

Town of Monroe Planning Board Regular Meeting MINUTES

— 11/21/2023

Town of Monroe Planning Board Regular Meeting (Tuesday, November 21, 2023)

Generated by Norinne McSweeney

Draft

Members Present:

Chairperson - Bonnie Franson, Pat Shea, Dylan Penn, Robert Garstak

Members Absent:

Jeff Manson, Nick Napoli

Alternate Members:

Lou Riviera

Planning Board 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. New Public Hearing

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

Applicants Representative:

Dan Richmond - Zarin & Steinmetz

Jon Dahlgren - Tim Miller Associates

Vince Pietrzak - Pietrzak & Pfau

Ken Wersted - Creighton Manning

Chairwoman Franson - we need to open a public hearing

Ms. Torre - it's a public hearing on the DEIS, proposed site plan, Hotel Special Use permit and the local Wetlands permit

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to open a public hearing this evening for Monroe Commons on the DEIS, site plan, special use permit and the wetlands.

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

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Mr. Richmond reviewed what the project is all about:

- proposed mix use commercial project including a mix of retail, offices and hotel areas
- 407,000 square foot building
- here this evening for public hearing DEIS prepared for the project pursuant to the SEQRA, site plan, wetland permit and special use permit
- for the benefit of the board and the public our team will summarize the project, its potential impacts and the proposed mitigation measures
- the project is in compliance with all applicable special use permits, site plan, wetlands and Architectural review standards set forth in the Town of Monroe code.
- the proposed project will be in compliance with the special use permit standards found in the Town Code section 57-12.
- the hotel use will be compatible with the adjoining properties
- the site is accessible to fire, police and other emergency vehicles
- the hotel use is suitable for the project site including the relation to its environmentally sensitive features
- we will explain the development is not anticipated to have a significant adverse impact as it relates to steep slopes, flood plains, wetlands or water courses and any potential impact will be sufficiently mitigated
- there will be adequate screening and separation distance to buffer the project
- exterior lighting will not negatively impact the adjoining properties
- parking will be sufficient as not to create a nuisance
- vehicular, pedestrian and bicycle circulation will be safe and adequate
- the project will also have adequate utilities including storm water, wastewater supply, solid waste disposal and snow removal storage area
- the project is also in compliance with the specific special use standard for hotels in section 57-13 (l) of the Town Code
- the proposed 39 hotel room approximately 5000 square feet or of sufficient size
- hotel market analysis attached as appendix K
- the DEIS demonstrates that there is demand for the proposed hotel taking into consideration existing and improved hotels with a 5 mile radius
- the project is also in compliance with the site plan standards in section 57-20 of the Town

code

- the project is also in compliance with the wetlands criteria found in section 57-7 of the Town code
- Architectural review standards set forth in section 57-31 of the Town code

Mr. Dahlgren comments:

- we started with scoping process in July 2020
- there was a public scoping session held in September 2020 which included input from the Planning Board, it's consultants, and the involved and interested agencies into the scope which is the outline for the DEIS
- Pietrzak & Pfau did site plan
- Creighton Manning did the extensive traffic study
- the DEIS also included a geotechnical study, wetlands and ecological surveys, noise study, air quality analysis that was all related to traffic and parking circulation, there was also a visual analysis with photo simulations
- extensive analysis of the potential impact of the project and mitigation measures are also included in the DEIS
- the project is located on Nininger Road between Dunderberg and Bakertown Road
- it is in the HI Zoning District
- it is a mixed used development
- single building with approx. 408,000 s/f 4 floors, parking in 3 tiers involving 653 parking spaces
- the plans also include utilities, storm water management, lighting, and landscaping
- the interior of the building will be offices, retail and hotel rooms
- the building is set back from Nininger Road about 485 feet
- the building is designed to fit within the topography of the property with 4 floors exposed in the front and 2 floors in the back
- the building has 3 entrances front, side and rear all on different levels of the building
- extensive landscaping with a park like setting
- retaining walls around the wetland areas and a wetland mitigation plan was provided
- 2 changes occurred after the scoping was done 1) 2 driveway connections are provided now from the site to the adjoining residential development VMG, 2) originally discussed was a well to provide water for the project that has been changed applicant has worked with the Village of Kiryas Joel and they will be providing municipal water to the project
- the building is modern design with white stone, stucco and glass with metal trim

Mr. Pietrzak comments:

- 18 acre site with all the infrastructure improvements on the Monroe Parcel
- we are extending the grading into Woodbury site to the east of the property
- the property is bordered on the northwest by the Village of Kiryas Joel, on the east by Woodbury and on the southwest by Nininger Road

- a complete stormwater pollution prevention plan has been designed following NYS DEC regulations to mitigate the impacts of both water quality and quantity peak flows
- soil testing was conducted on site to ensure infiltration practices are acceptable
- a full erosion controls and sediment plan have been designed and will be followed through the construction of the project
- an 8 inch ductile iron water main will loop around the entire building with five fire hydrants and a direct fire connection into the buildings sprinkler system, this system will connect with the Village of Kiryas Joel central water system
- will be submitted to OCDOH for review and approval
- the sewer is located in the OCSD and will also connect to the adjoining VMG project
- the buildings top three floors will connect with a gravity line sewer system while the first floor will require a sanitary pump station
- this will be submitted to OCSD for review and approval

Mr. Wersted comments:

- we can start with the study area based on the scoping document
- there were 3 intersections on County Route 105, the site driveway on Nininger Road and Dunderberg Road, and the four intersections over by the new interchange with Rte. 32 and Rte. 17
- when we started this project we were in the pandemic so we had to source our traffic counts from a number of different locations, some were from the traffic study of VMG, some were from the comprehensive study for the Village of Kiryas Joel, and others were from the design report from the interchange reconstruction project and we supplemented that with some new traffic counts during the pandemic. We then followed DOT's guidance on how to manage that information.
- we added in growth rate for the project
- we identified over 2 dozen other projects in the area about half of them in Kiryas Joel (Town of Palm Tree), and the other half were mixed Town of Woodbury, Town of Monroe, Village of Monroe and the Village of Harriman that gave us the future traffic volume.
- then needed to estimate how much from the actual project it is similar to a large shopping center but unique in itself
- did traffic counts within the Village of Kiryas Joel at 51 Forest that's the Village Center and 4852 Bakertown Rd
- looked at the ITE (the industry standards)
- Walmart and the Target sites
- used ITE rate in the study there were about 35- 80% higher than the local rates
- we look at each section and do a before an after analysis and the detail tells us the impacts
- where the site driveways are located one has really good sight distance the other has some limitations, so we recommended some driveway restrictions
- there are 2 connections with the VMG project which will allow cars and pedestrians to go

through and eventually for public transit as VMG gets built out

- established some bus stop locations, don't know routing for the buses yet
- sidewalks throughout the site and connecting to the VMG project
- pedestrian bridge is required after 800 units
- looked at school operations no direct impact to the schools except for traffic
- Monroe commons won't overlap with the school peaks except potentially on a Friday afternoon

Chairwoman Franson - will there be any improvements in Woodbury to accommodate the project in terms of grading, etc.

Mr. Pietrzak - the only thing happening in Woodbury is grading on the property behind the building to not need retaining walls but I will double check and get back to you.

Chairwoman Franson - what is the latest plan set date?

Mr. Pietrzak - July 25. We are grading into Woodbury to prevent the retaining walls.

Opened to the public for comments - no body present for that

Ms. Torre comments:

- there is only 1 written comment from the Village of Woodbury asking for public comment to be held open until December 15th
- leave public comment open for minimum of 10 days after the close of public hearing earliest would December 3rd

Mr. Werner AKRF comments:

- still reviewing the complete DEIS goal is to get comments out next week
- one thing to raise the GEO tech

Ms. Torre - at one of the meetings it was discussed that you were going to be doing additional borings which would generate an additional GEO tech report for Mr. Arnott's office to review before the FEIS. What is the status on that and when might that be submitted? If it's not going to be in the immediate future I'd suggest that whatever you extend the public written comment period to this evening you afford Mr. Arnott and the applicant agrees that Mr. Arnott could have however much time he thinks he might need from when submitted to give comments on that as well to be addressed in the FEIS.

Chairwoman Franson - at the meeting where it was discussed for completeness there was a discussion about a lag time to get it done like six to eight weeks and so we also discussed perhaps having an FEIS public hearing to be able to offer comments if necessary as well. So it's not just comments from Mr. Arnott, but comments from anybody else that might want to comment on the Geotech.

Mr. Arnott - it was specifically for the need for blasting for the building foundation.

Chairwoman Franson - it was that the depth of the exploration didn't go as far down as the depth of the foundation, the discussion was about boulders versus bedrock so additional information was needed. We would want a status on where the Geotech was because that was one of those items that we deferred that was substantive in nature, but we said we would wait so that we could get to completeness, but ensure that that gets integrated into the FEIS.

Mr. Richmond - I think we thought that would be part of the FEIS.

Ms. Torre - it was supposed to be submitted before the FEIS so that Mr. Arnott could give comments and those comments could then be addressed in the FEIS.

Mr. Richmond - I guess we're hoping that first the Planning Board could close the public hearing this evening, we anticipate most of the comments or the bulk of the substantive comments will come from your Board's Consultants. We're hoping we'll have those next week and we wanted to see if we could maybe schedule a meeting for the following week so we can start going over those we'd like to get going on the FEIS as soon as possible so we'll talk about schedule going forward but I just want we wanted to touch upon the Geotech.

Mr. Werner - whatever you decide the end of the written comment period is going to be anything that comes in gets cataloged if we make sure that the applicant gets a copy of all the comments, so the comments may just be our memos, Woodbury and if the Planning Board wants to take the time between now and the end of the written period to submit their individual comments that would be the time to do it. Then the applicant can then start cataloging the comments based on the record like what's in the transcript, what's in all the memos categorizing them by what topic they're going to cover assign them a special number for the FEIS and then they can share that with us and we can confirm that yes you've captured everything you can start working on the FEIS.

Chairwoman Franson - where are we with the agencies

- NYS DOT

- Army Corp

- in particular has New York State reviewed the proposed improvements has the FEIS gone to them, have there been meetings with them and same thing with Army Corp is there any kind of jurisdictional determination and are they going to be okay with the mitigations.

Mr. Dahlgren - I can only address the Army Corp. So the Army Corps did review the proposed the delineation and the mitigation plan they had a 45-day comment period that lapsed and the Army Corps did reply and that's in the DEIS that the mitigation plan and it's basically jurisdictional determination and basically a sign off on the Wetland permit Nationwide.

Mr. Wersted - relative to the DOT we don't have any improvements proposed as part of that

so we're not expecting to need any permits from them. A large part of all the roads around here are going to go through Orange County for their review. I think most of the impacts are all relative to their roads primarily.

Chairwoman Franson - were is OC on any review? Has there been any coordination with them?

Mr. Wersted - We'll have to regroup on that but I haven't had any direct conversation with them saying here's the traffic study the scoping or the impacts so as part of the review DEIS process if it's deemed complete then it'll be submitted as part of the inter agency review.

Chairwoman Franson - it would have been circulated but I know that as part of the FEIS process and before we get to completion of the FEIS and we get to the findings in general we'd like to have something from the county saying they agree they disagree you know where do they stand those mitigations because they'll have to get incorporated into the findings so I wasn't sure if you were having any offline you know coordination meetings but I would definitely encourage those to occur it hasn't happened yet. Another matter, we talked about the Woodbury fire access, there are 2 access points one from the west and one from the east, the one to the west is more restricted, is the an entrance and exit or just an exit.

Mr. Wersted - it would allow for left and right turns to come in and only right turns out.

Chairwoman Franson - are the driveway access that enter in from VMG are they full access so that anyone can come in or out from that development?

Mr. Wersted - yes there are no gates, no restrictions

Chairwoman Franson - so do you really need the 2 access points as you also have access from VMG? A corollary to that is the Brach & Mann building next to this property has a little mini access and the best of two worlds if they tied into this project to come out of one access point. Not sure if there has been any discussion in regards to that, but it would reduce one access point. I would like that explored at some point. Then you mentioned the Day Care Center intersection that there may be bottle up there. Is there a proposal to add a left turn lane or some improvement there as part of this project or who would be responsible for anything that might happen there?

Mr. Wersted - it was identified as part of this impact study we've also been doing work for Orange County and at a number of different intersections around the county and that particular one was one of them so we identified improvements both in the signal design that's there currently, but also forecasted future traffic volumes trying to go through there and improvements to the intersection so I don't know if it would be fully part of this project or part of a a county initiative but between those studies we identified coming Southbound on County Road 105 the left turn widening the road to provide a left turn to go into the daycare that way

through traffic can continue going by past it and then the right turn would continue down.

Chairwoman Franson - as part of the mitigation then it's going to be important in the FEIS to be clear on who's responsible for what is it something that Monroe Commons is going to do or is it something that they'll do a fair share or and I guess that's part of all the coordination with the county, but we'll want to definitely know who's responsible for it.

Member Penn - I had a similar question because you mentioned there wasn't any planned direct permits required from DOT as a direct impact to this project, but the basis of your traffic assessment was derived from several road improvements along all of your control points there so something I just wanted to correlate and see how we would handle that.

Chairwoman Franson - there is also another improvement besides the daycare is over by the high school. If there are going to be improvements to that intersection when do they get done in relation to this project? Because obviously that's very important to us that's our Main School District and access has to be adequate to be able to get in and out of that intersection and not to have to get stuck backed up in traffic. So that'll be very important in terms of our review.

- In terms of architectural review I am not a fan of the white facade more earth tone colors in tune with the environment.

- in regards to the grading being done in Woodbury want to know to what extent anything can be vegetated, you know long term whether it be trees, shrubs how is that going to be reclaimed.

- regarding the GEOTECH we want to know what the quantities are we don't want to end up with excess and then a request to put it someplace else.

Member Shea - brought up the traffic situation and how this project is going to add to it. Took a long time to get to Larking Drive going North at around 11am. It was a complete parking lot at Nininger Road and RT 105 heading to the Village. Can't imagine a Fire Truck or ambulance trying to get through that area. The extension of Nininger Road across Rt 105 would help, there was also an initiative at one point to extend Larking Driver through, not sure if a possibility.

Chairwoman Franson - does the DEIS touch upon there's been a long term discussion about taking Larkin Dr. and bringing it out toward the village toward Rt 17 that interchange, but also on the Kiryas Joel side. Does the DEIS touch upon those improvements?

Mr. Wersted - they are calling it the Dodge connector, but it's an extension of Nininger Road. That is in design right now. believe it is a county wide initiative I don't know that it has gone anywhere or has the means to be completed.

Chairwoman Franson - our options at this point we can close the public hearing part and allow comments to be extended, the Village of Woodbury has asked for comments until December

15th.

Mr. Richmond - we would be okay with the Village of Woodbury extended comments until December 15th, but we would ask that the written comment period not be extended that long. Chairwoman Franson - as a Planning Board member I would like to be given until the 15th as well. When we talk about written comments this is excluding agency comments, if they comment you're going to respond to them.

Mr. Richmond - if the agencies submit comments we will have to deal with them, we are looking to getting the FIS prepared as soon as possible that's why we're hopeful to have your board's comments consultant comments next week, and looking to schedule a meeting for the following week.

Ms. Torre - I think the Geotech, I don't know when that's going to be done, but the idea was to have that to Mr. Arnott so that he could give comments that will then be addressed in the FEIS.

Mr. Richmond - from what I understand that is underway we should have that fairly shortly. I don't think it's going to be by the 15th, but we will work with Mr. Arnott to make sure that he has that before we prepare the FEIS.

Ms. Torre - just that you'll allow Mr. Arnott the opportunity to give comments on that before you submit the FEIS.

Open discussion in regards tot he Geotech report, having a meeting with the Planning Board and all their consultants to get working on the FEIS for submission. Waiting for agency responses, some of which won't be received. The issue of blasting and how important it is to the DEIS and the FEIS. Discussion as to whether or not hold another meeting regarding the DEIS and written comments.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to close the public hearing and we allow an opportunity for written comments to be received until December 15th by EOD.

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

Final Resolution: Motion Carries

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

3. Returning Projects

Action, Discussion: 3.1 **Pallotti Village** (0196-2021) SBL # 33-1-1.21 98 Harriman Heights Road, Monroe, NY

Applicant Representative:

Mike Morgante

Mr. Morgante - gave a quick update as to where the project is at this point

- Landed the CCR Zone with the Town Board
- we addressed some of the outstanding comments from the Planning Board Consultants
- particularly the comment letter on the Storm Water Pollution Prevention Plan
- other technical comments
- we prepared a tree plan
- prepared a master development plan
- prepared a subdivision plan
- checked off most of the items required for the finalization of the plans for the CCR Zone
- based on Mr. Arnott's comment letter we are down to legal matters, easement deed restrictions, things of that nature.
- received latest comments on architectural and site plan related technical comments we don't take any exception to any of them
- we'll make a resubmittal with the site plan related comments addressed I can't speak for our project attorney as it relates to like the deeds and easements of that nature, but we would like to have the board consider, if it's possible in the month of December since we're pretty close the consideration for conditional final approval the reason being there is State funding involved for this particular applicant end of the year is fast approaching I don't know all the details of how it works but essentially when they have to go to a new year I don't know if they reapply and they get bumped to a different number on a list so we would just try to do the best we can to work with the board and vice versa to maybe look if we can try to tie this up in the month of December.

Chairwoman Franson - offered a review of things completed or still needed

- specifically we're at site plan at this point so no need for a hearing given all the other public participation process we were involved in
- we did the negative declaration
- we need a wetland permit
- have a special use permit no that was CCR
- did we need site plan for GML - yes received advisory comments

Ms. Torre -

- as far as process goes you did complete the negative declaration
- the Town Board then adopted local law nine of 2023 to land the CCR Zone on this property
- the law had some conditions of landing the zone
- first the applicant must demonstrate compliance satisfactory to the Planning Board with the comments in the April 19, 2023 report that came from the Planning Board. It was a letter from me to the Town Board they would have to demonstrate compliance with 57-94 including site plan approval any conditions there's certain required conditions set forth in the CCR regulations that would be a condition of any approval they would have to comply with the

elements of the MDP payment of all fees and compliance with any approved resolution by any board related to the project. As far as the April 19, 2023 letter the applicant did submit a response with the latest submission going through that it was 10/24/23 is the date. I did have some comments on a few of those items, I could go through those.

- The first comment that the board had was that the applicant should demonstrate they'll meet the 20% minimum of proposed workforce housing and that they should identify where they'd be located types of units etc. Looks like they are committing to over 20% based on my calculation, it is 46.2%. As far as identifying where they would be located, it looks like distributed throughout.

- The second item affordability agreement that they say has been provided to the town for review. I would just note that it has to also provide for the section requires not only provide for the enforcement of the affordability but also restrictions on senior housing. I don't know if that was accomplished by that same document or if that's another document that you'll need to submit to the Town Board. Are you proposing a deed restriction or comparable means to enforce that agreement.

Mr. Morgante - I will double check and make sure what was submitted and make sure something is included for enforcement of the agreement.

Ms. Torre - The third item the code requires all the parcels to be merged before you could give site plan approval. They did say they would be merged after the Planning Board reviews the subdivision layout. You do need a site plan layout showing it all merged. I understand they are going for the subdivision approval, but first they need to receive approval of the site plan with all the merged lots, prior to subdivision approval.

Chairwoman Franson - one of the things we had talked about was what's going to happen with the lake and if the discharge points are related to this project and the lake for the waste water should that be part of the overall parcel? Because, it's been kind of hanging out there by itself and I don't know if you've had a chance to talk to the Sisters about that, but I remember discussing it right now the lake is a separate parcel and the concern is what happens if the lake gets sold then there's no control over it yet and that's also still the discharge point. It just seems to me somehow the lake parcel should be related to these parcels.

Ms. Torre - that was something that was in your comment letter. I don't believe it was addressed in the response, but your April letter did recommend that the Town Board consider the location of the wastewater treatment plant in relation to the lake and whether including the lake parcel and the CCR would increase the likelihood that it would be maintained in terms of water quality, but it's my understanding that it wasn't included as part of the CCR so I don't know whether there's an ability to do that if there was any discussions with the Town Board.

Mr. Morgante - I can discuss with the Sisters to see if the lake parcel can be a portion of the Convent parcel.

Chairwoman Franson - it just needs to be attached to something as opposed to being on its own. In regards to this when they did the rezoning, not sure if the map was updated, so which

parcels have specifically be rezoned.

Mr. Arnott - the main parcel where all the development's happening as well as where the Convent is, so it's those two parcels. The Convent is in the CCR. When you submit your maps we need to see what the boundary of the zone looks like and how it relates to the lots that are going to be subdivided.

Ms. Torre - with that you will need to submit a again a plan showing them all merge for the actual site plan and then after you get final site plan is when you can then get subdivision and the subdivision will require a public hearing. I don't know what the plan was as far as merging the lots if that was going to be accomplished by filing with the assessor.

Mr. Arnott - there are five lots, but I think all of them are over five acres

Chairwoman Franson - from our town code perspective, does it say anything about five acres. Just wondering how is it characterize because if it's a major subdivision I think we need preliminary and final.

Ms. Torre - minor is anything containing not more than four lots fronting on an existing street not involving any new street or road.

Mr. Morgante - I'll take a look at it see if I can

Mr. Arnott - you have the wetlands in the back as a separate lot that has no frontage. I'm not sure if that needs to be on a separate lot.

Chairwoman Franson - who is the open space lot controlled by? Are we creating an open space lot that the Town will control?

Mr. Arnott - theoretically that would be an open space lot as well as the soccer field would be on its own separate lot which would be open space presumably dedicated to the Town.

Chairwoman Franson - in the open space did the Town say they wanted it or do we know what's happening with it?

Mr. Morgante - we've contact The Orange County Land Trust they're not interested.

Mr. Arnott - a thought was could there just be an easement on the back that could be easement beneficiary to the Town.

Mr. Morgante - and if the town's not interested we could always just do a deed restriction on it by ourselves but we would have no issue dealing with the Town Board and them owning that property.

Ms. Torre - it would need to be subject to a conservation easement in favor of the Town and/or an acceptable alternative land trust or dedication to the Town as parkland.

Chairwoman Franson - the CCR required open space I just want to be careful about using the word parkland because that's not the type of Parkland that's the fee in lieu of land parkland that was the required open space versus having parkland which was the soccer field.

Ms. Torre - essentially the open pace has to be either an easement in favor of the Town or land trust or dedicated to the Town. Next it'd be good for you to submit a site plan showing the lots all merged and then also just address how that's going to be accomplished before site plan approval. Would you be filing with the assessor ?Mr. Morgante - it would be easiest if we filed with the assessor we would just eliminate the lot lines and then you would file a

Subdivision map thereafter. I understand the exercise of combining a lot so that we have contiguous area that's a part of the CCR Zone but it seems almost an unnecessary step as well since either if I combine all the lots and then I file a subdivision map it accomplishes the same thing as either filing a lot line change or a subdivision map in one step doesn't it I mean you do essentially accomplish the same thing. I understand the purpose of combining the lots but I mean and I take no exception to it

it's fine we could do that but I just wanted to throw that out there.

Ms. Torre - it's just something that the code requires them to all be merged before you could give site plan approval. The requirement for merger of component lots the land must be combined into a single contiguous parcel at or prior to final site plan approval the requirement for merger of component lots shall not prevent the subsequent subdivision as part of a project to accommodate single family homes on feasible lots phases are separate homeowners associations or to support financing. So it does require the merger before final or at final site plan approval and then you could do a subsequent subdivision. I just don't think there's a way to vary that.

Mr. Morgante - we'll follow the process. I just thought I would make that note it would have been the same process if you would have just done this as a subdivision from the beginning without needing that intermediate step of combining the lots we would get to the same point as a result of just doing it as a subdivision or lot

line change as long as we could prove we have continuous parcels but it's fine we'll go through the step of combining them.

Ms. Torre - returns to her comments:

- that within the 35% of lot area that's designated for development no more than 65% of that area can be covered with impervious surface and the rest is to be comprised of landscape areas lawns or open space left substantially in the Natural State. So I just had a comment that Mr. Arnott confirm that no more than 65% of the 35% has impervious surface and also to confirm the total development area doesn't exceed the 35%.

- regarding the building separation distances so I just had a comment for Mr. Arnott to confirm that the distance between the two principal buildings is not less than their average height. So for buildings two and three it sounds like they might not meet that based on the heights that are in the table but I don't know whether that height is calculated pursuant to the code.

Mr. Arnott - we asked Mr. Morgante to provide those because the elevations that he's provided on the architectural don't necessarily identify the peak and the code defines the height of the buildings as the average of the height from the ground to the peak of the roof all the way around the building.

Mr. Morgante - we'll double check that we did on the architectural plans we do have elevations shown to the peak of the roof. If you look at the site plan I did show spot elevation at the midpoint of the two long sides of the building and spot elevations at the midpoint of the short sides of the building so I use that to calculate average Building height. I'll double check them to make sure they're correct but I do believe the numbers that are shown on the table are fairly accurate and I think buildings two and three I think average building Heights about 38

feet 5 inches and 4 inches respectively. So we can certainly meet that requirement and essentially add seven more feet I think I have 31.5 feet between the buildings right now my thought process I understand we have to comply with the code but my thought process is you're going to see a building that's less than 30 feet tall in the front I just thought that the gap between the two buildings would be rather large if I increase that to somewhere around 38 or 40 feet certainly can do that it's not an issue I can engineer that but I don't necessarily know that we're going to be providing a better visual appearance so I'll leave that to the board.

Mr. Arnott - these are for the two multifamily buildings in the back. Mr. Morgante's point is that in the front of the building is the least height exposed because the grade drops off to the back.

Ms. Torre - the code requires that a minimum distance between two principal buildings is not less than their average height I just don't know if that's something the board would be able to vary without a variance.

Ms. Torre - that is something that needs to be verified.

Chairwoman Franson - we have the peak but not the average at this point.

Mr. Morgante - no you have the average I'll double check it but I believe that number that's shown on that table is the actual average Building height. This comment was there so I made sure I was looking at it as I went through the Town Board process so I'm pretty sure it's correct. Again I can certainly expand that distance between the buildings to be whatever it's going to be 38 and a half feet I just don't think it's going to provide proper visual appearance. You're going to have a big open gap between these two buildings that will be quite large.

Ms. Torre - also on that if you could show the distances between buildings four and five five and six and six and seven. I don't think I saw them delineated.

- another comment was that the letter didn't address that including potentially the lake so that's something we already spoke about that Mr. Morgante said he'd check with the Sisters on.

- other than the board reviewing this letter to confirm that their response is satisfactory to address all your comments it's your normal site plan review Harriman Heights Road is a scenic road you'll need to show the scenic road buffer and scenic road map notes.

- you do need a local wetlands permit application the tree plan it looked like there was going to be 375 trees removed but doesn't say the number that's going to be replaced one of the sheets indicated 286 will be planted if you could check those numbers and figure out if you're not doing the one to one what you're doing there. Give totals maybe saying how many you're going to remove how many you're going to plant and if there's anything other than one to one you know the tree law.

Chairwoman Franson - both subdivision and the wetland permit require public hearing.

Ms. Torre - the subdivision does because. I think it's discretionary.

Mr. Morgante - between a minor and a major subdivision does a minor require a public hearing as well or not.

Chairwoman Franson - both of them would require it but the the major subdivision is a

two-step process so they go from preliminary and then you go to final final whereas minor can go right to final final.

Ms. Torre - the wetland permit does require a public hearing.

- I mentioned the tree plans if you could give the totals of those trees that are being removed replaced the tree plan notes.

- need to identify any public improvements and I'm assuming there'll be a public improvement security agreement

- need to address the reservation of Parkland or Recreation fee in lieu of. I don't know whether because there is going to be open space and a soccer field whether that's something that might actually be where you have Parkland and that you don't need to do the fee.

Chairwoman Franson - I think we have to ask the Town Board. We can establish that a fee is needed but I think the Town Board determines the amount.

Ms. Torre - that would be whether they're reserving public Parkland on the soccer field and whether that's going to be public I believe.

Mr. Morgante - we're looking to dedicate that to the town.

Ms. Torre - at a future meeting I could walk you through that analysis and then whether the board finds that's adequate Parkland or Recreation Area for the project. - - the site plan then has to comply with the requirements in section 57-94(e). There's a bunch of those that Mr. Arnott's memo had commented on most of them if not all of them.

- there needs to be an HOA plan development deed restrictions covenants and easements and those gets approved by the Town Attorney so when you're facilitating that just to keep that in mind. They are typically things that would be able to be a condition of any site plan.

- there is one thing though that does need to be submitted to the Town Attorney the title report. It's supposed to be a full title report supposed to be submitted prior to any site plan application and the reason for that is to facilitate the review of all mortgages leases and similar incumbrances on common property to make sure that that's going to be subordinate to the deed restrictions that are required by the CCR. If you could get the title report over to the Town's Attorney office and copy me on that as soon as you can.

Chairwoman Franson - DEC wetlands are present does that extend into the site.

Mr. Morgante - there's a small buffer area that's being disturbed because we needed to create an access road to that wastewater treatment plant there's actually no proper way to get to it as it exists right now except for a dirt road in grass. DEC is essentially and I've provided that correspondence to the board to Ms. McSweeney I've given you the full email string from them at this point which they've published in a paper we have essentially met all their requirements so that buffer disturbance is included in their permit.

Chairwoman Franson - we'll have to condition on the permit that's for the wastewater improvements as well for the SPDES permits.

Mr. Morgante - we actually have that that's been provided as well. So we have all that documentation that's been provided to the town.

Ms. Torre - on emergency maintenance rights that has to be handled as well and these can be conditions as well.

- another item was site and structure improvement your code sets forth specific requirements there all electric telephone distribution lines be underground provide all fire hydrant storm drainage paved road access parking off Street lighting Etc. just to make sure those are all met and then you will have to have a public improvement security agreement with the Town. Basically it's with the town sets forth the estimates and then the timeline of when things are to be completed.

Mr. Arnott comments:

- I just want to mention that the SWPPP there's one very minor change that has to be updated. We spoke earlier today and we've provided architectural comments on the plans that were submitted

- I'd like the board to weigh in on the lighting there's 3000 Kelvin temp color temperature provided typically you look for 2700 Kelvin. I'm not sure if you're looking maintain the 2700 or if you're amendable to the 3000 that's proposed.

Mr. Morgante - what are the immediate next steps that we need to do to just to summarize to move things forward. I know I have some work to do in terms of updating the plans. Would the board potentially consider scheduling a public hearing for the subdivision I mean I may need to revise the plans from a five lot to a four lot perhaps.

Ms. Torre - you need to have the final site plan approval with all the merge lots before you could approve the subdivision

Chairwoman Franson - can we schedule it tentatively to a determination. you're saying we need a final site plan approval before we can even have the subdivision.

Ms. Torre - the lots need to be merged for final site plan approval.

Chairwoman Franson - let's tentatively if it's possible to do that will do subject to Ms. Torre

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to schedule a public hearing for the subdivision for Pallotti Village and the wetlands permit for December 19 2023.

Motion by Chairperson - Bonnie Franson second by Robert Garstak.

Final Resolution: Motion Carries

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

4. Minutes

Discussion: 4.1 May 11 2023

tabled

Action Discussion: 4.2 June 20 2023

tabled

Action Discussion: 4.3 July 18 2023

tabled

Action Discussion: 4.4 August 10 2023

tabled

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.

Motion by Chairperson - Bonnie Franson second by Pat Shea.

Final Resolution: Motion Carries

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

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