

Town of Monroe Planning Board Regular Meeting MINUTES

— 09/17/2019

Town of Monroe Planning Board Regular Meeting (Tuesday, September 17, 2019)

Generated by Norinne McSweeney

Members present

Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight, Jason Czerwinski, Jeff Manson, John Allegro

1. Welcome

Procedural: 1.1 Roll Call

Procedural: 1.2 Point out Fire Exits

Procedural: 1.3 Pledge of Allegiance

2. Public Hearing

Action, Discussion: 2.1 Foreign Objects Beer Company (0175-2019) SBL# 38-9-1.1

was not a continued public hearing
was for public written comment only

Mr. Niemotko for the applicant

Member Allegro recuses himself from this project

at the end of the last meeting we closed the public hearing but we extended it out to the public to submit written comment for a period of time

we received one letter from a resident

summary of concerns was with parking, beer storage, serving alcohol and no food, drinking, maintenance of the property

all points brought up at the meeting and we will be considering these comments as well during our discussion on the project

Mr. Niemotko

plans were revised by last comment letter - addressed in a cover letter

shielding of lighting, handicapped parking detail, the approval box

in addition to requested changes by the board the owner had asked for a couple of changes which are as follows:

planted area to be removed and use stone

concrete path from side door to outside cooler

sign to be enlarged from 2x4 to 4x8

additional items added to brewery room - dishwasher and triple basin sink

the narrative outlines use of the building and what will be done on the site, how it will be done and to what extent

finishing process of a stealth beer where the beer was made in our large scale warehouse then brought on site to have local ingredients such as fruit, chocolate, coffee or honey adding it as a flavoring for on site tasting only and a small scale retail sales release
all of the sales are beer to go, this is not being proposed as a bar or a restaurant

Member Manson brought up a fact that now it has come to light that there will be minor manufacturing happening at the site which was not originally discussed. He would like further clarification on that.

Mr. Edsall asked if he could respond Chairwoman Franson agreed.

Mr. Edsall responded in summary that in conversations he had with the Building Inspector Mr. Maldonado adding final ingredients is not manufacturing under the use allowed. Ex. if a restaurant is making meatballs and brings in the ingredients to make them are they manufacturing them. In the event the retail aspect leaves and it becomes all manufacturing then it would be a violation under the code and a violation will be issued.

decision on water use

Member McKnight wanted to bring up issues from resident letter: issues with snow blowing will the snow be in his yard now, litter, noise, alcohol on premises, parking, processing, new people didn't take the time to meet the neighbors.

Ms. Torre some of those items are code enforcement issues

Member McQuade SP1 regarding hours as neighbors had concerns because of the buses in the afternoon, all board members were ok with the stated hours

Mr. Edsall reviewed his comments - see attached

Ms. Torre ARB review for awning, color of building, and wood notes have to be added to the plan will also be condition in the resolution

review the draft resolution

have the narrative signed by on letter head of the business

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby approves the resolution with tonight's adjustments.

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

Yea: Anthony Vaccaro, Lisa McQuade, Chairwoman - Bonnie Franson, James McKnight, Jeff Manson

Abstain: John Allegro

Not Present at Vote: Jason Czerwinski

Action, Discussion: 2.2 **Eagle View Estates** (0168-2018) SBL # 18-4-60 & 61

David Niemoitko - representative

we have completed comments/issues that were of concern
well testing has been done monitored by our consultant as well as the Town's consultant,
paperwork submitted and reviewed showed water pressure and quantity sufficient for 3 house
subdivision
per cluster development a baseline report completed and submitted
included conservation easement and road dedication agreement
my understanding the attorney's have resolved the wording regarding easements - Ms. Torre
that is not correct at this point we will discuss it a little later
baseline report asked for wetland marker locations which we have provided and on the site
plan as well, pictures are required once site plan approved they will be installed and pictures
taken at that time
metes & bounds description has been provided along with the baseline report
other updates include a floating dock and a walkway which is consistent with other lake front
properties along that area

Chairwoman Franson addresses the public.

Mr. James Sikoryak addressed the board reviewing his concerns mentioned at the previous
meeting:

apprehension about development going in the land directly behind my house
there was discussion about well testing being done - I would like to see those results
I was supposed to be notified about well testing prior to anything being done and I was not. I
came home from vacation and there was a blue tarp covering my well and there were wires
hanging out. I called the Planning Board office and spoke with Ms. McSweeney who's reply
was they are testing your well. I was very upset as I was never notified of anything being
done, my well was touched without my knowledge and then items removed without talking to
me again. Subsequently my water was brown for a week after the testing was done, not sure if
that had anything to do with the testing, my water is bad it is normally red, but never brown
and this was brown. I have been so aggravated about this whole thing from not receiving the
original letter about the public hearing, to not being notified of the well testing after this board
asked for my personal information so that I could be notified, to finding something attached to
my well. If Ms. McSweeney hadn't urged me to not touch anything I would of taken everything
off the well, but she suggested I leave it alone and come to the follow up meetings. I would
like to know what the outcome of the well testing showed.

Chairwoman Franson thank you for your comments. I realize there was miscommunication and I would ask Mr. Niemotko to explain what transpired.

Mr. Niemotko it has been awhile things are not clear but there was a lot of communication going back and forth to get all the consultants on board with the dates and time. I understand Mr. Sikoryak says he wasn't notified and I am not sure as to what happened to that.

Chairwoman Franson we did indicate that we would notify you and I am not sure what happened during the coordination process.

Mr. Sikoryak here is where I have a problem with that is I am gone for a week so my well is not running at normal capacity so the testing can not be an accurate test. I have 5 people living in my house and nobody was there taking showers, running the dishwasher or washing machine so the results can't be a true representation of what the well is pumping.

Chairwoman Franson we do not have the hydro geologist here and he did make a report which I don't have here with me, but can get the information on. Mr. Edsall do you have anything on this.

Mr. Edsall the question that should be raised as to the impact of the validity based on Mr. Sikoryak's comments.

Chairwoman Franson there is a report provided by the hydro geologist and he is aware that you were not present, my recollection is that we asked what the implications were for the drawdown in terms of when he did the well testing. I will look for the email while we continue.

Margaret Mullahy 30 Francis Road

I would just like to state concerns of the neighbors in that development the water issues in that area are horrific. If you run appliances in the house and try to take a shower there is no water pressure, but to just take a shower alone you have the best pressure. That being said running a test at the Sikoryak's house with them out of town could not be an accurate test of water quantity and or quality.

Chairwoman Franson is it a water quality issue or water capacity issue?

Ms. Mullahy it is both. The water pressure is terrible, there is clay, iron and all kinds of things in the water. We all have special filters in our homes do to the water issues.

Chairperson Franson that is the reason why we do the well testing just to ensure that there isn't going to be an impact. That A the development has sufficient water, and B that there isn't going to be an impact on the other wells.

Ward Brower Conservation Commission

1) what number did you use to determine the water usage, number of occupants per proposed dwelling

Mr. Niemotko went by gallons per minute as required in the report it was established that the individual well yield required for the proposed development has been determined to be 1056 gal/day or .7 gals per minute.

Testing is done by the yield not the number of occupants.

Chairwoman Franson asked Ms. Torre do you have letter from Mr. Fredricks the hydro geologist dated August 15.

Mr. Edsall reviews his comments:

there are open items on these plans from previous meetings

Mr. Niemotko said he is unsure of comments missing he did a cover letter addressing comments he had

Mr. Edsall regardless of what current plans are here make sure all comments and notes get addressed and added to plans as necessary

There was clarification from Scott Green of Moodna Basin

Issues with Conservation Easement markers

Chairwoman Franson I believe most important aspect of the markers is so that the homeowners know where the easement area and what is allowed within that area

Mr. Edsall good job identifying conservation easement at the top which is near develop portion of the site 2 corner markers down near the lake should be adequate

Chairwoman Franson what is the status of the Conservation Easement. Has the Town Board signed off on it or are they looking for more information from us?

Ms. Torre the Town Board will hold the easement, they will ultimately need their attorney to approve the language. I have a copy & reviewed it there is one substantial change from the last time the the addition of the dock and walkway. Need to make sure the board is ok with the addition as part of the easement.

Conversation continued regarding easement Parcel 1 & 2, will dock be split between parcels

Jeff Frederick's letter read into the minutes (attached)

additional testing will be done on neighboring wells if necessary

make a note that excess silt was noticed by resident after testing was completed

question came up about setting up a bond if additional issues with neighboring wells happened during and right after construction

Rajama Meka 42 Frances Lane

Mr. Sikoryak well was tested initially will others be tested moving forward

Ms. Torre and Mr. Edsall comments from hydrogeologist potential impacts need to be covered for neighboring wells in general not just this well, impacts noted for the silt conversation continued regarding issues with neighboring wells in regards to any impact once

the subdivision is constructed.

Chairwoman Franson will send email to hydrogeologist to ask the concerns and will get back to board with answers

Chairwoman Franson would like to keep the public hearing open to hear back from the hydrogeologist with answers to today's questions

Ms. Torre will need to get applicant approval to keep public hearing open over 120 days

Mr. Niemotko will have to check with applicant

Chairwoman Franson without an answer Ms. Torre what should we do

Ms. Torre suggested closing the public hearing, doesn't feel necessary to get more public response after hydrogeologist response, it is more for this board to address public's concern which is within your purview. Closing the public hearing triggers 62 day for deadline/decision, which can be extended if required

Chairperson Franson wo we may not be able to approve if we don't have necessary information

Public hearing is closed

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby closes the Public Hearing

Motion by James McKnight, second by John Allegro.

Final Resolution: Motion Carries

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

Comments:

Mr. Niemotko surprised by the sewer comments coming back up as he has already spoken with Moodna and made required changes

Mr. Edsall do you still need the pump

Mr. Niemotko yes pump is needed wants solids to stay & only pump the liquid

Mr. Edsall has no issue with that as long as Scott Green at Moodna Basin agrees - will need a letter stating that

discussion on conservation easement and wetland markers

discussion on Town Board approving conservation easement and the steps that are necessary to achieve this

Chairwoman Franson asked a question regarding the easement says the lakeside parcel to remain in the ownership of Hudson 1 Enterprises Inc. Does that mean he will keep that parcel

and sell the other 3?

Mr. Niemotko responded yes

Chairwoman Franson isn't that a subdivision and a separate lot

conversation among Chairwoman Franson, Ms. Torre, Mr. Edsall and Mr. Niemotko regarding this parcel and that in the end it would need to be part of lot 1 & 2 or one or the other that it could not be its own parcel, the dock also has to be either split between lots or attached to one of the lots

Chairwoman Franson addresses the board and asks if they have any comments or concerns regarding the easements to get them to Ms. Torre as soon as possible

Chairwoman Franson just wanted to state that she is not a big fan of the layout think trying to put too much on a small area, 3 houses and a driveway that is more like a private road specs, I do appreciate all the work Mr. Niemotko you have put into this, I just wanted to state this on the record

3. Returning Project

Action, Discussion: 3.1 **Kingsville Synagogue** (0161-2018) SBL # 1-1-4.32

David Niemotko - for the applicant

Mr. Niemotko commented saying everything was good up until this point where he just received comments saying the project needed to be referred to the ZBA for a variance.

Ms. Torre responded saying it is in regards to the front yard parking. Reviewed with Building Inspector and upon further review determined the additional spaces would need a variance unless you could adjust the plans to avoid that variance by getting it out of the setback.

Mr. Niemotko Building inspector just determined that it needed this variance

Ms. Torre it was raised as part of the review process before the board, special use permits apply but so do normal site plan guidelines which is why this has now come up.

Chairwoman Franson do you want to try to make necessary adjustments or do you want to go before the ZBA

Mr. Niemotko I will have to discuss this with the applicant

Action, Discussion: 3.2 **Harriman Business Park Lot 4B** (0179-2019) SBL # 2-1-34.2

George Lithco - for the applicant

Christian Green - RD Management

vacant space owner wishes to divide that space for America's Best Eyewear and the remaining space use is not known at this time

we are basically here for approval on expanding the existing awning

GML review was submitted and response has come in and it is for a local determination

reviewed the resolution

approved BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby approves the resolution for HBP Lot 4B subject to tonight's changes.

Motion by Chairwoman - Bonnie Franson, second by Jason Czerwinski.

Final Resolution: Motion Carries

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

Action, Discussion: 3.3 **DG Management** (0172-2019) SBL # 1-1-95

John Queenan - Lanc & Tully

2 additional maps they are the same but the single map is the signed survey map which confirms the lot area calculations

double map we have been looking at

eliminated lot 10 so we are now at 15 lots with the same general layout, the lots on the northern side of the property have all shifted over to accommodate

the area that was lot 10 which is now part of the new are for lot 9 and a little in 8

all access is from the proposed cul-de-sac which hasn't changed

outside the storm water easement

flipped houses to face the street

open discussion regarding the new plans delivered tonight

Member Vaccaro brought up the waiver for the cul-de-sac being that it is beyond the 500 feet by an additional 400 ft does that merit a public hearing

Ms. Torre for purposes of this conventional yield plan in general it's a subdivision because all subdivisions require a public hearing and that is something that would be addressed in the public hearing, in regards to the conventional plan it is just to see if it is a subdivision that you would approve

open discussion regarding the conventional plan and the cluster plan and how the cul-de-sac will be effected. Basically the plan before the board is to determine the maximum yield

Bonnie Poll the board with the waiver bulk yield under the conventional plan maximum 15 lots.

Jim agrees

Jeff agrees

Lisa agrees

John agrees

Anthony no doesn't agree with waiver on cul-de-sc

Jason no yield more than 15 lots

Ms. Torre to prepare resolution

Action, Discussion: 3.4 **Meadow Hill Subdivision** (0169-2019) SBL # 37-1-1

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby approves the conventional plan with a maximum yield of 6 lots.

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

Final Resolution: Motion Carries

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

4. Adjournment

Action: 4.1 Adjourn Meeting

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby adjourns tonight's meeting at 9:50 PM.

Motion by James McKnight, second by Anthony Vaccaro.

Final Resolution: Motion Carries

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