

Town of Monroe Planning Board Workshop Meeting MINUTES

— 01/09/2025

Town of Monroe Planning Board Workshop Meeting (Thursday, January 9, 2025)

Generated by Norinne McSweeney

Draft

Members Present:

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

Members Absent:

Robert Garstak, Lou Rivera

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. Appointments

Action, Discussion: 2.1 **Appointing of Deputy Chairman for 2025**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to appoint Jeff Manson as Deputy Chairman for the term of January 1, 2025 - December 31, 2025.

Motion by Pat Shea, second by Dylan Penn.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action, Discussion: 2.2 **Appointing of Planning Board Attorney for 2025**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to appoint our Planning Board Attorney Ashley Torre and her firm Naughton & Torre for the term of January 1, 2025 - December 31, 2025.

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

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action, Discussion: 2.3 **Appointing of Planning Board Engineer for 2025**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to appoint MHE as our Planning Board Engineer firm with Shawn Arnott as the representative for the term of January 1, 2025 - December 31, 2025.

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

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

3. Returning Projects

Action, Discussion: 3.1 **Contract Superior Packing** (0201-2022) SBL # 1-1-24.1 2 Bailey Farm Rd, Monroe, NY

Applicant Representative:

John Furst - Catania, Mahon and Rider PLLC

Tom Baird - Barton & Loguidice

Ashley Torre, Esq. via Zoom

John Greeves Wetland Consultant via Zoom From CHA Consulting

Mr. Furst reviewed application:

- back before the board June Of 2024
- conversation regarding 100 ft variable buffer, where you are above and below the 100 foot buffer
- wetlands on property that are just Federal wetlands, but the Town has its own wetland regulations which require a buffer, according to the Town's regulations they do permit a variable buffer with the definition
- Mr. Baird has been working with your Wetland consultant and our client and we came up with a plan showing a variable buffer
- presented a letter last month with a supplement to justify why we think in this situation a variable buffer will work and protect the wetland be the least impactful

Mr. Baird -

- been looking to do a site layout with minimal impact
- we looked at the truck traffic and sight distance
- originally looked to move the driveway on Bailey Farm Road to the West but the steepness makes it difficult for the trucks to get in and out
- reduction in site distance as you move closer to the development up in that area, wanted to stay far away from the development for noise reduction/impact
- we went through the process of providing the square footage for the building and allowing for parking and for the trucks to have easy access and routing behind the building.
- we originally did a wet land delineation, it was submitted to John Graves and John Graves and our staff met out there in the field and went over the wetland location and that small piece that kind of jets out towards the building was kind of added to the wetland delineation as potential soils and some of the plant life that is there.
- we looked at possibly doing mitigation in the open area more towards the left by the property line it's about 14,000 square ft
- came up with the idea to establish an even greater wetland buffer with a minor variation in a few areas.
- what we will do to protect the wetland is to make the storm water 100% treated before it even gets close to the buffer so water entering the narrow section of the buffer would be treated 100% by infiltration practices or bio retention according to the storm water manual for DEC

Mr. Graves via Zoom

- what we're recommending to the board would be in addition to the green buffer area (map shown on screen) basically include the rest of the uplands surrounding the wetland within the property as protected buffer and as part of that to put a conservation easement on it to prevent future potential development or infringement's into those areas to help preserve it for the long term.
- the access road from the proposed development to Bailey Farm Road we pulled back a little to allow sight distance for the incoming and outgoing traffic which was a concern of Barton and Loguidice and the applicant as well, we preserved that for vegetation management and a good line of sight.
- We suggest preserving the rest of the upland surrounding the existing wetland.

Chairwoman Franson - judging from this map it would mean that the buffer expansion includes area within the Village of Harriman.

Mr. Graves - we just went out to the property if you don't want to get involved with the Village of Harriman I guess that part won't be necessary, we just wanted it identified.

Mr. Arnott comments:

- I agree that it's a good idea to include that additional area except that we should get input

from the applicant as to grading and storm water discharges as to whether or not there wouldn't be any improvements in those buffer areas and those should be excluded should they need to install pipe or do some grading in that red shaded area.

Open discussion as to the location of storm water discharge. Applicant is saying under pavement or immediately adjacent to it with a dry swell using under drain infiltration with basically bio retention soil with discharging cleanly into the upland area or the new buffer or carrying it down South more towards the Village of Harriman area where we would have some infiltration if necessary. Spoke on possibility of Village of Harriman and what would be necessary to be done if this was the best case option. Village of Harriman doesn't have the 100 foot buffer requirement. What the actual calculation of the 100 foot because you're saying there's a variable buffer what would the area be if you had to preserve the 100 foot buffer versus what you're preserving is that calculation available? 61,000 bir is 60,500 and that includes no that's just in the town so the village would be on top of that. Would like to see the 100 foot line from the exact edge of the wetland . Need to start with a baseline as this plan is counterintuitive you're protecting the buffer rather than the wetland.

Chairwoman Franson - there is the new DEC regulations that came out and what's applying because this is flood plane area, it's urban area, it's PR urban area, I thought that the Ramapo has a flood plane here, no it isn't in the flood plan. Being in the urban area what's going to happen?

Mr. Baird - my review of the regulation is that there won't be any impact to this layout here for this wetland itself.

Mr. Arnott - will it have a DEC buffer around it?

Mr. Baird - I'm going through with the DEC regulations that they're not going to go out and reestablish any of these guidelines under these limits and this one wouldn't be impacted because of the size of it so based on what I've seen and read so far but we can certainly give you a document that shows that it's not going to be a straight answer.

Chairwoman Franson - I read about a general permit not sure if it can be used for industrial developments.

Member Manson - my concern is less about the buffer and more about the storm water protections. The location of the buffer is close to the access road and there doesn't seem to be a lot of room for storm water improvements. All we know is what is being proposed but is it feasible with the small area to complete these types of improvements that are needed to keep the wetland safe as proposed.

Mr. Arnott - would need to see grading and the topography on the plans in order to answer accurately.

Member Manson - we need to see more concrete information/detail on the method of storm water treatment before a decision on the variable buffer and water treatment.

Chairwoman Franson - what is above and beyond what you would normally have to do

because it sounds like for water quality you will be doing what DEC requires.

Mr. Baird - DEC requires 90% we are proposing double the requirement of the water quality. The bigger the storms aren't necessarily required to be treated by the practices, but the practices we would have are double the minimum required.

Chairwoman Franson - not related to wetlands, but could you speak to truck traffic and circulation as the building expands it pushes closer to Meadow Glen and I want to understand implantations to noise.

Mr. Baird - we have not done a noise study yet. The traffic is going to primarily come in off of Bailey Farm Road, circulate through the loading docks and come back out to the existing entrance. Noise will be looked at once the final layout is decided.

Mr. Arnott - the concern is the loading docks are currently on the southeast side and your moving them to the southwest side which is closer to the residences.

Chairman Franson - asking questions in regards to the loading docks and why a circulation lane around the building.

Mr. Baird - there will be loading docks in 2 places with additional storage. The road around the building is required for emergency access. Traffic study is about 75% done, again just waiting on the final layout.

There will also be vans in and out for commuter employees. There will be some parking for vans while they are waiting for employees shifts to end.

Talked about an existing retaining wall and one to be added.

Next steps:

Check with Village of Harriman fire and Monroe fire to see what their requirements are

Check in with DEC will they come out and flag wetlands, will they have an additional 100 foot buffer, are they going to rely on the delineation, trying to understand what their jurisdiction is and where is their regulatory area

rely on delineation now add 100 foot

Action, Discussion: 3.2 94 **Seven Springs Road** (0215-2024) SBL # 1-1-14 94 Seven Springs Road, Monroe, NY

Applicant Representative:

Mr. Gelb Hartman Design

Mr. Gelb reviewed:

- last meeting we discussed having a draft resolution prepared for this evening
- received comments from the Landscaping which we haven't had a chance to discuss and it will be addressed upon the signage of the plans
- one more item was the dedication of the road which is on the January 21, 2025 Town Board meeting

Mr. Arnott comments:

- no new plans submitted this month
- worked with Ms. Torre on the resolution
- Mr. Fordham and Ms. Arent coordinated to make sure that they agreed on all the recommendations

Chairwoman Franson - do any board members have any comments on the application

review of resolution of approval

- the engineer has verified that the wastewater disposal system design is adequate
- one driveway shared by both units
- conducted our architectural review of the project
- park land fees paid in lieu of parkland public improvements
- specific condition subject to final engineering review of the plan set applicant shall revise the plans to incorporate the changes proposed by the MCC and the Landscape Architect
- need to make some changes to map notes, lighting fixtures, sheet four elevation to be revised
- filing an irrevocable offer of dedication with regard to the right-of-way
- comply with DEC tree removal restrictions as a result of the presence or potential presence of Indiana bat and Northern Longear Bat
- no disturbance until curb cut permit has been issued
- no C/O until all improvements in landscaping are complete and installed

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approval the site plan resolution for 94 Seven Springs Road

Motion by Chairperson - Bonnie Franson, second by Dylan Penn.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action, Discussion: 3.3 **Monroe Commons** (0182-2020) SBL # 2-1-10 Nininger Road, Monroe NY

Applicant Representatives:

Daniel Richmond - Zarin & Steinmetz

Isaac Gross - Project Manager

Mark Siemers - Pietrzak & Pfau

Mr. Richmond - at Dec. 17, 2024 revised boards resolution of approval to adjust certain conditions as related to the timing with respect to the building permit and pursuant to that revised resolution we requested a revised phasing plan that shows flexibility pending the Village of Woodbury's Planning Board Action on the project. Mr. Siemers has submitted a plan not sure if there are any engineer comments.

Mr. Siemers review:

- revised phasing plan discussed at the last meeting was for the purpose of showing that the grading on the Monroe parcel, tree clearing and the grading could be worked on while we were securing the approvals with the Village of Woodbury.
- we held the property line with a two foot offset and then graded from the property line down to out proposed grades using a one-on-one slope which would allow for the grading and earth work on the rest of the property
- in speaking with Mr. Arnott today the goal was more to show that all the earth work could be completed and allow the entire project to be constructed while we secured the Village of Woodbury approval in the event that we couldn't secure the project could still be constructed
- many conversations today with Mr. Arnott, Mr. Gross, myself and the structural engineer there is a certain type of retaining wall that would be constructed it's a shotcrete retaining wall that would be constructed about a foot off the property line
- tried to come up with an average height of the retaining wall but the maximum height 28-30 feet in certain spots reduce down to 6 feet then back up to 20 then graded out. This plan has not yet been submitted but I do have a sketch plan.

Mr. Arnott comments:

- the applicant provided a phasing plan for how the one-on-one slope would be incorporated into the project to keep the project viable in the event the Village of Woodbury does not grant the clearing and grading permit. Based on conversations today the plan will be revised to indicate where the retaining wall will be placed such that no grading would occur in Woodbury.

Mr. Richmond - Madam Chair again we're very anxious to move forward with the project. We've been working very hard internally and we're going to reach out to Mr. Arnott and Ms. Torre shortly because we think we're very close to satisfying all conditions of site plan and obviously want to be in a position to start work including by March while the tree clearing is still possible. We're asking if your board could authorize the plan or make it subject to Mr. Arnott's sign off.

Ms. Torre - as far as tree clearing you did approve last month the amended resolution, one of those conditions was to have this phase approval and that was tied to their request to not

require the Village approval prior to us signing the plans. Nothing should be holding them up from satisfying the condition for tree removal in Monroe.

Mr. Gross - moving towards resolution with Woodbury they are in favor of the project just not the large retaining wall. They asked for a resolution to be written so they could ask for the public hearing. They are not just discussing the retaining wall but a technical way so it's clear we are moving towards approval direction it is just going to take more time. Tree removal is not the goal starting construction winter construction. We have worked very hard to get everything for the board and the Chairwoman to be able to sign the plans. Submit to Mr. Arnott for review and approval get all the technical funds and the bonds whatever is required to get to the signature. Last meeting we asked that Woodbury be tied to the permit not the signed plans. We could show you that we could build that building both temporary and permanently without encroaching the Woodbury property Mr. Arnott had a comment about the one to one, I want to explain to you this comment even is going to be better that's where this wall came up about a few months ago I started spending time on the closeness to the Woodbury border and see how could I use today's technology on building a wall of the foundation without digging a tremendous amount of earth work deep 50 feet down to the ground. We met with guys that have the experience with the shotcrete which was mentioned earlier (I have some images here) after three months of work we succeeded to have both our engineer and the structure engineer come up with a full plan for the foundation wall a portion of the foundation wall to be built with shotcrete that we don't have to dig up. How it works is you basically go down 10 ft without digging behind the wall you dig down 10 ft spray concrete and then you go down so that eliminates a lot of earth work in the back eliminates a lot of so the one-on-one that was discussed with Mr. Arnott and Mr. Siemers is probably going to take not going to be actually too much it's not going to make a big difference because as we go away from the border of Woodbury we could even do three on one the tight area will be done by the technique of of shotcrete and we're not going to have any digging behind the wall. So that I think answers the temporary way the of construction being done without Woodbury's approval. We started discussing the permanence how could Town of Monroe or what to approve it in a different way so I said let's do the same technique that we just did for the foundation and use the same technique in case again it happens that we could do it there a that's exactly so we don't have plans today because nobody's planning to do really plans for it but I do have plans done for the foundation which they could both be done duplicated right into the wall in between the Town of Monroe and the Woodbury parcel. So to summarize, what I explained is number one we're not looking for approval for a wall number two Woodbury is moving in the direction of approving it we are in a time limit of seeing ourselves signing the plan and get a foundation permit which I think that's the most that's the request that we asked for and that's where the Planning Board asked us to come back and show a phasing which Mr. Siemers has submitted but obviously Mr. Arnott had some comments on it. That's what Mr. Richmond just asked earlier can we get to a point where we should feel comfortable to approve the phasing plan with the comments and

requirements that Mr. Arnott has or additional points so we could get working the next few weeks and we don't have to wait for it to come back.

Chairwoman Franson address Mr. Arnott - have you seen the phasing plan?

Mr. Arnott - just with the one-on-one grading, no retaining wall proposal because I don't think that's been developed yet, because they didn't get my comment letter until today.

Chairwoman Franson - so the idea was to allow you to move forward was or that there's a condition that Village Woodbury has to approve their part of it to move forward. So you wanted to begin construction or for me to sign plans right.

Ms. Torre - originally to the Woodbury approval was required before the issuance of a building permit, they requested that be changed to before a building permit other than a permit for the construction of the foundation and structural steel integral to the site grading, as a condition for the board to move that time line required the phasing plan to show in the event that Woodbury wouldn't review and approve the project could still be built out that nothing would be changed from getting that Woodbury approval. The board would have to approve the phasing plan prior to the signing of the plans.

Mr. Richmond - so we have to have the final phasing plan approved before the site plan is signed

Chairwoman Franson - before I sign the site plan

Mr. Siemers - what we showed with our phase grading plan is that the foundation can be constructed and the site can be graded to the municipal boundary without touching Woodbury, then tonight's discussion surrounded around in the event that we don't actually get the site plan approval from Woodbury, we would have to construct this retaining wall, but the plan that we submitted to you originally December 20th somewhere around there was to show that the foundation can be constructed and the site can be graded without touching Woodbury.

Mr. Arnott - it's not just that the foundation can be installed it's that all the improvements as proposed can be installed in the event that Woodbury does not permit the grading, but there's no plan that shows that you can install that retaining wall.

Mr. Siemers - I didn't understand that was the goal originally. The goal originally in my mind was to show that the foundation could be installed and the site can be graded without touching Woodbury now tonight we're saying with this technology and this wall that Mr. Gross developed with our structural engineer site improvements as approved can be constructed with the construction of that wall, but we obviously would need to come back to the Planning Board for approval of that wall.

Mr. Gross - in case we use that wall we would have to come back to get the approval, but we could get approval tonight.

Mr. Arnott - you have to provide a plan that shows that it can be constructed.

Mr. Richmond - I was suggesting if the board could make the plan subject to Mr. Arnott's approval because we understand your board doesn't have any other meetings this month and we are anxious to move forward with site plan signing.

Ms. Torre - the last meeting we did speak about this whether originally you know whether the

phasing plan could just be something subject to Mr. Arnott's approval and the board certainly wanted to see that and approve it.

Mr. Gross - let me understand I mean first of all we have submitted six years ago a plan with a wall which is part of the thing we have shown tonight a plan that we have tonight we haven't submitted it on time because obviously there was a misunderstanding it's not something that needs a lot of reviewing to see the wall it's maybe the technique of the wall that you want to make sure, so that's why I'm a little confused why can't we have the board tonight approving it based it's a long wall it's basically a line I mean all it is it's just a wall.

Chairwoman Franson - but if this is the wall aren't you still showing grading in Woodbury?

Mr. Arnott - the grading that's shown in Woodbury is what's been approved. The lighter color the darker one that's shown solely in Monroe is the proposed temporary grading has this grade that's what would in concept by the town of Monroe.

Chairwoman Franson - it hasn't been approved it's been evaluated from the SEQRA perspective and so the plan relies on this grading, now you're showing us something, although we don't have the full details of it, that this needs to be removed because the whole theory is that there is an alternative that you could construct without losing parking, without changing your layout some kind of system for us to allow you to move forward because you would not rely on Woodbury because you want to move forward and us signing the plan requires that you have Woodbury's approval.

Mr. Gross - let me be clear I mean we came back to ask is since this site is into the hill and it's very hard to do any site work and ignore the building because the building which is that's what we worked seven

years on making a plan that is built in we asked for it to change or clarify words in there that we believed in the beginning that we could get the foundation permit before that to work with the site work. We came to the board a few months ago and then you asked us to come back with more clarification on what items we need to get the foundation permit before because it's going to take longer time one of the items were that we got approval by the final approval to have a foundation a permit we could get signature of the map before we get Woodbury but we wouldn't be able to get a building permit, so we ask can you please give us to allow the foundation permits, given before we have signature of Woodbury because we don't know how long it's going to take so what we're discussing tonight is before the foundation permit what Ms. Torre was saying is that in order for you to grant us the permission of doing the foundation permit before the permit you would have to approve this phasing plan before signing. So we could really go back and say doesn't make sense, but we should just leave it as it was originally in the approved plan and we could get signature without any of those. What we're asking is there an application there was a misunderstanding on how it should be prepared we were talking about temporary, but it has been clarified tonight that it's got to be permanent, and we have the the solution for it which is a wall it's just a question what type of wall and what I'm showing you is there is a wall that we're actually doing here and I'm sure that you want your consultants to make sure that the wall is a wall that could be built and they're going

to have to review it. We're asking the board to accept our plan that we gave tonight on a showing a wall and saying this will be in case of we don't get Woodbury's approval. So we can't get the foundation permits before Woodbury.

Member Manson - I understand you have sketch plan for the wall and pictures of what the shotcrete retention wall if I understand correctly it doesn't require any digging behind the wall there are no tiebacks with it.

Mr. Gross - yes there are tiebacks but that gets drilled through the bottom called gas fracture. This is only if we don't get approval from Woodbury.

Chairwoman Franson - this whole issue is that Woodberry hasn't granted its approvals and as I said that's not really on us we would like you to advance this but I feel like we're going down this slippery slope because we're saying okay we're going to provide something theoretical, but if for whatever reason Woodbury doesn't approve it it wouldn't be theoretical and now we have a wall that I don't think we ever examined as part of SEQRA and not that it's a big deal but it wasn't envisioned we went actually into the root of having the grading happening in Woodbury so that you wouldn't have the walls.

Mr. Gross - but you approved the plan that it could be signed without any approval of Woodbury. We cannot get a building permit, can't get a I mean we cannot get a building permit so all we're asking you is give us the foundation permit before we get the building permit. We all know that no building can be built without getting a building permits without Woodbury or we have to come back to the boards. It was all along that we're pending on Woodbury.

Chairwoman Franson - let me ask you this, what's the timeline right now for Woodbury.

Mr. Gross - yes they told us we were supposed to get this month I think they pushed us to next month and they're going to schedule a public hearing according to what we know.

Mr. Siemers - we attended the Village of Woodbury Planning Board meeting in December and we received comments from them they authorized their consultants to begin preparing a finding statement their own finding statement and we asked them to schedule a public hearing, but they felt there were some questions that they needed answers to before they would schedule it so we need to answer some of the comments that we received.

Chairwoman Franson - so you are not scheduled for a public hearing yet maybe next month.

Mr. Siemers - we are submitting for this month.

Chairwoman Franson - so possible January meeting schedule the public hearing for February depending on what's happens they could in theory act that same evening if they close the public hearing but we don't know what's going to happen so the earliest you're talking about is somewhere in the February, March, April timeline.

Mr. Siemers - so what I believe we have is two issues the first issue is being able to build the foundation and grade the Monroe site which is what was discussed at the previous Planning Board meeting I believe the the phase grading plan that we gave shows that those two

objectives can be achieved without touching Woodbury, now the second issue that we have is just being able to construct all of the permanent improvements shown on the site plan as approved and that is where we would require the wall right so the second issue is and all along during SEQRA we said if we don't get the approval from Woodbury we would need to return to this board for a revised approval. so I think that is where we would have to come back and then analyze the proposed retaining wall and the changes that would do to the analysis during SEQRA right and the approval. I think the one-on-one phase grading plan achieves what the resolution that was reviewed at the last meeting requested and if we don't get approval Village of Woodbury then we'll have to come back to the board to discuss a retaining wall option.

Mr. Arnott - I disagree with that it satisfies a condition because I don't see a plan where this grading plan then can construct a retaining while utilizing this grading plan.

Mr. Siemers - well the the existing grade would still be at the property line this is just a one-on-one slope so you're doing the earth work they're excavating they're getting close to grade and then when they get to the Village property line they just grade it up to existing grade at the municipal line.

Mr. Arnott - but I don't at this point I haven't seen a plan where you can install a retaining wall with two feet of existing grade.

Mr. Siemers - then we would have to come back to the Planning Board to show that we can install the permanent wall.

Mr. Arnott - that's why I think you need the plan now to show that you can install it.

Chairwoman Franson - let's say Woodbury does not approve it based on your current plans would they have to change them? What would you specifically have to change?

Mr. Siemers - yes we would have to install a retaining wall.

Mr. Arnott - you would have to show that a retaining wall is feasible. I'm not asking for a full design of a wall I just want you to show that a retaining wall could be built with this grading plan.

Mr. Gross - we will submit that but the Planning Board in order for I mean again I'm repeating where what we had tonight because it looks like debating really the wall we're looking for we're not getting a building permit before Woodbury's approving us. What we're asking is give us a foundation permit so we could install just to block and get from Woodbury a few months later the approval.

Chairwoman Franson - I guess I don't really see the difference between a foundation permit and a building permit because the foundation permit is allowing you to move forward and start construction of the building.

Mr. Arnott - the foundation is acting as retaining walls throughout the site so it's supporting the soil on the second and third floor parking areas.

Member Manson - if I remember correctly from the meeting where we went over the resolution in this point in particular part of the conversation was that with this phase plan that the applicant was taking on a risk that Woodbury might not approve and that there'd be the expense not only of doing this phased plan so that they can get the foundation permit and do

the tree clearing but yes that at that point if Woodbury doesn't approve and we have to come back to do a look at a retaining wall that it means coming back and basically everything stops at that point until we can approve if we approve a retaining wall. So again it's an at risk on the applicant and the builder's behalf but I thought that was sort of part of how we landed on this as a solution was means to an end.

Mr. Gross - I think there's Mr. Siemers said earlier the concept of last month's meeting was and it's where we get all the whole time back and forth is who said you could actually do the construction at the time as we're waiting for Woodbury we get about if we never get from Woodbury that was all discussed all along we know that the wall has to be done constructed and it's going to go in a lot of work hopefully never in order to make that presentable in order to make it real in order to get it in reality of technician what we had last month is who said you could go ahead and do the construction of a foundation permit because you don't have enough grading that you could really do it without touching and that was the plan that Mr. Siemers submitted what we're discussing tonight with you Mr. Arnott is what happens if Woodbury never gives it to you. Yes of course that's going to need intensive work together so because the question came up I came to answer there are ways to do it just see and that's why Mr. Siemers prepared quickly to show you we could do it and that's the worse case scenario but we're not debating not last month and not this month the permanent problem if Woodbury never gives it to us because that was discuss and that's what you mentioned that's at our risk. What are you going to do with a site that's all open all pipes all trees cut and we can get the approval from Woodbury it's going to be painful.

Mr. Arnott - that's right but your grading plan has to be able to accept if you have the retaining wall there.

Ms. Torre - I think there's two things here right if you ultimately don't get approval from Woodbury need a retaining wall need to come back to this board for an amended site plan approval for a retaining wall but in order for this board to allow you to move forward and start construction they need to see a grading plan that won't preclude that possibility. So the condition requires this phased plan to show the grading will be in such a manner that either option could be accommodated. The actual language from the condition was that temporary grading along the village boundary that allows future grading within the village as currently proposed and does not preclude the construction of retaining walls along the property's boundary to allow the applicant to proceed in the event you don't obtain approval from Woodbury so it's not saying that you need to you know that this is approving the wall or this needs to show that the wall can be accommodated and I guess there might have been another plan submitted earlier today that Mr. Arnott hasn't had a chance to review but I don't know whether that would satisfy it or not but that was always the intent of the condition and that what the board's requiring.

Chairwoman Franson - right because what we have in front of us for instance shows temporary grading to be utilized until an approval is secured from the Village of Woodbury for clearing and grading but we don't see a plan that and what this is showing to be able to accommodate that grading at least it seems to me it's going into parking areas for example so

you're saying that if in fact Woodbury doesn't approve the grading that wouldn't be the case you would be showing a wall you'd be showing something there so that you're not losing your parking you're not affecting your storm water.

Mr. Siemers - that's correct and the one-on-one grading doesn't stop the wall from being constructed because the wall would require more excavation into the wall face it's not like we would then have to go back and fill so it doesn't stop the wall from being constructed.

Chairwoman Franson - so what I see is parking curbing storm water a couple two three feet off of the Woodbury Village boundary. Is there room to put a wall? How would you put a wall in without touching Woodbury? That's what we don't see.

Mr. Gross - again we're not planning to do the the building permit has nothing with the parking that's why building permit is withhold so we cannot occupy the building we can't build it to final so you have an issue with parking the whole discussion is only a construction discussion and that's where I think we got the diverted tonight. It's more about the question today on the table sits permanently if you get denied by Woodbury what would you do? Tonight's meeting was mostly is how can you we're asking for you let us do the foundation because it's part of the site plan which you anyway signed off to allow us which we could pull back this application and just say we're just going to ask for the signature and wait for Woodbury's approval to do foundation we could still do the parking still do all the stuff based on that we're just asking and as for as an applicant that we want to continue this construction without being held up by Woodbury that they are dragging their time for whatever reason it is we continue going and this is only a construction plan that we submitted the question about change about the wall is a permanent solution which we could have discussed it in the past we're here to discuss it tonight I'm here to make the board as much comfortable we feel I'm here if Mr. Arnott wants to have any papers that should be submitted to him in order to make sure that he could say yes you could give him a foundation permit don't give us a foundation permit till Mr. Arnott approves this but that's not why we have to come back to planning board again and discuss the temporary because we haven't gotten approval at Woodbury at this point we're getting it in three months from now that's the whole discussion all right so if we're saying then the foundation permit isn't issued what are you going to do we're just going to go ahead and ask you for a signature for the because we have everything we're going to start building and hopefully we get Woodbury before we do foundation and if not we'll just have to wait and it's going to be dragging there's work to do obviously it takes longer.

Chairwoman Franson address Ms. Torre - can we do that? At this point in time I guess I'm not understanding you want to move forward what in the resolution does it say we could move forward with without having Woodbury approval what are they allowed to do?

Ms. Torre - they could move forward with the tree clearing they need Woodbury's approval before a building permit if they're asking to go back to how it was before they wouldn't be able to move forward with anything they wouldn't be able to get any permit without Woodbury's approval or we get signature trying to not have to do the phasing plan and just wait until Woodberry gives approval then the only thing they'd be able to do would be the tree removal.

Chairwoman Franson - they're asking for me to sign the plan now

Ms. Torre - there's still other conditions before signing the plan that I haven't seen that haven't been satisfied.

Mr. Gross - we don't need a phasing plan for just signature we need it for foundation permits

Ms. Torre - No the phasing plans require prior to signing of the plans that was in response to your request to allow a foundation permit before Woodbury's approval. This is news to me if you're now trying to change that but response to your request to allow the foundation permit before approval adjusting the board required the phasing Plan before signing up the plans the plans need to be signed before you could get any type of building permit foundation permit Etc you broke out then the types of permits to building permit and building permit other than a foundation permit. So I guess I'm confused what the request is at this point.

Member Manson - so here's how I see it if I understand what we're really talking about is if this phasing plan shows that it would work to start the foundational work. but there's the issue that you bring up Mr. Arnott of Woodbury never comes through with an approval and we have to now do a retaining wall so you need to see that it's feasible. We don't need to see the final design of the wall we don't need to approve the final design of the wall technically we never even have to approve the wall if it comes back to us and we're never satisfied so just showing that it's technically feasible that it's technically feasible

right well if the applicant brings back something on a retaining wall for me to look at if it's technically feasible I'm going to look at Mr. Arnott and ask whether it's technically feasible or not I'm not going to know that so if I understand the applicant is saying if we all feel that way then we can make a contingent on once Mr. Arnott has reviewed this feasibility plan for a wall and show that it is actually buildable what you're proposing Mr. Gross and you're comfortable with that then we've said yes okay we acknowledge that our engineer is the one that's qualified to make that part of the decision and if he makes that part of the decision then we can move forward at this point.

Chairwoman Franson - I'm not comfortable with that because we have nothing in front of us at this point I appreciate it but we don't see something that shows that it's feasible and so then I start to look at this and say all right what if it's not and now it's affecting parking areas why am I going to approve the same site plan and the same building if you're losing things.

Mr. Siemers - but the parking areas aren't there during the earth work. The goal is to be able to clear and grade while we secure Woodbury.

Mr. Arnott - why are you going to clear in grade to a level that you're going to have to change the entire site plan if you don't get the clearing and grading from Woodbury.

Mr. Siemers - we have to come back

Ms. Torre - that is what the whole point is you would have to come back for an amended site plan. This board doesn't want to allow you to start doing all this clearing and grading then that's not going to accommodate whatever the amended site plan would have to be. Maybe Mr. Arnott and Mr. Siemers can talk offline after the meeting and kind of explain what exactly the board's looking for.

Mr. Gross - the original approved application before we came back last month I thought and I

think that was the language in there that we could get the signature before we get with reapproval was it because we came back last month to ask for foundation permits we got punished that we now have to wait. I mean it's this is not something that was approved the Planning Board approved the application without being concerned about the final Woodbury knowing that we have a plan so it's just last month

Mr. Arnott - because at last month's meeting it was that you wouldn't be able to start any construction without the Woodbury clearing.

Mr. Gross - before last month's meeting we were able to do site plan signature without Woodbury's approval.

Ms. Torre - you're still able to do site plan signature without Woodbury's approval but now you need approval of the grading plan this phase plan in order to get site plan signature.

Mr. Gross - but that's now we had before last month we were able to get that it's just last month so basically we came to ask for the foundation permit and we got thrown back

Ms. Torre - you always needed site plan approval before you could ask for a foundation permit.

Mr. Gross - correct but now it's Woodbury's approval before we get site plan signature

Ms. Torre - no you needed Woodbury's approval before you get a permit.

Mr. Gross - correct so now we're being punished that we can't even get had signature before Woodbury approval.

Ms. Torre - that's not true that's what you requested this change to speed up the time line of when you could get a foundation permit to push Woodbury's approval to a later time in order to do that this phased plan is something that is required in order to allow you to do that it had to be approved before site plan signature.

Mr. Arnott - I am confused why is it hard to show the plans if you guys are confident that it works.

Mr. Gross - no it's just timing. We're planning the next day or two to submit to you full plan we got the bond we have everything lined up so it's really something that is timing if next month could be and then a day after we get the signature we could agree tonight.

Ms. Torre - there's other conditions of plan signing that I would suggest that you then start showing us you've complied with because everything's not going to be able to be reviewed in a day.

Mr. Gross - we have given some and we're ready to submit it probably tomorrow.

Chairwoman Franson - all right so this this is what I suggest -

- you submit whatever it is you have to document that you've met conditions of whatever is required for sign planning

- in the meantime Mr. Siemers and Mr. Arnott work together to come up with a plan that demonstrates that phases in a manor that addresses the Woodbury concern with them not having approval at this point and time and the risk that they possibly will not approve it. I don't think that's reality but but you're wanting to advance this so we need something to be able to prove.

- when Ms. Torre and Mr. Arnott are satisfied that they can come back to us and they feel that this is something that's workable we can poll the board and we can see if we could do a special meeting
- because at this point it's just it was unfortunate that one of our meetings got scheduled the same evening as a Town Board meeting.
- so if things are in order we can see if we could schedule something we can accommodate in that way

4. New Projects

Action Discussion: 4.1 **290 Mountainview Dr Subdivision** (0235-2025) SBL # 43-1-10 290 Mountainview Dr Monroe NY

Applicant Representative:

Mike Morgante - Arden Consulting Engineers PLLC

Mr. Morgante -

- 2 story single family dwelling currently under construction
- got a building permit when it was a single lot
- applicant now wants 2 lot subdivision
- building at the top of the plan sheet is the one under construction
- the one shaded to the lower portion is the one proposed as part of the two lot subdivision
- it will be a proposed two family dwelling on the lower side
- there is an existing under construction single family dwelling at the top of the page
- SR10 Zone for both lots
- both lots Zoning compliant
- we will need a special use permit as part of the two family proposal - we will update the application and or fees to include that
- we have a driveway that's shown for the single family dwelling and one for the two family dwelling
- the two family driveway has a few parking spots associated with it
- being served by municipal sewer (we do have a sewer permit for the one under construction)
- we will submit for municipal sewer for the two family as well

Mr. Arnott comments:

- just mentioned to Ms. McSweeney that the applicant needs to adjust the application to show site plan and special use permit and submit the fees
- the environmental resource mapper from the DEC indicates potential flood plan and or wetlands to the rear of the property they will have to be deducted from the net lot area they

should also be noted on the plans

- EAF to be updated
- dwelling going to be supplied portable water by wells if not if water by Kiryas Joel as an outside user agreement will have to be submitted
- applicant connect to sewer OCSD # 1 approved by the county
- proposed retaining walls surrounding the dwelling as well as there's an existing retaining wall in the rear of the property I don't see a grading plan that show the top and bottom elevations
- under an acre of disturbance as noted on the site plan
- erosion and sediment control measures should be noted
- landscaping plan has been sent over to Karen Arent for comment
- the board has Architectural review authority on the two family so architectural elevations and renderings will have to be provided
- label each of the proposed finishes
- if any site lighting proposed a plan will have to be submitted
- referral to GML check with Ms. Torre as well as SEQRA

Ms. Torre comments:

- SEQRA unlisted action
- EAF changes # 2 list other outside agency approvals required
- sidewalks in the right-of-way need to be approved by the Town Board
- county approval for the Sewer
- if there is a public water connection to the Village of Kiryas Joel
- need to know all involved agencies to circulate a notice of intent
- #9 on the EAF says the action doesn't meet or exceed State energy code requirements not sure if that was correct
- talked about the public water sewer connections as they weren't clear
- do need a tree plan know you did landscaping plan not sure if it meets the tree code requirements
- detail driveway on Orange County Highway was a county road detail instead of a town road detail
- improvements with side yard would like Mr. Maldonado to review that to see if there are any encroachments for required stairways that are allowed to project into a yard not more than 4 feet or a variance would be needed
- under the special use criteria label the width of the driveway in front yard at it widest point to confirm does not exceed 24 feet
- exempt from the county GML
- will require public hearing notice send to Village Kiryas Joel and Town of Palm Tree

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to classify this action as unlisted under SEQRA and declare out intent to be lead agency to circulate notice of intent once revised EAF received.

Motion by Jeff Manson second by Pat Shea.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action Discussion: 4.2 **Target - Tesla Charging Station** - (0232-2024) SBL # 2-1-38 128
Bailey Farm Rd Monroe NY

Applicant Representative:

Franz Gerdes - Design Manager for Tesla

Mr. Gerdes -

- here tonight presenting the site at Baily Farm Road Target.
- We're proposing putting in electric vehicle charging station.
- Seeking a site plan amendment approval.

Mr. Arnott comments:

- infrastructure installed for 4 Tesla superchargers
- they're restriping a portion of the parking lot closest to the entrance off Bailey Farm Road - near where the trailers were installed
- there will be a net loss of 3 spaces
- previous application for the trailers the board had rightfully decided that there was more than sufficient parking within the Target parking lot
- Lagan had provided a calculation of what they thought the whole complex needed with regards to number of parking spaces. There's approximately 119 additional parking spaces.
- whether or not the board still feels there's adequate parking the board can reduce the parking by up to 25% in the Business Park Overlay so you would be exercising that right to then reduce those excess spaces of about 119 down to 116.

Ms. Torre comments:

- Re: SEQRA Type II action
- GML 239 required
- public hearing discretionary
- the Entity Disclosure form section B needs to be filled out
- tree plan article xx of the code where the trees and landscaping removed and replanted
- submit to Karen Arent
- send to MCC
- add screening coverage to this area

Member Manson - we have to take these two into consideration somewhat holistically in that

not only is there going to be a reduction in open parking for customers between a loss with the Tesla spots and those will really be dedicated for cars that need to be electrically recharged no they're not dedicated for charging so anyone could conceivably park there. Target's also looking to expand their pickup spots which are dedicated for just pickup orders it's not so much the loss of spaces but the quality of parking that concerns me. I like that the Tesla application is located in the part of the parking lot where people don't generally park. Reviews on the screen where the parking spaces will be located in relation to the building.

send Lagan parking study to Franz

Mr. Gerdes:

- no changes to the lighting in the area
- putting antenna on a light post
- electric under retaining wall
- no advertising

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to under SEQRA declare this a Type II action.

Motion by Pat Shea second by Dylan Penn.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action Discussion: 4.3 **Walmart Expansion** - (0233-2024) SBL # 2-163-31.1 Larkin Dr. Monroe NY

no show

5. Minutes

Action Discussion: 5.1 June 13 2024

held over

Action Discussion: 5.2 June 18 2024

approved Dec. 17 2024

Action Discussion: 5.3 July 11 2024

held over

Action Discussion: 5.4 September 12 2024

held over

Action Discussion: 5.5 September 17 2024

held over

Action Discussion: 5.6 October 1 2024

approved

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to approve the October 1 2024 minutes.

Motion by Chairperson - Bonnie Franson second by Dylan Penn.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action Discussion: 5.7 October 10 2024

approved

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to approve the October 10 2024 minutes.

Motion by Pat Shea second by Jeff Manson.

Final Resolution: Motion Carries

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

6. Adjournment

Action Discussion: 6.1 **Adjourn Meeting**

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

Motion by Dylan Penn second by Jeff Manson.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

"