require that the tanks be mitigated, somehow removed.

Mr. Smith we have an issue with posting a bond, it would be posted for a minimum of 10 years more like 20-25 years and it would impact our ability to finance the project going forward, it is a liability sitting on the property for something that would be taken care of. Not sure where this requirement is coming from and we have never talked about it in the past, it was just sprung on us out of nowhere. We aren't prepared to do it or can't do it as we're talking about a total inability to finance this project going forward, we will have to finance this project in the next 4 or 5 years.

Ms. Torre came about in the very beginning as a unique situation as gas stations not permitted in this district, but it's allowed by the building inspectors determination that it is part of BJ's retail use. There were earlier discussions what happens if BJ's leaves and the gas station is left. Who would be responsible and how would you enforce the removal, that is the genesis, if the board thinks there's security elsewhere whether it be the DEC monitoring or something else, but that is up to the board.

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

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Pat Shea, Nicholas Napoli, Dylan Penn, J Louis Rivera

Not Present at Vote: Jeff Manson

Absent: Robert Garstak

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to adopt the draft resolution with the amendments made this evening.

Motion by Dylan Penn, second by Nicholas Napoli.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Pat Shea, Nicholas Napoli, Dylan Penn, J Louis Rivera

Not Present at Vote: Jeff Manson

Absent: Robert Garstak

3. **New Project**

Action, Discussion: 3.1 **HBP - Five Below** (0208-2022) SBL # 2-1-34.21 128 Bailey Farm Road Monroe, NY

George Lithco attorney
Mike Rossi for owner
Don Alexander - Zoom - architect

Member Manson has rejoined the board

ARB approval for a sign change for Five Below
provided pictures showing the existing and proposed signage

Mr. Arnott the proposed facade appeared to be jutting out further than the building from what was existing, based on the applicants response that's not the case, the original pictures were more of a 3D effect making it look like it exteneded out
Mr. Lithco the new facade section goes up does not come out any further than what is already there
Mr. Arnott so the footprint does not change only the height of the facade changes
also understand that none of the doors or windows are changing
provided with an updated architectural plan of the former Ulta Beauty that was 76 feet 3 inches in lenght in front of the store which based on the code allows two square feet per frontage of store which is 152.5 square feet, the proposed sign complies with that
no GML required on this project per the conversation the Secretary had with OCDP

Chairwoman Franson the letter is similar to America's Best the way it's individual channel letters, it's not one big panel
Mr. Alexander architect confirmed that
Chairwoman Franson in terms of illumination and being very bright white how did we handle it with Burlington
Ms. Torre so you had a condition on the approval that required the applicant to return to the planning board to adjust the lighting level of the interior lit sign if required within six months of installation

discussion regarding the colors of the sign
issue with the part of the sign that is like a salmon color

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve architectural review based on the submission of September 8, 2022 and to waive the other submission requirements conditioned on the applicant returning to the Planning Board to adjust the lighting level of the interior lit sign if required by the planning board within six months of installation and modified to reflect oyster shell on the facade.

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli, Dylan Penn, J Louis Rivera

Absent: Robert Garstak

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to determine type 2 action not subject to SEQRA.

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli, Dylan Penn, J Louis Rivera

Absent: Robert Garstak

4. **Minutes**

Action, Discussion: 4.1 **March 15, 2022**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the March 15, 2022 minutes.

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli

Abstain: Dylan Penn, J Louis Rivera

Absent: Robert Garstak

Action, Discussion: 4.2 **April 14, 2022**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the April 14, 2022 minutes.

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli

Abstain: Dylan Penn, J Louis Rivera

Absent: Robert Garstak

Action, Discussion: 4.3 **April 19, 2022**

held over

5. **Adjournment**

Action, Discussion: 5.1 Adjourn Meeting

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

Motion by Jeff Manson, second by Nicholas Napoli.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli, Dylan Penn, J Louis Rivera

Absent: Robert Garstak