Town of Monroe Planning Board Regular Meeting MINUTES

— 09/15/2020

Town of Monroe Planning Board Regular Meeting (Tuesday, September 15, 2020)

Generated by Norinne McSweeney

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

Members Absent:

Jeff Manson

Consultants:

Ashley Torre, Esq.

Shawn Arnott, PE

1. **Welcome**

Procedural: 1.1 Roll Call

Procedural: 1.2 Pledge of Allegiance

2. **New Project**

Action, Discussion: 2.1 **Gateway Plaza** 373 Rt. 17M (0XXX-2020) SBL # 25-3-1.2

Todd Lawton - Applicant Bellman Outdoor Signs
Michael Fitzgerald - Applicant Bellman Outdoor Signs
Marissa Weiss - attorney - Jacobowitz & Gubits Assoc.

Ms. Weiss, I represent Bellman Outdoor LLC they are a New York based advertising firm that specializes in providing attractive small-scale roadside advertising to local businesses to help them promote their products as an alternative to using Google or more expensive advertising so the aim of this project is to benefit not just the Town of Monroe local business owners but also the overall county as well since we are located on RT 17M. The project is owned by those who both work and reside in New York as well as people who have a lot of experience not only in New York but throughout the nation with outdoor advertising signs. In addition, they also did just complete a couple of similar signs within Kingston just last month, so they're very familiar with the area generally, and they hope to be a welcome addition to the Town of Monroe. We are here this evening to begin the Planning Board site plan review of an outdoor advertising digital LED display off-premises changeable message sign. In my brief description of what's going on with this application it is a type 2 action under SEQRA as denoted by McGoey Hauser letter that was received earlier this week, again this is a sign that is 10 by 25

feet so it's about 250 square feet in size we're here because of a referral letter from Mr. Maldonado which was dated July 17, 2020. The sign does meet all the other requirements there's a 300 square foot maximum for advertising signs within the GB zone which we're located in sign meets all the other requirements including the 25-foot setback that's required from all intersections. The sign will be located at an intersection on 17M there is additional regulation within 57-56J that requires that any sign within close to an intersection has to be placed 25 feet back but there's also an additional 75 feet that within that 75 feet which we are located within if the board were so inclined to improve this application does state that you cannot have red or green lights included in any advertising sign which of course is for safety purposes. Our applicant did want me to stipulate this evening that they're more than willing to put on the record that they will not have any sort of green or red lights, and they also will not include any sort of pictorial that could possibly be construed as a traffic signal or anything similar. The only two issues that were brought up by McGoey Hauser have to do with intermittent flashing signs and that prohibition as well as the size of the sign. The first issue the intermittent flashing signs that's an additional prohibition that's included within the red and green light prohibition as well, so they're not allowed, but of what kind of sign is a digital LED display off-premises changeable message sign is not the same thing as an intermittent flashing sign and there is some documentation that demonstrates this, it can be submitted for a later date. There to be GML referral because we are on 17M the second issue is the size of the sign itself and want to clarify within the McGoey Hauser letter there might have been some confusion about how big the sign actually is because it states that the sign is 125 feet of ground area which is correct but the sign is going to be a freestanding sign and that space of that sign is going to be 250 square feet, so they're slightly different of course but again the GB zone, as described before requires that any accessory advertising sign be limited to 300 square feet in size we would note that there's no definition in Monroe's code as to what size is or whether that is encapsulates the typical definition that some other towns and municipalities also use which has to do with area and how that's measured this sign would be double faced so in some other codes that may be construed that you would need to measure both sides So if you were to do so it would be 500square feet but under your code it's our position that's not how it's determined to be that's not how it's defined so going off that we would argue that because that provision is ambiguous that we should be able to proceed under the interpretation that it's only the size of the sign for one face which is 250 square feet and that wouldn't measure to include both sides. It's our understanding that this board doesn't typically review very many sign applications so there's not really a lot of precedent for that, so we would respectfully request that the board would exercise this discretion to waive the public hearing requirement pursuant to 57-16c.

Chairwoman Franson thank you so to be clear what's being proposed in the Gateway plaza property is a changeable essentially like a billboard sign. Gateway Plaza is where Daylight Donuts is to give a reference. With that said let’s have Mr. Arnott review as far as what the comments were that you raised and then Ms. Torre can review things with the board, and then the Planning Board members.

Mr. Arnott just going to share my comments (see attached)
The two big ones that need going over are the fact that Mr. Maldonado calls out the 125 square feet the code does require that advertising signs allow a maximum of 300 square feet of sign area since this is a dual face sign that's 10 by 25 one could argue that the sign square footage would be 500 square feet. Ms. Torre can review that interpretation. Then again about the 57-56J the note about red or green lights and the intermittent flashing within 75 feet of the point of intersection, that's defined as the intersection of the right-of-way of the roads which would be Orchard Drive and Rt 17M. Currently, the sign is proposed to be 25 feet from that intersection so this would be basically the no red or green lights and the intermittent flashing would not be allowed. It's recommended that the applicant add a note to the plan stating that these not be allowed on the sign. The GML referral was discussed due to proximity of RT 17M and the fact that a public hearing is discretionary for the board and it is a type 2 action since it proposes less than 4000 square feet for commercial use.

Open discussion between Chairwoman Franson, Mr. Arnott, and Ms. Weiss as to the style of the sign, a pole sign with 2 monitors joined in the back with a structural pole in the middle, it is considered a freestanding sign, are the monitors counted as 1 or 2 causing issues with the square footage. Discussion of what a freestanding sign is. If you look at a like a freestanding sign typically has one structure and on either side of that freestanding sign is the sign detail, but it's one structure. So this one is not quite the same and the zoning didn't anticipate a digital board sign and so don't know that the digital board sign given the technology necessarily fits within what was probably written up to be a more standard advertising sign.

Ms. Weiss stated that according to my client apparently according to New York State D.O.T. as long as signs that are back-to-back if there're two faces, and they're no more than 15 feet apart they're considered back to back pursuant to their regulations. If that's something the board would like to see written confirmation of we can submit that in time for the next meeting.

Chairwoman Franson this is not going in the right of way it's going on a private property so from that perspective regardless of what D.O.T. says and how they may regulate we have to rely on what our Town regulations say. This may have to be referred to the ZBA for an interpretation of the Zoning Code.

Ms. Torre any comments from your review. The first question is maybe we could get some clarification on the actual size of the sign it shows 125 square feet on each of the site plan sheets, but then what's the 500 square foot discrepancy? Mr. Arnott so each sign face is 10 by 25 which would be 250 square feet but then there's technically two digital signs so that would be 250 plus 250. So, what's the 125 square foot shown on the plan, that's really just the ground area that's more or less the projected sign area down to the ground down. Ms. Weiss if you were looking at it from an aerial view that would be the amount of ground area that it's

taking up. So, the maximum the advertising signs was discussed is 300 square feet and this has been applied meaning the size of the actual sign face. If something different from that's something that perhaps Mr. Maldonado would have to weigh in on, because as far as I'm concerned, the sign would be the actual sign base itself so if that's over the 300 square foot then that would be an issue. Just a couple of other comments we already spoke about the lighting issue so as far as the specs that were presented indicated there was going to be red and green colors so something different will have to be submitted to clarify there's not going to be any red or green lights. Also, one of these site plan sheets indicated the length of the sign was going to be longer than 25 feet it was 25 feet and a quarter inch or something that could be rectified with the others to show that the length is only going to be 25 feet because that is the maximum that's allowed. The last comment was that it does require a permit from the D.O.T as well, it's not in the right of way but, it's within a certain distance from the state right away so that's something that the D.O.T. will have to be contacted ahead of time in the event they're going to require any changes to what's being proposed here. Ms. Weiss just to confirm according to my client they need the local permit before they apply to D.O.T. I understand that D.O.T. may want to be aware of the conversation, but I'm not sure how involved they will get prior to receiving some sort of approval. Mr. Arnott could you suggest an informal appearance with D.O.T to see if they would have any suggestions in writing. Ms. Weiss we can definitely do that. In response to Ms. Torre's comment that Mr. Maldonado may need to weigh in my client would definitely want to pursue requesting a formal determination from him prior to the next meeting. Chairwoman Franson I would like to also get a determination on intermittent because this is a change face sign and so it's not something that's just steady state like a typical sign. Just in terms of the mechanics of the sign if you have to change it or if you have to maintain it how do you get access?

Mr. Fitzgerald, so the maintenance is done from the interior of the sign there's a catwalk in between the two panels and that's where the technicians do any work that's necessary after the sign is installed. Chairwoman Franson is there like a ladder or a metal ladder attached to the pole or do they have to get in there with some kind of rig. Mr. Fitzgerald normally there would need a rig, but this sign is so short the first catwalk is only about ten foot off the ground, so they would just use a stepladder to get up into the catwalk. Once they're up there they strap themselves in, and they follow all the OSHA regulations when they're on the sign. Chairwoman Franson there're no proposals or anything to add cellular communications or anything of that nature to this sign? Mr. Fitzgerald no and that's not done typically on a sign of this height. Chairwoman Franson are you going to do landscape in the area? So is this application amending the site plan for that property besides installing an advertising sign and I don't know if it was just an advertising sign that's been submitted, but I'm raising the question for Ms. Weiss and Ms. Torre for your review whether in fact to add this kind of sign to this property whether it needs an amended site plan of some sort for the property. The other thing is you are going into the landscape area which may or may not have been a requirement of that site plan approval I would want to look into that as well. Ms. Torre so looking now at the building inspector's referral letter and that does indicate that it is a site plan review and

approval that's required, so it can be an amended site plan assuming this site has a prior site plan approval. Chairwoman Franson so we need to do a little research just to see what was approved for the site and what any resolutions that might have been associated with the site to see whether there are any limitations or anything that would affect the ability to locate the sign there. There also are utility wires from that image with the poles there with the transformers and how far away. Mr. Fitzgerald we're over 10 foot from the conductors and that's requirement on that and with that voltage we're actually going to be about 25 foot from the conductors. We meet the National OSHA requirements for all utility lines and transformers. Ms. Torre did you have any more comments. Ms. Torre other than it's already been mentioned that it does require referral to the county under general municipal, and it would be a type 2 action under SEQRA.

Chairwoman Franson any planning board members have any comments.
Member Vaccaro concerned about the precedent on digital signs and how they go up and how our decisions for making this sign allowing this sign to go up how that will affect other proposals and having the concern that if we continue to allow these types of signs are we going to build this out is that 17M through the Town of Monroe corridor going to start to look like Las Vegas.

Chairwoman Franson Member Vaccaro from my perspective I don't think the zoning anticipated digital change for signs so this needs more review in terms of allowed and that some provisions such as intermittent flashing signs you know prohibitions and other things have to be reviewed by Mr. Maldonado for determinations otherwise it may have to go off to the ZBA because this was not really anticipated by the Zoning Code.
Member Allegro I have two comments one is regarding red and green lights if this sign were to be erected how would we ever be able to police that and how would we ever be able to enforce it. My other comment is we should also be looking at Town Code 57-21.6 which speaks to lighting and light pollution.
Chairwoman Franson what is perplexing to me is what's allowed on any individual property is set forth in the use tables within the zoning, and you have principal permitted uses and special uses, and then you have accessory uses and under accessory uses it says signs pursuant to article 13 and that's where this sign is described advertising sign. A real quick a question for the applicant before we have more questions is this considered a digital billboard what is the technology. Mr. Fitzgerald New York calls it a digital message center they're also known as led billboards in the industry or digital billboards under your ordinance they're called advertising signs. Member Shea just make a comment you know about seeing these signs digital displays popping up there's one going up on route 17 on your way to Chester for instance and this is probably something we're going to see more and more in the future probably something that we need to have a study on, what other municipalities are doing and seeing how it could fit in our plan going forward because I imagine that this is much more profitable and much more efficient for the advertising industry than the static signs and that's

why they're becoming so popular. Member Czerwinski I was wondering if it would be possible to request a lumen spread diagram so at any light that is emitted from these signs isn't impacting the residential character behind it. Another question can we impose some sort of restriction on the hours of the operation of this sign like we do with shopping center lights. Ms. Torre you could explore that, it depends on the purpose of the condition and what it's related to what you're trying to limit. So, you are trying to know the limit on the residential neighborhood behind so if you perhaps get that lighting type plan and figure out what the impact is then decide you know what kind of condition might be appropriate that's something you could definitely explore. From hearing the overall board concerns and the first question is everyone seems to want you know confirmation from the building inspector that this sign is permitted they went to the building inspector first, so he was the one to refer them here but how much information about the sign was presented at that point that's really the first step is to of course make sure that this is permitted as far as the digital nature of the sign and the changing advertisements, and then we could certainly discuss any type of conditions that might be appropriate for lighting and to minimize impacts on the residences. Member McQuade I have a few as far as the installation is concerned will they be digging for power lines or how is it powered? We don't have a project summary so how would people advertise and what kind of businesses would be advertising? How that it would be used? Marriage Proposal? As far as the two-sided would the signs say the same on both sides or are you getting paid by two different people to advertise two different advertisements. Chairwoman Franson that's actually a great question Member McQuade because that also gets to is it really two signs unlike a back to back static sign and how much area counts toward the maximum size. Applicant do you have any responses? Mr. Fitzgerald that kind of gets to the root of the issue about being a back-to-back sign, if you look back at other signs that have been applied for in the Town of Monroe the measurement would have only been one side, but if in fact the town is measuring both sides then obviously we just want to be treated the same but a lot of back to back signs don't have the same message on both sides this sign would have different messages. Regarding how it's powered we would most likely have to run underground power to the sign, but the power company really dictates that most likely go down the power pole and underground to the sign. Member McQuade as far as the advertising would it be Monroe businesses would it be local? What type of advertising would there be on those signs. Mr. Fitzgerald all of our advertisers are local I have over 250 advertisers, and they're all in the community predominantly restaurants, home improvement companies, attorneys we do a lot of business with local hotels it's all small business owners we don't deal with any big corporations this is really a way for the small guy to compete with the likes of Walmart and Home Depot. Chairwoman Franson I would only say that we can't really control signed content is that the case Ms. Torre, I was going to touch on that a little Chairwoman, but you are correct, so you have to be cautious always there's the first amendment of course freedom of speech you as a board have to know the bounds and can't regulate certain things as far as what the sign is going to say so your code defines all different types of signs and right now we're dealing with an advertisement sign and that's how it's

defined and regulated in the code so that's really what you have to be following and that's a sign which directs attention to a business commodity service or entertainment conducted sold or offered elsewhere then upon the property and only incidentally upon the property if at all so you're dealing with some type of advertisement but as far as who that is that's not something that this board can regulate. Mr. Arnott just one thing I noticed, and I apologize for not having it in the comments it looks like the Village of Monroe within 500 feet so this may have to be referred to them as well. Mr. Fitzgerald I just wanted to point out that we didn't get approached by this property owner we read your ordinance, and we went and found a property that qualified in what we thought was a good location on a road where we thought there was a lot of traffic we basically took your ordinance and found the property that qualified and so the referral letter we got from your building inspector basically brought up two points one was that our plan wasn't stamped by an engineer and subsequently we've submitted one that was stamped by an engineer and the other point he brought up was about the red and green lights and the intermittent flashing nature of the sign and our attorney is going to submit to you a ton of documentation case law precedent this has settled law in our industry for 15 years that these signs are not intermittent flashing because the majority of the ordinances are like yours they were written 20 30 40 50 years ago before anybody ever dreamed of these and the courts have repeatedly found that this new technology since it holds the ad in place for 10 seconds and then switches it instantaneously, it's not intermittent or flashing it's a static ad that's changed every 10 seconds, and we'll provide all of that if you'd like. We'd be very happy to help you develop a model ordinance so that you can control LEDs in the future or prohibit them all altogether as well as static billboards. It probably is the case that nobody looked at the sign ordinance in a while because we scoured the Hudson River Valley, and we only found maybe five towns that still allow them, so it seems to be the predominant feeling in the area that they don't want more of these signs so if you know once ours is approved under the current ordinance we'd be happy at no cost to help you with an ordinance that would protect you from these in the future. We've done that with many municipalities and counties because it seems to be the predominant mood of the country to move away from this type of advertising. Ms. Torre so if I could just comment in response to that so the first issue with the intermittent or flashing nature the main problem here is there's just not enough information to even show what exactly is being proposed so it's not clear at all whether it would fall under one category versus the other and again this I believe the Chairwoman wants to get some input from the building inspector I know you had that referral letter we don't know what was submitted to him and also as far as zoning goes generally and everywhere throughout New York that if a use isn't permitted under the zoning code it's prohibited so i think the question here is whether these types of signs are permitted at all in this digital changing fashion I understand you believe that it's very clear under the code but this board feels differently and will be asking the building inspector for input. Ms. Weiss addresses Ms. Torre would you prefer as a board that we reach out independently to ask the building inspector for these determinations on intermittent flashing and or just the permitted nature generally or would you like to do that. Ms. Torre that would be up to the Chairwoman. Chairwoman Franson do you

have a comment because there was also the question about the signage area. So, if you want to put all those together because you are obviously more familiar with what you're requesting than we are I wouldn't have a problem with that unless the board feels differently. Chairwoman Franson my preference would be for Ms. Weiss to package everything together but, I always think it's useful because Ms. Torre has knowledge of our code to have a communication with Mr. Maldonado. Ms. Torre so Ms. Weiss if you want to put it all together whatever that is and then you could send that over to Mr. Maldonado and get his determination. Ms. Weiss sure we can do that, now is there a deadline by to be considered for the next agenda for October. Ms. McSweeney the submission date is September 24, 2020, for the October 8, 2020, workshop meeting. Member Vaccaro I am wondering if our code has anything about billboards in our community. Chairwoman Franson any of the regulations are in the code with regard to advertising signs, and they are regulated in the sign section article 13 and then you'll have section 57-56 supplementary regulations. The article talks about maximum permitted signs identified in square feet, here it doesn't actually talk about sign faces etc it just says square feet and then it starts to as far as the regulations for something that's an advertising sign they differ depending on whether the advertising sign is proposed to be attached to a building facade or whether it's freestanding. Chairwoman reviewed what the code says. So, the next step is to present to Mr. Maldonado the concerns for interpretation and then to resubmit for the October meeting. 3. **Continued Public Hearing**

Action, Discussion: 3.1 **Raywood Dr** (0176-2019) SBL # 43-1-11

Joel Mann - Project representative

Update: Had a walk through with Ward Brower from the Monroe Conservation Committee regarding the trees. There are some trees that we were going to keep and Mr. Brower feels they won't survive, so we will remove them and do additional plantings, plus there was a tree we missed that we will add to next set of plans. There are still some open comments from the last meeting, but we were waiting for the walk through with the MCC, so we will resubmit for the next meeting. We are also waiting on some comments from Ms. Torre on the water easement. So at this point the Public Hearing should just be moved on to next month.

Ms. Torre in speaking with Mr. Mann I will be reviewing and proposing revisions to the water agreement and also getting the Town's attorney input he will need to review and comment as well. What I would ask for is a well-served letter from the Village saying they are willing to serve this subdivision, these properties, also the capacity of their water system and their actual usage so that way Mr. Arnott could look and determine that there's sufficient water there to serve the properties. BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to extend the public hearing for Raywood Dr application to the October 20, 2020 meeting.

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

Final Resolution: Motion Carries

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

Absent: Jeff Manson

4. **Returning Projects**

Action, Discussion: 4.1 **DG Management** (0172-2019) SBL # 1-1-96

John Queenan - Lanc & Tully

Plans were brought up on screen for review while Mr. Arnott reviewed his comments (see attached) the plans were changed to reduce the number of lots, but the number of dwellings remain the same 15 that were accepted by the board, but they reduced the number of lots to propose the 2 opens space areas on either side, which kind of surrounds the entire subdivision except the side which is the O&R utility easement. Comment 2 is on the lot 1 shown as a flag lot and although the limits of the buildable area aren't shown, they are proposing the front yard to be measured off the side lot line, but it should be measured off the line here, since it's supposed to be perpendicular to the street that it's gaining access from so this has to be revised. My third comment is basically explaining that the town code requires a 50% gross lot area and that the 1.85 acres that are currently proposed to be open space doesn't meet the 50% gross lot total area which is 4.75 required based on the 9.5 acres so at this time the plans would have to be referred to the ZBA for an area variance.

Ms. Torre comments: agreeing with Mr. Arnott that the current plan would need an area variance for the 50% open space requirement. Additional for lots 8 and 9 and potentially lot 1 the open space cannot include private yards located within 75 feet of a principal building. Would need it confirmed if the open space was going to be owned by individual lot owners or an HOA.
Need confirmation regarding lot 1 and owning that whole big parcel in the back with the O&R easement.
Mr. Queenan said yes that lot 1 would be owning the open space area including by the O&R easement except the areas by lot 8 & 9 they will be owned by 8 & 9.
Ms. Torre then an area variance would be required for the open space for lots 8 & 9. Mr. Queenan then I would most likely remove it and the variance we seek for the open space would be more.
Chairwoman Franson my fundamental question regarding this layout is one of the things we're trying to avoid is their height, are they going to be visible from local roads, open space are will have to be re-vegetated, is there something we can see to show these are going to be tucked into the landscape.
Mr. Queenan yes we can provide something, this plan was made from last comments, you will

be able to see something's, but they will also be blocked by other businesses along like Rt. 208, we will be providing buffer space from lot 7 in the corner.
Chairwoman Franson from my perspective want to minimize visibility of this project and that's why we're trying to maximize open space from that area of the site.
Member Vaccaro just want to clarify the lot number went down from 15 to 9 but now we have mixed lots. Mr. Queenan the number of lots went down but the number of units did not. Made more 2 family then single family.
Ms. Torre the ZBA referral letter can be a basic letter or you can add some information for them to review.
Chairwoman Franson how does the board feel about including in the ZBA referral letter that they consider the open space and the visibility of the homes from various vantage points.
Member Czerwinski I would like to think that's included in their neighborhood character and environmental impacts finding that they have to balance.
Chairwoman Franson we have not completed SEQRA as of yet. Ms. Torre I was going to mention that you haven't started that yet and if you were going to do coordinated review that would include the ZBA and other involved agencies. The other agencies would be the ZBA, OCSD # 1, OCDH, Village of Monroe. Chairwoman Franson if we do coordinated review the ZBA would not be able to take action unless we issue a negative declaration. Ms. Torre that is correct, they could proceed with the public hearing but would not be able to make their final determination until the Planning Board completed SEQRA.
Mr. Queenan I would actually prefer the coordinated review because I don't want to go through the ZBA process and get a variance come back here and something changed. If it is done coordinated we can proceed with both Planning Board and ZBA simultaneously nd hopefully come together on a common plan and make decisions from that.
Member Vaccaro voiced his concern with sending a letter with recommendations to the ZBA on the variance for under 50% with the board leaning towards this was wondering how the letter would be written for clarity.
Ms. Torre that is where the board has to tell me if anything they want in the letter other than the standard this is the variance they are requesting so we are referring them to you. If the board has anything else they want me to add this would be the time to do that otherwise it would just be the standard letter.
Chairwoman Franson we should declare our intent to be lead agency this evening if the board agrees we would want an updated EAF.
Ms. Torre yes an updated EAF would be recommended if you wanted to declare your intent to be lead agency type it as an unlisted action preliminarily and then circulate the notice of intent.
Ms. Torre it does require referral to the OCDP when the new papers come in we can do that as well. It will also require a notice to the Village of Monroe
Chairwoman Franson just to state that it will be required to have additional visual analysis to see how high the buildings are going to be relative to where we may see them from.
Mr. Queenan for next month I would really appreciate if the board would consider providing some recommendation to the ZBA based on this cluster open space only

it would significantly help it's not an endorsement just as a recommendation something just to say been through the process and this is better than the conventional. BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to commence the SEQRA process and declare our intent to be lead agency and conduct coordinated review of this Type I action.

Motion by Jason Czerwinski second by Pat Shea.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro Lisa McQuade Chairperson - Bonnie Franson Jason Czerwinski John Allegro Pat Shea

Absent: Jeff Manson

Action Discussion: 4.2 **Bevaqua Subdivision** (0163-2018) SBL # 24-2-33

John Loch representing the applicant

Chairwoman Franson asked Mr. Arnott to put up the plans on the screen.
Mr. Arnott there was no new plan submitted just the original and then the Orchard Hill Subdivision which Ms. Torre located.
Chairwoman Franson lets bring up the one proposed. Let's look and see where lot is. Ms. Torre were you able to go through some prior approval documents. One of the primary questions is because this was subject of a prior approval can they subdivide it were there any limitations in the resolution with regard to being able to further subdivide did the Orchard Hill subdivision already maximize the total number of lots already. We were able to get some information but don't know that they're necessarily the defining resolutions.
Ms. Torre I was able to look quickly but I know this area was subject to 2 prior subdivisions so I just want to make sure that this is the last one. There are other issues related to the filed map and whether this subdivision would meet your code as far as the net lot area and the restrictions that burden of the conservations' easement that's on the property and I don't think it has been accounted for in that calculation because it seems to be a pretty large portion of the properties burdened by that and also potentially by the steep slopes.
Chairwoman Franson why don't you review for the board what is being proposed.
Mr. Loch basically it's an oversized lot that was created a number of years ago it has access both on Talbot and Harriman Heights Road there are some wetlands there is some flood plain directly through about the middle of the lot. What the applicant is looking to do is subdivide it into 2 lots he will keep his existing home which will remain access to Talbot the new created lot would be accessing Harriman Heights Road. There are some issues with respect to area we've looked at some of them the steep slopes are not that significant we know that the outstanding issue was going to be with respect to the conservation easement so I was really waiting to see what happened when you pulled up the resolutions.

Chairwoman Franson reviewing the plans and the easement.
Mr. Arnott brought up the Orchard Hill Subdivision map
Chairwoman Franson asks Mr. Loch if the map that he has provided shows the federal wetlands in that configuration that delineation. Mr. Loch we've had a delineation done and it did not come up with that type of configuration. Chairwoman Franson the other thing is it's showing a wetland buffer as per the Town's wetland regulations and so that seems to be the reason why this is an individual lot with the home coming off of Talbot as apposed to having an additional lot coming up off Harriman Heights Road.
Mr. Arnott I would suggest we get the report from the person who did the wetlands.
Ms. Torre there was nothing new submitted I did find the filed map on the Orange County clerk's office website so there's clearly the conservation easement so that needs to be subtracted out for purposes of the net lot area I didn't see any conservation easement documents or deed restrictions. I don't know whose name those would be in so that is something the applicant would need to supply from the owner or whoever was involved in the prior project. There is one note regarding limits of disturbance may not be altered or occupied except as approved in a separate declaration of covenants and restrictions. The biggest issue is whether the conservation has been subtracted out for calculating the net area as is required under the code if there's going to be a lot of area issue with that proposed lot off of Harriman Heights Road.
Chairman Franson in looking at this clearly the intent was not to develop that upper portion of the property because of the wetland delineation and the 100 foot buffer area. There is a note regarding the limits of disturbance which is tied to some document on restrictive covenants. So my question to Ms. Torre if there are map notes on a filed map that don't allow for certain things to occur can we even consider this subdivision.
Ms. Torre we need to know exactly what these map notes say the one with the limited disturbance obviously is a big one but without the document it is hard to know. Without seeing if there is a separate filed conservation easement or if that is in the form of a deed restriction. So what it's saying can't happen in the conservation easement area is also important and any conditions in the resolution which I need more time to review.

Mr. Ward Brower MCC referred to the project under the name of Macon? Also mentioned Donnelly Subdivision. Mr. Brower if the MCC can get out to this property and take a look that would be appreciated.

To be on the October meeting submission is Sept. 24 at 3pm. Ms. Torre I think it would be helpful to have at that point the net area calculation so showing whether outside the conservation subtraction what's the net area that's left whether it would or would not meet the code.

5. Miscellaneous

Chairwoman Franson asked Mr. Brower to give a synopsis of the MCC visit to the Raywood Dr site. Mr. Brower there were trees originally designed to stay up in the cul-de-sac area that has had debris and backfill thrown in there that the trees are already dying so it was suggested they be removed. Mr. Mann made the suggestion of doing some substitute planting later on. After all the construction is done they should call on us and we can make the recommendation for the plantings. We selected the best trees that we could we thinned out some that were twin trunks.

Chairwoman Franson wants to discuss a little about the Monroe Commons project with timing as far as the scoping document time frame within which the public has to get us comments which is September 21 2020 also board members if you have gone through the scope and looked at the comments that the consultants have and you have any additional comments you want to raise about the scope that you provide that to the consultants as well by the 21st. They need to take all the various comments and incorporate them into one scoping document that the planning board can review.
Ms. Torre once all the comments are received the consultants Mr. Arnott and I will work with AKRF to get a revised scope for the board to review at the October 8 2020 meeting and still have the October 20 2020 meeting for adoption.

6. **Adjournment**

Action: 6.1 Adjourn Meeting

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby adjourns the meeting at 9:30 pm.

Motion by Chairperson - Bonnie Franson second by Pat Shea.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro Lisa McQuade Chairperson - Bonnie Franson Jason Czerwinski John Allegro Pat Shea

Absent: Jeff Manson

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