

Town of Monroe Planning Board Work Shop/Regular Meeting

MINUTES

— 07/14/2022

Town of Monroe Planning Board Work Shop/Regular Meeting (Thursday, July 14, 2022)

Generated by Norinne McSweeney

Draft

Members present

Chairperson - Bonnie Franson (via Zoom), Jeff Manson, Pat Shea, Nicholas Napoli, Steven Thau

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 **DG Management** (0172-2019) SBL # 69-1-1.2 Schunnemunk Road

Lipa Deutsch Project Manager

Jim Bates Ecological Analysis

Jay Myrow Attorney via Zoom

Mr. Myrow since last meeting received a plan from Mr. Esposito with intended improvements and existing conditions that would establish the easement area of Orange & Rockland as a habitat area. This has been reviewed by Mr. Bates and the boards consultant Mr. Tompkins. There have been comments by both consultants and Orange and Rockland.

horrible audio issues tonight

Mr. Bates we have been out to the site looking for specialized habitat referring to the code as the what is specialized habitat for a protected species. In this area the protected species are the Indiana bats and the fish and wildlife service is looking to include the Monarch Butterflies. As the property was clear-cut a few years ago, it is a north facing slope not good Indiana bat

habitat, we continued to look for pollinators that the butterflies would use, we worked with Mr. Esposito to develop and enhance the habitat for Monarch Butterflies. Monarch Butterflies are mobile and their food source is dwindling so an area like this can be over planted to create a situation that is beneficial to them. Reviewed Mr. Tompkins letter and concur with most points, one I don't agree with is as we are trying to create an insect habitat I don't want to bring birds in to feast on them, we agree there should be a monitoring and repairing term of 3 years.

Mr. Tompkins there is a landscape plan which has merit, I would like to see written text of the methods and the procedure to be used. It should spell out certain things like what preparation seed bed, what time of year planting, there is a process called stratification of seed that's used for milkweed, how are you going to mark the locations for monitoring purposes. I would like to see more of a base line survey to quantify the vegetation and to determine the level of utilization by any butterflies, those 2 points are necessary in determining if the enhancement is successful. I do disagree with the bird boxes they are an easy benefit and that's part of the natural food cycle birds eating insects.

Chairwoman Franson one concern with regard to this evaluation on habitat is that the cluster subdivision standards under application of provisions to important physical cultural and natural features, it states known habitats containing endangered threatened or special concerned wildlife species protected native plants endangered threatened to rare plants four state identified significant habitats, as much as I am for improving the landscape and conservation easement, I am not sure if we discovered species that meet the provision. Under procedure with conservation value and analysis there's reference to habitat for sensitive species. I have concerns with regard to the intent of the cluster development regulations if this is going to satisfy it versus doing the conventional plan. My other concern is the letter from O&R on one hand they don't object to the tree plant, but they then say they retain the right to access the land and maintain the electrical transmission right of way for periodic vegetation management including all techniques and methods such as mechanical pruning, mowing and herbicidal treatments in accordance with our vegetation management plan. If we go this route the applicant needs to give thought as to how to maintain for the long term, certain maintenance and certain techniques.

Member Manson I was an early proponent of the use of the easement as well as the other lands, but under the conservation for habitat preservation it is an important piece of land that I have mentioned my concerns at other meetings. I do have similar concerns with the verbiage of the O&R letter and their techniques to be used within the easement. How do we balance that out? I have witnessed Monarch butterflies in the area of the property living in the vicinity, with additional planting it could be further supported, this would aid in taking care of other species that use the land between O&R lake and the woods.

Mr. Tompkins I would support what Mr. Bates says if we could get O&R to restrict use of

herbicides. I support the occasional mowing it turns back the succession and is beneficial to the concept of having an early successional habitat.

Member Shea isn't this issue something that should of been taken care of earlier in this process?

Ms. Torre the applicant went to the ZBA for a variance from the amount of conservation space that had to be on the property and was denied, they came back to the planning board and we are trying to establish conservation value

Mr. Myrow the application to the ZBA did not include consideration of this particular issue . Mr. Bates had submitted an earlier letter to this board to reconsider the conservation value argument on the property this board said no and to take it up with the ZBA, the ZBA said it wasn't within their purview and they denied the variance.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby adjourns the public hearing until August 16th at 6pm

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

Final Resolution: Motion Carries

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

Action, Discussion: 2.2 **BJ's Site Plan** (0200-2021) SBL # 2-1-30, 2-1-21.31, Harriman Business Park Larkin Drive Monroe, NY

George Lithco attorney

Ken Werstead Creighton & Manning

Pat Smith RD Management

Member Manson recuses himself from this application

Mr. Lithco we would like to move things along this evening with moving forward with the preparation for a resolution in concert with the consultants for the August meeting that will address SEQRA, site plan approval, the waiver and outstanding matters to consider action on this to approve or deny or require conditions, but we'd like to put that in a format for you to consider in August.

Chairwoman Franson there was a litter from OCDP and they had raised a question in regards to SEQRA and I don't believe it has been addressed it is groundwater protection, there were also comments on environmental constraints and the Northern long eared bats, need a note added to the plans for the tree clearing during the bat protection period.

We did receive your materials Mr. Lithco but they were to late for reviewing for tonight's meeting

Chairwoman Franson asked Ms. Torre to speak regarding SEQRA

Ms. Torre as far as SEQRA last month you started reviewing the part II and discussed some items you asked for more information, the applicant did make a late submission haven't had time to review, I will review them and if it addresses all the points and in order then I can draft the negative declaration.

Mr. Lithco what do you want from applicant in terms of readiness, we have not made any substantive changes to the site plan itself, we received the town engineers memo. it notes a couple of issues to be addressed regarding the owner easement which we've discussed with the project engineer, traffic comments we received yesterday, a landscape memo we received today, those for the most part of technical issues, the landscape wants some bigger and or small species those can all be addressed and accommodated except for one landscaping related to a buffer around the detention basin, that is not currently shown on the landscape plan, which will need to be addressed with O&R and the landscape consultant. The only other matters for input from the planning board are from the AKRF memo for example whether or not a side walk provided, stripping within the fueling area. We put the sidewalk on the plan, we do have issue with the stripping as BJ's has 200 some odd gas stations that don't employ stripping within the stacking area, there is some question as to whether it should be provided we could work out a condition if it proves necessary with the Building Inspector. We have solutions for all open issues that we can provide for discussion at the August meeting.

Chairwoman Franson one item to discuss is whether a public hearing is needed. My feeling is not public hearing is necessary other board members agreed, so at this point no public hearing but if something comes up we can always hold one. Right now need to concentrate on the site plan, perfecting it and completing the SEQRA process.

Mr. Lithco 2 things the tree plan needs to be referred to the conservation commission by code and the second thing to begin drafting a resolution that covers site plan approval and conditions recognizing that you ultimately have to make that determination but at least providing a framework to consider in August

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve for Ms. Torre to prepare a negative declaration for the August meeting.

Motion by Pat Shea, second by Steven Thau.

Final Resolution: Motion Carries

Yea: Chairperson - Bonnie Franson, Pat Shea, Nicholas Napoli, Steven Thau

Not Present at Vote: Jeff Manson

Action, Discussion: 2.3 **Pallotti Village** (0196-2021) SBL # 33-1-1.21 98 Harriman Heights Road

Michael Morgante engineer for the applicant

subsequent to the prior meeting we scheduled soil testing with MHE for the stormwater facilities, they have been completed and observed, passed accordingly we received additional traffic comments and a majority have already been addressed received a landscaping review from Ms. Arent's office almost completed with the revision to the plans

received comments from the hydrogeologist which were accepted by our hydrogeologist looking to do well testing

DEC forwarded some correspondences to both the town and the towns consultants we have to put together a public participation plans, referred to as a PPP, it essentially takes into account environmentally disadvantaged areas, the north side of Harriman Heights Road where the project is falls within this zone, we have to have a separate video teleconference via the DEC and the public. I provided documentation to the town and suggest you read it as I learned from it myself. Here is my version it's related to wastewater treatment plants essentially that are there and somehow upgrading the speedies permits for those particular facilities triggers this PPP and notification to the nearby residents and we have to hold a teleconference, like a private public hearing, so that is being handled now held a site visit with Mr. Tompkins suggested adding an additional space to the plan at the southern side, army corp less than a tenth of an acre cumulative between both sides, will be mapping out and submitting for our nationwide permit to the army corps of engineers shortly we provided some additional information for truck filing operations, one comment from MHE was the height of the fills, the cuts and fills for the site we did provide a quantity of fill for both the northern and southern side, also provided what will be the typical truck filling program or at least the quantity of trucks that would be arriving per day. AKRF commented on that, we are looking at 40000 cubic yards on the northern side and 60000 cubic yards on the southern side

Mr. Arnott comments:

SWPPP technical in nature getting close

reached out to Dave Tompkins regarding site plan concurs that there is a small amount of wetlands to be added, also like to note that the wetland area "A" the town buffer was not added on the site plan so that has to be to be updated

Mr. Tompkins is waiting on the revised wetlands and habitat report in order to be able to comment and give his input

Mr. Getchell the hydrogeologist commented earlier this week and the applicants hydrogeologist took no exception to the comments

waiting on OCDOH to review the water aspects for each side there will be 2 different portable

water supplies for each side, need feedback that the portable water supplies are viable.
Mr. Morgante we should be able to complete the 72-hour pump test getting water quality and quantity results and hope the board would consider some type of neg dec or scheduling of a public hearing

Mr. Arnott some type of response from DOH to make sure no contaminants in the water quality nothing substantial to be addressed treatment wise
DEC copied the board on the regulations

Ms. Torre Comments:

nothing additional on SEQRA

once the testing information is submitted work on the Neg Dec

DEC requested a threatened and endangered species be sent to them, was noted in the lead agency response as well

minor comments regarding lightening

next step in the process will be completing SEQRA if it's going to be a negative declaration or if necessary a positive declaration then you would need to go through the EIS process
(inaudible)

next would be to go through those different considerations within the zoning code and the board would evaluate and report back to the town board on whether you are recommending a landing of the zone for this property

Mr. Werner close to finishing up the traffic study

site plan related comments need to be addressed by Mr. Morgante's office

Mr. Auld traffic trips memo more detail increase in truck traffic along Harriman Heights Road fit in with composition of trucks along the roadway

Action, Discussion: 2.4 **Monroe Commons** (0182-2019) SBL # 2-1-10 Nininger Road, Monroe NY

Mark Seimers Pietrzak & Pfau

last here sometime last year

had tech reviews with Chairwoman Franson and consultants

petition to the Town Board regarding the height of the building back from 40' to 50'

petition to the Town Board on the parking requirement by 40 to eliminate a huge area of impervious surface that will never be used

petition to revise the lot coverage from 65%-75%

revision to plans tonight in revised previously loop road tightened up to the loading dock area preserve or not disturbed the east side of the project approx. 2 acres

provided a tiered retaining wall off Nininger road

more efficient parking (more parking spaces in a smaller area)

providing more green space

realign the access drive on the west side
removed the 27 space parking lot by the 2nd floor
project manager wants to provide a better opening area to the 2nd floor
made changes to provide more green space
removed many retaining walls surrounding the property
T/Woodbury property involved agency
smaller retaining wall with swell above it
reduced the parking that is required being done with the petition sent to the town board for the
40% parking waiver
parking 436 spaces code 1088 spaces more than needed 624 being constructed and 29 being
used
received AKRF comment letter
current project and plan from April 2020 bullets on the second page 8 to 9 plan in April 2020
did not calculate the banked parking as impervious
actually April 12.75 acres 93.8 % current 9.79 impervious 73.0% coverage 27% reduction

Mr. Arnott Comments:

secondary plan along the V/Woodbury side
V/Woodbury involved agency for disturbance for clearing
stormwater review SWPPP sign off before final

Mr. Werner comments via Zoom

from this morning positive Declaration 2020
chapter scooped in EIF
2 new amendments are not

Ms. Torre Comments:

as far as SEQRA as interested agency
V/Woodbury planning board needs to be added as involved agency
send supplemental notice regarding the property

Member Manson acting chair

like reducing impervious area
where are you in the process with the town board the height in the HI Zone
reduction of parking
impervious service lot coverage

Mr. Seimers the reduction of parking reduces proposal to 75%
conversation on how lot coverage should be calculated
how bank parking should be addressed

petition to planning board and county for comments
changed thoughts on grading including V/Woodbury what if they refuse

need feed back from the board this preferred plan
Woodbury next regarding grading

Chairman Manson concerned regarding walking and biking traffic consideration all aspects

Pat Shea who makes decision regarding traffic on Nininger
Shawn county will have input it is their road
SEQRA so town of Monroe PB and County

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to authorize Ms. Torre to send a supplemental lead agency notice to the Village of Woodbury Planning Board.

Motion by Jeff Manson, second by Nicholas Napoli.

Final Resolution: Motion Carries

Yea: Jeff Manson, Pat Shea, Nicholas Napoli, Steven Thau

Not Present at Vote: Chairperson - Bonnie Franson

Action, Discussion: 2.5 **Rye Hill Preserve** (0206-2022) SBL # 31-1-1.11,31-1-1,31-1-12, 31-1-12,31-1-2.4,31-1-18.31,31-1-29,31-1-62,31-1-63

Jeffrey Buss Attorney Smith Buss and Jacobs - representing Sunbrook Partners
Fred Mundt Engineer PSS engineering

Acting Chairman Manson spoke about the process before the Planning Board for the Rye Hill project. This is the process for the Rye Hill project at this point. There is a petition in front of the Town Board to land the CCR zone on the Rye Hill Preserve, at this point no application has been submitted to the planning board and can't be until a decision has been made by the town board. The Planning board at this point is in an advisory board to the town board because of the boards expertise on items like environmental review and considerations we're hearing from the applicant to get introduced to this project and really make 2 considerations 1) we're ultimately going to be asked to consider whether to recommend to the town board that they do land the CCR zone for this project and 2) to bring to the board items of importance for them in making the decision. If the project is accepted it would then be back to the planning board with a full application.

Member Shea for the public maybe define what CCR meas.

Acting Chairman Manson CCR is what's considered to be a floating zone here in the town of Monroe and was created by law last year it's a Conservation Cluster Residential zone. Our town currently provides a conventional type of layout and a cluster type of layout. In a regular cluster layout there's increased density in return for setting aside of lands to be preserved under the process, the same number of houses in a smaller area then under the conventional layout. CCR goes to the next step provides for a minimum of 65% of land being set aside permanently as conserved land.

Mr. Buss the concept is to create through the use of zoning large swatches of open space land scrunching houses into smaller areas with greater density. The property as currently zoned would accommodate 172 or maybe more single family homes on larger tracks of land. The town previously approved an environmental impact statement on July 13, 2020 for this floating zone using this parcel of land as the tentative study under the proposal.

We are proposing to break the property into 3 area Eagle Ridge where it is planned for apartment buildings, Shea Meadows is planned for 191 townhomes and the balance of the property approximately 154 acres we're going to dedicate through conservation easement and deed restrictions as open space or park recreational space and with those restrictions cannot be used to build any further housing, shopping centers, no other development. On the proposal there is about 8.25 acres set aside for an active recreation area as a park which is a permitted use, the remaining parcel about 91 acres has streams, wetlands and next to that a 100 foot setback and adding these together we are preserving 78% instead of the required 65%.

One of the items requested of us was to get a traffic analysis done and we used Creighton Manning, which has been submitted to you, Creighton Manning added to the study what was done in 2019 by Nelson Pope and took those numbers and added to them, we did not take into consideration traffic during the pandemic that is an outlier and not indicative of what the traffic is. We increased it from 2019 about 2% per year compounded with hoping for construction to begin in 2024 so we asked them to add in Pallotti Village as part of the impact study, their conclusion was that even building in 2024 the project would not have a significant adverse impact to those homes in the area. There was an earlier finding that a stop sign maybe required, the planning board mentioned the possibility of traffic signal which we asked Creighton Manning to look at.

Originally we had requested a 53' height variance be granted and it was apparent that the town officials and local residents did not like that idea so we are withdrawing that part of the petition, we will abide by the 40' height limit for the property.

There was a request for compliance with certain issues in the EIS:

- 1) staging plan to build in section not all at once and commence by August 2025, already in the papers previously submitted
 - 2) issue with the 40' height limitation we have now agreed to that
 - 3) provisions of an updated response from the New York Natural Heritage Program with an assessment on any impacts to any species other than the Northern Long Eared Bat, in the EIS the bats were not discovered on this property they are approximately 2 miles distant, but they are being considered in the way the property is being built, we agree to not remove or take down trees during a certain period of the year. The NHP doesn't have any other species listed as endangered. We will consider anything in regards to the Monarch Butterfly if it necessary.
 - 4) asked to add a map note on master development plan no tree cutting from April 1st to October 31st
 - 5) requested that we minimize to the maximum extent possible any disturbance around any storm water ponds for runoff and for emergency access roads on Eagle Ridge and Shea Meadow
 - 6) consider utilization of native trees, shrubs and plants
 - 7) wherever possible use pervious material that will absorb and allow water to penetrate as opposed to impervious
 - 8) traffic study consider stop signs and whether a traffic light would be required
- one issue not mentioned here but was of concern is the apartment building is to big. We are working on that and one of the reasons is we were trying to provide parking underneath the building

there is an access road behind the larger building and closer to the residence behind the property but there is a set back of 70-75 feet and we have nothing closer than 115 feet

we are proposing 20% workforce affordable housing which is required

Mr. Arnott no comments this evening

Ms. Torre you gave a very good overview of the process right now you are in the review recommendation stage so your hearing the proposal and you'll go through the factors you have to consider under the CCR Zone. The applicant address many of those, but I would request that the applicant submit a narrative of the review so it's in the record along with the Natural Heritage letter.

Member Thau you mentioned possibility of breaking up the larger building into smaller ones, how many are you thinking that would be?

Mr. Buss possible 3 and the other building would remain the same

Member Thau would breaking the larger building into 3 smaller buildings change the 78% open space

Mr. Buss it wouldn't change it

Member Napoli you mentioned work force house not low income housing what is the threshold for work force housing versus low income housing?

Mr. Buss there is something called the AMI adjusted medium income that is a federal standard I am not 100% but I believe in Orange County a family of 4 is \$100,400

Member Thau the last meeting you mentioned the town homes would be for private purchase and the apartments are for rental this land

Mr. Buss that is what is currently planned yes

Discussion of ownership of the land which is currently owned by 5 LLC not connected to the Sunbrook association, the location of the property in relation to Rye Hill Road, it is a parcel of 245 acres, conservation area is on the upper portion of Rye Hill towards Berry Road closer to Mombasha Lake. Reviewed the site plan map on the big screen.

There was a conditional approval for a development of that property in 2006 or thereabouts all the way up to Rye Hill Road where there were supposed to be single family homes, there were several proposals at various stages in the early 2000's through 2016 when the moratorium to place and reevaluated zoning in the town. There were no final approvals that I am aware of, but there were conditional approvals

So if this project doesn't go through and there are conditional final approvals out there are they able to build or is there something to be done.

Ms. Torre depends on what you mean by final, assuming a map hasn't been filed with the county, because that would be on record and the property would of been subdivided, so if there is a final approval out there it is most likely expired at this point.

Land was being cleared in 2015, what does conditional final approval mean?

Ms. Torre once the conditions were satisfied the plot plan would be signed and then filed with the county, but if it's still in the conditional phase, which is my understanding, the conditions haven't been satisfied to get final approval. Sometimes conditions never get satisfied so it remains a conditional approval.

Chairwoman Franson if you go to the Comprehensive Plan that was adopted in 2017 go to

pages 4-59,60 it lists the various development applications that were in front of the town and what kind of approvals they had. There were no projects Grandfathered in for building, those projects would have to meet the current zoning, unless through litigation there are other circumstances.

Mr. Buss in the 2020 EIS the findings have 2 paragraphs that touch on this matter under the existing zoning a development of 172 single family units could be built and then further in the findings the town board finds development under the existing zoning is not a viable alternative as it doesn't fulfill the town's land use and environmental goals.

Acting Chairman Manson first the architectural that we reviewed last month showed significant roofing part of the height request you were making, now that you are staying within the 40' height what do you anticipate the roofs looking like? then the apartments will sit on top of the slopes of the ridge, is it possible to bring them down which would make them not look so tall?

Mr. Buss relatively flat, we are working with the architect. That is one of the items we are looking at, we will be able to deal with the slope better with the smaller buildings.

Chairwoman Franson I have some requests:

comparison matrix that compares the type of units in the test case in the GEIS and what is being proposed now

how many seniors then and now

multiple family test case 248 of which 94 were part of senior apartment building in a different location

plans submitted 300 multi family units proposed in 2 buildings

sense of break down what was examined and what is being proposed

visual examination of the 2 buildings

eastern parcel proposed 124 town home dwellings, different then 2 large buildings

want to know what the implications are for the adjoining residential neighborhood

the test case was 124 townhouse units not all facing the rear yards of the dwellings along

Prestwick Dr and now there are 300 units, how does it effect their view shed, their privacy

apartment building along Rye Hill Road what are those implications

how many senior units are being accommodated in this development?

refined of the layout owner vs rental

what type of documents, what type of analysis was done

comparison what GEIS considered

need to evaluate the delta from a SEQRA perspective and from the impact perspective, would like to understand the community character effect especially with regards to the buildings

Mr. Buss we complied with those requirements:

we have 491 units that the EIS considered

we met the 15% requirement for seniors
we met the requirement for affordable housing
within the zoning and the EIS the specific size requirements of the unit were met
we will provide the information that you are asking for

3. Minutes

Action, Discussion: 3.1 March 15, 2022

held over

Action, Discussion: 3.2 April 14, 2022

held over

Action, Discussion: 3.3 April 19, 2022

held over

Action, Discussion: 3.4 May 17, 2022

held over

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 Jeff Manson, second by Pat Shea.

Final Resolution: Motion Carries

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