

# Town of Monroe Planning Board Special Meeting MINUTES

— 08/29/2023

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## Town of Monroe Planning Board Special Meeting (Tuesday, August 29, 2023)

*Generated by Norinne McSweeney*

*revised*

### **Members Present:**

Chairperson - Bonnie Franson, Jeff Manson, Pat Shea, Nicholas Napoli, Dylan Penn

### **Alternate Members Absent:**

**Bob Garstak**

**Louis 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. Returning Projects**

Action, Discussion: 2.1 **Summer Crest LLC** (0213-2023) SBL # 3-3-12,3-3-15.2

Applicant Representatives:

Jonathon DeJoy

Mr. DeJoy we left off at the previous meeting with the board discussing the scheduling of a public hearing.

Chairwoman Franson - is there anything you wish to discuss or present this evening?

Mr. DeJoy - I don't have anything to present unless the board has any questions for me regarding a letter my office submitted today to Ms. Torre, we had a productive discussion on that earlier today.

letter from the applicant to Ms. Torre and the board to be reviewed by Ms. Torre.

Ms. Torre:

-one of the things that's discussed in the letter you might recall I think it was maybe Jeff's question at the last meeting something that was stated in a prior letter from Mr. DeJoy about the possible potential uses and he said there were different uses under the code that could potentially be applicable here and you had asked if he identified what those were so he did point to the use table and the zone different things mostly they would require site plan and special use approval so there are different uses mentioned in there. The letter also discusses the board had previously been discussing use and I did speak with Mr. DeJoy earlier about this and so they are before you for a COA (certificate of appropriateness) and one of the things that you have to evaluate and evaluating the exterior architecture and the appropriateness of the changes that are proposed the use is relevant to that. You would look at different uses different ways they'd have different external features. One of the considerations in the code for your historic review is to consider the Secretary of Interiors standards for rehabilitation as appropriate and those do speak to the use as well, the historic use, and whether the use is consistent with the historic use of the property. I know that the applicant hasn't previously had any proposed use identified for the board - I don't know if that changed at all there's any use you would want the board to consider not this board's not approving any use at this time but just to give them context to what they're reviewing in terms of the architecture what a likely use might be that would be helpful.

Chairwoman Franson - does the applicant's representative have a response to that in terms of providing guidance so we know what or how to apply the historic standards.

Mr. DeJoy - I'd say with respect to the historic standards I think one we have to consider that the buildings are currently unoccupied and two that the applicant is only proposing to repair them consistent with the existing work from a historic perspective you know we're not changing anything so I don't think any proposed use no matter what would necessitate the applicant to change the buildings from what they've always been if that makes sense.

Chairwoman Franson - so then what have they always been as a use.

Mr. DeJoy - aesthetically, I mean the aesthetics are not changing from what they've always been.

Chairwoman Franson - but it was a seasonal bungalow community historically.

Mr. DeJoy - that's my understanding and they've been vacant for I'm not sure how long exactly but they are currently vacant. they've been vacant for a while

Chairwoman Franson - they've been vacant for a while.

Mr. DeJoy - for sometime - I'm not sure for how long off the top of my head.

Chairwoman Franson - I would ask our attorney, Ms. Torre, do we need again more resolution

with regard to the use to be able to come to applying or determining applicable architecture materials colors.

Ms. Torre - it would be certainly helpful and admissible for you to ask that I think you could in the alternative consider it without the applicant identifying use consider it as if it were to be what it was previously or you know consider it as some sort of residential or seasonal dwelling as we have discussed previously and I think the applicants acknowledged on the record before that this board is not approving any use so anything that would be permitted by a COA that's not saying that there's a legal use for the structures out there.

Do the board members have any comments or questions they want to raise?

Member Manson - primarily from the schedule of work what I recall is that we're looking at the exterior wall structures and roofs at least in some cases. I noticed on the material list and from some of the documentary pictures that there are windows that couldn't possibly be reused and they're in the material list but I didn't remember seeing in the schedule of work which buildings required windows - now maybe I missed that.

Mr. DeJoy - no, that's not in there and I think that's a fair question and that certainly I could follow up on with some clarification I don't have that answer right now. Member Manson - also from reviewing the pictures on the site and I'm sorry I have not had an opportunity to be out there quite yet, but it seems that the foundations are varied that some are fieldstone, some look to be newer more poured concrete, various things from what I remember there was no discussion of having to do anything with any of the foundations of the buildings and I'm just wondering how that is determined at this point that the foundations are all intact enough that they don't require anything or what if we got into the work of renovation and we got to a point where there was a foundation where there was an issue how that would need to be handled.

Mr. DeJoy - I think that that may be a question for the building inspector I'm not sure, but again I can certainly speak with my client and try to get some clarification on that.

Member Manson - those were the two major exterior components that I considered on top of the walls and the roofs might need to be addressed and we hadn't really discussed those that it's certainly in any length.

Mr. DeJoy - as far as I'm aware building permits were applied for to repair the siding and the roof and the building inspector then opined that we needed the COA for that but I can certainly try to get some clarification.

Chairwoman Franson - in your letter you note that as a result of the building's dilapidated condition which are, with exceptions, most of them are unoccupied it says the applicant has been issued violations from the building inspector, have those violations been on all of the buildings or just the buildings which have been rehabilitated and are being occupied.

Mr. DeJoy - I believe just the ones that are being rehabilitated and are currently unoccupied.

Chairwoman Franson - applicant must remedy the violations by applying for building permits and a COA. What are those violations?

Mr. DeJoy - I don't have them I could provide them I could try to speak with my client and get some clarification but I don't want to guess as to what they are I know they have been issued over a course of time.

Chairwoman Franson - because there embedded in this, it says by applying for building permits, but if they're not inhabited and they're not occupied they could also be demolished could they not.

Mr. DeJoy - potentially

Chairwoman Franson - so building permit isn't the only way to go it's just that's the way the applicant wants to proceed.

Mr. DeJoy - I believe the applicant has been instructed by the building inspector to remedy these violations by seeking a building permit and seeking the certificate of appropriateness because these are historic buildings and the code you know encourages restoration rather than just demolishing them.

Chairwoman Franson - the need for a COA actually came up because the applicant requested from the town historian to designate them as historic.

Mr. DeJoy - that I don't know but the this the instant application came up because the building inspector referred us here.

Chairwoman Franson - correct and the letter he gave us was because there was a request made - that's what has been communicated to us for the building to be determined to be historic and I'm not questioning the town historian authority or that it shouldn't be, it's just it wouldn't have required a COA, except for the applicant did make the request to become historic the town historian did render that determination so now they're in front of us with a COA.

Mr. DeJoy - that sounds about right

Chairwoman Franson - but in terms of violations they're in front of us, not because of the violations, because suddenly it was determined to be a historic property and that's where our Authority comes in.

Mr. DeJoy - I could be wrong I don't know for sure but I believe the violations were issued subsequent to the determination. I don't know that for sure that's my understanding so I could be wrong.

Chairwoman Franson - if our engineer or attorney have any insights into this that you want to add feel free. The record has been very confusing to me and again the representations as far as remedying violations, and I don't know whether the building permit remedy is a result of what the building inspector has determined or if that's something that merely the applicant is pursuing. I'd want to have a follow-up with the building inspector on that.

Mr. DeJoy - I think really our point there was more that we're just seeking to repair the buildings so they're not falling down, there are no immediate plans for them.

Chairwoman Franson - at this point there is no commitment to the use to which they could be used or to how they're being rehabilitated.

Mr. DeJoy - there's no commitment to a future proposed use.

Chairwoman Franson - so in terms of our determinations we don't have that benefit of knowing.

Mr. DeJoy - no but like I said before we are only restoring these buildings aesthetically as they were.

Chairwoman Franson - there was a reference to asbestos shingles are asbestos shingles can they be installed I don't know if I asked this previously is there a new type of asbestos that it's allowed or no.

Mr. DeJoy - my understanding is yes I believe I heard you can buy them right at Home Depot but I don't have the answer to that.

Mr. Arnott - my understanding on the asbestos was it would be for siding not for shingles and they're going to be painting the existing asbestos siding.

Member Shea - how many of these are beyond repair?

Mr. DeJoy - I think to some degree that remains to be seen but as of right now I think you know we're optimistic that none are beyond repair.

Chairwoman Franson - questions the status of the GML review. It has not been 30 days yet. We did talk about a public hearing, there was discussion I think about having the public hearing that it would be a good idea to just be able to get additional input where are we on that? Under public hearing what could be the outcomes of a public hearing from a legal perspective?

is there is there a time frame does the public hearing do decisions have to be made is anything triggered by holding the public hearing scheduling?

Ms. Torre - if you're going to hold a public hearing it's within 62 days of determining that it's a complete application and then after the public hearing 62 days to make a decision, the public hearing can remain open and then the 62 days gets triggered after closing.

Chairwoman Franson - I'm reviewing what it says about complete application and this is for a certificate appropriateness and it says following information is required unless waived by the Planning Board in its discretion and I think if there are waivers the applicant should make the request for those waivers of the information so photographs and a brief description of any structure proposed to be altered or demolished including approximate date of construction name of architect if known historic and architectural significance and description of the setting including related grounds accessory buildings and structures and property boundaries.

I think from my perspective we have a lot of that most of that (B) is the past 10 years chronology of the use occupancy and ownership of the property do we have that.

Mr. DeJoy - I believe that was in our original submission 10 years of the use I believe so I can

get more clarity.

Chairwoman Franson - (C) a complete description of the proposed work adequate to provide a full understanding of the work to be done. I think that we have that in terms of it's pretty limited in terms of the but you were going to get back to us on the concrete or sorry the foundations and the windows. Construction drawings and material lists far as what's to be you know installed right.

Ms. Torre - just to speak to that I know in prior submissions because you did put together the chart which was which was good. In prior submissions I recall there was a picture I think of a Home Depot shopping cart or something with the actual materials if you have that readily available so that could just be like a single document I know it was buried in other documents but just if you could submit that that way it's something that could be easily referenced.

Chairwoman Franson - any other information specific to the proposed alteration demolition or new construction required by the Planning Board to make a determination including data to demonstrate compliance with the criteria for approval set forth below.

Chairwoman Franson - I'd be willing to schedule a public hearing subject to ensuring that we make sure that we've received (B) which was the past 10 years chronology the use occupancy and ownership of the property and D with regard to a concise description of the materials as opposed to Home Depot.

Member Penn - I know I've requested before from a construction drawing perspective is there's aesthetic information in how the eaves of the roofs will be developed in the truss structure items of that nature that we do have oversight on so I've asked for it before and I would be interested in seeing that as well.

Mr. DeJoy - Okay I'll try to provide what I can I know since the you know we're not doing any new construction or any additions I don't know the extent of the drawings and I'm not a builder so I can't personally speak to it but whatever we can in that regard we'll try thank you

Chairwoman Franson - again what I've indicated already materials to include also information on the foundations and windows to the extent they may or may not be changing so anything else I should consider in that draft of a motion.

Ms. Torre - I think you could schedule the public hearing and it'll be conditioned that they have to submit that information I'm just thinking of when the hearing providers has to go out compared to when the submission deadline is that I think and if something is not submitted in time you would just have to hold the hearing open I think that would be the better way to do it so you could at least get the hearing notices out.

Chairwoman Franson - wanted to address the board members we did receive the determination from the Building Inspector that indicated the uses that are proposed and or that are the he indicated or provided a determination letter to us I think we had questions on that determination letter so I'm going to recommend that separately and independently of the COA that the board received this building inspector determination dated August 10 2023 and I'd like to make a motion that the Planning Board appealed the Building Inspector's determination of 8 10 2023 to the ZBA and then authorize a Planning Board to prepare the appeal and that I would sign any documents related there too.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion that the Planning Board appealed the Building Inspector's determination of 8 10 2023 to the ZBA and then authorize a Planning Board Attorney to prepare the appeal and that I would sign any documents related there too.

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

Final Resolution: Motion Carries

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

### **3. Minutes**

Action, Discussion: 3.1 April 13, 2023

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

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

Final Resolution: Motion Carries

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

Abstain: Dylan Penn

Discussion: 3.2 May 11, 2023 tabled

Action, Discussion: 3.3 June 8, 2023

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

Motion by Jeff Manson, second by Dylan Penn.

Final Resolution: Motion Carries

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

Abstain: Nicholas Napoli

Action, Discussion: 3.4 June 20, 2023 tabled

Action, Discussion: 3.5 July 13, 2023

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the July 13, 2023 minutes.

Motion by Dylan Penn, second by Pat Shea.

Final Resolution: Motion Carries

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

#### **4. Adjournment**

Action, Discussion: 4.1 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 Jeff Manson.

Final Resolution: Motion Carries

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