

Town of Monroe Planning Board Regular Meeting MINUTES

— 12/17/2024

Town of Monroe Planning Board Regular Meeting (Tuesday, December 17, 2024)

Generated by Norinne McSweeney

Members Present:

Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, J Louis Rivera

Members Absent:

Bob Garstak, Dylan Penn

Planning Board Consultants:

Ashley Torre, Esq.

Shawn Arnott, PE

1. Welcome

Action, Discussion: 1.1 Roll Call

Procedural: 1.2 Point out Fire Exits

Procedural: 1.3 Pledge of Allegiance

2. New Public Hearing

Action, Discussion: 2.1 **94 Seven Springs Road** (0215-2024) SBL # 1-1-14 94 Seven Springs Road, Monroe, NY

Applicant Representative:

Mr. Gelb Hartman Design

Chairwoman Franson - asks if there is anything else that needs to be done prior to opening the public hearing

Mr. Gelb reviews the project:

- 2 family house in overlay district
- went through all the details - septic, tree plan, water
- dedication of the road
- we have a few comments to complete

Mr. Fordham - MMC

- sent the plans not familiar with the project
- have not been up to the site
- looked at the plans

- removing 70 trees putting back 70 trees
- would like to see less ever greens going back more natural native trees to the area
- spoke about the eastern boundary and why so many evergreens are going back here are necessary

Mr. Gelb

- the client selected the trees but he is willing to do anything change them
- not looking to make screening with neighbors

Mr. Arnott will send the plans to Ms. Arent to review

spoke about possible different tree types that the applicant can use versus the evergreens

Mr. Arnott comments:

- technical comments have all previously been addressed
- a few comments on the readability of the tree clearing chart that was provided
- applicant needs to more clearly note what trees and their size and type to be cleared
- a couple of minor things on the tree preservation plan that need to be updated and comply with the code

Ms. Torre comments:

- regarding the trees it did look like they were removing 66 trees but only replanting 64 not sure if that is because plan sheets were inconsistent or if the notes were - applicant needs to verify count being removed and replaced
- the tree plan was referred to the MCC in accordance with the tree law they have 30 days to issue a report, Mr. Fordham gave some comments this evening not sure if he is submitting a report

Chairwoman Franson- have Mr. Fordham coordinate with Ms. Arent. This is almost complete will have we can always condition on finalization of the tree plan or the tree planting. Ms. Torre can prepare a resolution for decision at the next meeting. Let's try and resolve the trees prior to the next meeting.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to open the public hearing for 94 Seven Springs Road.

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, J Louis Rivera

Nay: None

Abstain: None

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby closes the public hearing.

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, J Louis Rivera

Nay: None

Abstain: None

3. Returning Projects

Action, Discussion: 3.1 **Monroe Commons** (0182-2020) SBL # 2-1-10 Nininger Road, Monroe NY

Applicant Representative:

Daniel Richmond Zarin Steinmetz LLP

Chairwoman Franson - I believe you are here this evening to consider a revision to the resolution.

Mr. Richmond - as you recall we have a letter to your board late November asking that certain conditions. Let me go back there are 2 paragraphs in the approval resolution that your board issued for Monroe Commons relating to the building permit certain conditions relate to what we consider as foundation permit that allows our client to do certain grading and then certain conditions relate to a building permit for actually building the building. We asked for the resolution to be adjusted for what we refer to as a foundation permit allowing our client to do certain grading and then certain conditions be contingent on a building permit including our approval for clearing from the Town of Woodbury Planning Board. We are starting before the Woodbury Planning Board starting tomorrow December 18, 2024, we already have a review letter from their consultant in review we are assuming it will take a couple of months so we are asking that this be put the the ultimate building permit similarly Orange & Rockland willingness to serve be added to the building permit as well. We are working on the loads necessary for the request and anticipate submitting shortly and meeting with O&R. Finally, we ask that the building approvals from the Orange County

Department of Works relating to the driveway permit, Highway work permit, and utility permit be adjusted so that a condition of the ultimate building permit. I see in the resolution that was drafted by your Council that she has carved out approval for the proposed construction entrance to be requirement for the foundation permit we are okay with that and that's the sum

of our requests. I'm happy to answer any questions, but we're continuing to right now be very focused on meeting the conditions of your plat for your board to sign.

Reviewed the resolution for approval making any necessary changes or adjustments as the board went along.

Ms. Torre:

- Page # 5 item # 19 will be correspondence from Zarin and Steinmetz dated November 26, 2024. That's the letter were they requested this amendment.

- the board might recall at the November 14th meeting you granted waivers from certain of the lighting specifications so this section here is just explaining what had been granted back in November.

- page #14 specific condition 4 previously said that the board had to approve a lighting plan before plans can be signed, you did that on November 14, 2024. So this is just reflecting that prior to signing of the plans the lighting plan as approved November 14 has to be submitted and incorporated into the plan set and these are the various requirements for that lighting plan that have to be addressed.

- next item with specific condition # 5 is new - prior to signing of the plans the applicant shall provide a phasing plan for the site grading to the satisfaction of the Planning Board Engineer that identifies temporary grading along the Village of Woodbury boundary which allows future grading within the Village of Woodbury as currently proposed and does not preclude the construction of retaining walls along the properties contiguous boundary with the Village of Woodbury in the event the applicants unable to obtain the necessary approvals from the Village of Woodbury.

Chairwoman Franson - so when they do the grading plan any plan has to show some kind of demarcation if they're going to start before they get a Woodbury approval, so that they don't encroach into Woodbury, do we think that might happen?

Mr. Arnott - essentially what I would expect the plan to show is some type of either preservation or another type of temporary wall so that they can grade enough to install the structure to continue the grading on the front half of the site so that they preserve the back half for however you know if Woodberry allows the grading or if a so that the retaining well can be installed and preserve the Woodberry boundary or the space within Woodbury.

Chairwoman Franson - I don't envision this happening, but what happens if Woodbury doesn't approve the grading plan and we have this temporary measure in place are they required to come back to us?

Mr. Arnott - they could either only work on the portion of the parking lot between the building and the road that's one example, they could install the front half of the foundation to allow them to get to an intermediate spot on the site where it doesn't strip any of the rest of the soil working towards the back towards Woodbury or install a temporary retaining wall on the back half of the site to allow them

to grade and install the foundation and the structural steel so they can work on that portion of

the building or at least get the entirety of the foundation in while preserving the grade along the back property line.

Ms. Torre - Chairwoman Franson was your question in the event they aren't able to get the approval for some reason in the Village then what would happen. They would need to return for I believe a site plan amendment for the permanent retaining wall.

Further discussion as to what could or can happen if Village of Woodbury does or doesn't approve, as of now there are no structures no improvements in Woodbury just grading.

Chairwoman Franson - what is the timeline, when did you submit to Woodbury, when do you anticipate that they might act on their approval?

Mr. Richmond - we submitted in late October or early November originally scheduled for the December 4th agenda they shifted meeting until December 18th. We have been before the Village Planning Board keeping them up to date with the DEIS they are familiar with the project. Presenting again tomorrow, following for the first time after this boards SEQRA findings looking for final approval. We got a letter from their consultant that raised issues and are all manageable. Hopefully we can then be scheduled again for February or March.

Mr. Richmond - doing a phasing plan shows that we'll be able to accommodate the project whichever way Woodbury goes. I think we are cautiously optimistic that they will go for the grading it makes sense, it's better than the retaining wall. This paragraph is so that we can do some site work while still showing that we can accommodate either alternative.

Chairwoman Franson - the phasing plan becomes part of the plan sheet, so we actually have to approve the phasing plan the Town Engineer will review it for its appropriateness and advise us, but ultimately I think we have to approve the phasing plan.

Back and forth as to how the phasing plan has to be handled and whether it has to be an amended approval or approved separately like the lighting plan was.

Ms. Torre - what about if we say prior to the signing of the plans the Planning Board shall approve a phasing plan for the site grading that will be incorporated into the plan set. The phasing plan shall be satisfactory to the Planning Board Engineer and identify temporary grading along the Village of Woodbury boundary and just continue from there. So basically there'll be a new first sentence.

Chairwoman Franson - so, I would structure the last part of that in the event the applicant is unable to obtain the necessary approvals from the Village of Woodbury to proceed until the Village of Woodberry issues its necessary approvals or if they approve something different returning to this board for amended approval.

Ms. Torre continues with resolution:

specific 11 - prior to the issuance any building permit and previously this had included the Village of Woodbury approval and some others which have been moved and we will talk about, the one that has been inserted here is the OCDPW approval for the proposed construction entrance to Nininger Road. These are all things that have to be accomplished prior to the issuance of any permit. Then we're going to get into what has to be accomplished before permit other than what's been discussed as a foundation permit.

12 that's changing so 12 is prior to the issuance of a building permit other than a permit for construction of foundation structural steel which is integral to the site grading.

Chairwoman Franson - so in other words we're not going to let them move forward until they get these approvals, we won't let them move forward with the construction of the foundation or structural steel until they get in 11.

Mr. Richmond - I think we're allowed to do the foundation because it says other than a permit for construction of foundation and structural steel.

Mr. Arnott - before any building permit is issued you have to comply with number 11 which is acceptance from Village Kiryas Joel regarding the water main, Village of Kiryas Joel and Town of Palm Tree on the connection to the VMG property and a permit from DPW for the construction entrance to Nininger Road, so before they can obtain any building permit.

Chairwoman Franson - where are we with the clearing and grading is that allowed to happen?

Mr. Arnott - that's after signing but Mr. Maldonado has two alternatives in the past he has issued a building permit to allow clearing to occur before signing or site work cannot occur until after signing of the plans.

Chairwoman Franson - so, right now we're operating without a permit under the presumption that they have to get a signed approval and they're not going to clear they need a building permit.

Chairwoman Franson - # 12 prior to the issuance of a building permit other than a permit for construction of the foundation structural steel so that would be the next permit that they could get to start construction.

Mr. Arnott - Which again is just because the foundation is acting as a retaining wall okay so it allows them to get a building permit for the structure but foundation and structural steel only so they can support the soil around the building.

Chairwoman Franson - are the conditions in terms of the other approvals that are needed

Ms. Torre - first two were part of your prior resolution and then it's C D and E are ones that were moved down

Mr. Richmond - actually could I just ask like one question on D, I just wasn't sure of the significance of the word demonstrating in D I mean I understand proof of willingness to serve from Orange and Rockland.

Ms. Torre - I think rather than written approval I think it would just be Orange and Rockland Utilities issuance of a willingness to serve letter. So, maybe just Orange County and Rockland proof of willingness to provide a willingness to serve.

Chairwoman Franson - The Department of Public Works as the driveway permit for Nininger permanent driveway and the other traffic improvements.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to that the Planning Board reaffirm the SEQRA Finding Statement with regard to the review of this first amended resolution of approval.

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, J Louis Rivera

Nay: None

Abstain: None

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to to approve resolution of Site Plan and Special Use Permit and Local Wetlands disturbance permit for Monroe Common LLC as amended this evening.

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, J Louis Rivera

Nay: None

Abstain: None

Action, Discussion: 3.2 **Contract Superior Packing** (0201-2022) SBL # 1-1-24.1 2 Bailey Farm Rd, Monroe, NY

no show

4. Minutes

Action, Discussion: 4.1 June 13, 2024

held over

Action, Discussion: 4.2 June 18, 2024

approved

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve June 18, 2024 minutes.

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, J Louis Rivera

Nay: None

Abstain: Pat Shea

Action, Discussion: 4.3 July 11, 2024

held over

Action, Discussion: 4.4 July 16, 2024

approved

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the July 16, 2024 minutes.

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

Final Resolution: Motion Carries

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

Nay: None

Abstain: J Louis Rivera

Action, Discussion: 4.5 September 12, 2024

held over

Action, Discussion: 4.6 September 17, 2024

held over

5. Adjournment

Action, Discussion: 5.1 Adjourn Meeting

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

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

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, J Louis Rivera

Nay: None

Abstain: None