

Town of Monroe Planning Board Workshop Meeting MINUTES

— 02/10/2022

Town of Monroe Planning Board Workshop Meeting (Thursday, February 10, 2022)

Generated by Norinne McSweeney

DRAFT

Members present

Lisa McQuade, Chairperson - Bonnie Franson, Jason Czerwinski, Jeff Manson, Pat Shea

Consultants:

Ashley Torre, Esq. (via Zoom)

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

John Queenan - Lanc & Tully

last before you last month and the board adopted negative declaration
we didn't proceed any further as we wanted to get further along with the ZBA
worked through some issues at the last month ZBA meetings
possibly avoid some variances if some adjustments were made to the open space lot and the
easement areas
reviewed information with applicants attorney and came up with making all open space and
easement one lot, adding lot 10, changing lot one from ownership of open space to small
cluster lot like the other lots
this way we wouldn't need area variances for the set back to open space
project needs 2 variances one for 50% of the gross lot area being open space and the other a
set back distance from the building to open space 75 ft
this has been brought to the town board to seeing if they would be interested in owning this
open space, it needs to be discussed further, but interest has been shown by the members of
the board, if the town does not wish to own this then the possibility of an HOA
change ZBA application to only needing a variance for the open space

Acting Chairman Manson nothing really changes with the lot layout and the open space is still the open space it is now just it's own lot and lot one became a regular cluster lot, only variance that remains is the 50% open space

Mr. Queenan we are scheduled for a public hearing this month with the ZBA and then we will go from there.

Mr. Arnott in regards to this specific issue a key point of the whole discussion is that a buffer can't be privately held so that lot would have to be donated to a public entity or publicly held, not sure if the HOA meets that requirement of public so that needs to be vetted out. I did have a conversation with the town supervisor and he hasn't stated any objection

Acting Chairman Manson my question is would publicly held be read as held by a government or could a private non-profit also retain this

Ms. Torre the provision in the code regarding this matter states the required open space land may not include private yards located within 75 feet of a principal building. So now the question is whether it would be a private yard if it's held by some type of private entity versus a public entity.

Mr. Queenan the applicant is currently pursuing to dedicate this or donate this to the town

Acting Chairman Manson tonight you are looking for an acceptable solution to the Planning Board

Mr. Queenan and if acceptable note to ZBA as to how they feel about lot 10 and the open space

Acting Chairman Manson this is not a different plan they have just created a separate lot, everything that was open space would be its own lot now

Member Czerwinski conceptually I like this idea and would prefer you to continue with the town board route. Does changing lot 1 have an impact on storm water systems

Member Shea no objection

Member McQuade no objection

Acting Chairman Manson makes more sense to me this way, definitely in favor of this option.

Ms. Torre one comment before we continue the bulk table will have to be updated to the change on lot 1

Acting Chairman Manson could we send a letter to ZBA that we are happy with this solution make a lot 10 and having open space go there

Ms. Torre I can write a letter that the board reviewed this revised plans your understanding that the applicant is going to pursue that open space being held by the town or another public ownership and that you're in favor of that and it appears that would eliminate the need for the 75-foot buffer variance.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to authorize the board attorney to provide the ZBA with a written correspondence in relation to our conversation here tonight and that we find this solution to be an acceptable solution for the planning board.

Motion by Jeff Manson, second by Jason Czerwinski.

Final Resolution: Motion Carries

Yea: Lisa McQuade, Jason Czerwinski, Jeff Manson, Pat Shea

Not Present at Vote: Chairperson - Bonnie Franson

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to schedule the public hearing for March 15, 2022 pending the ZBA's public hearing on February 22, 2022.

Motion by Pat Shea, second by Jason Czerwinski.

Yea: Lisa McQuade, Jason Czerwinski, Jeff Manson, Pat Shea

Not Present at Vote: Chairperson - Bonnie Franson

Action, Discussion: 2.2 **J Squared HH RD** (0191-2021) SBL # 47-1-16 Harriman Heights Road

Michael Morgante Arden Consulting
Paul Edwards

last appeared in August

worked with landscape architect Bob Hanson to show replacement of trees within the scenic view buffer and on the property

cleanup items from board consultants still working on getting done

received a draft negative declaration today for review tonight

board review landscaping plan

schedule public hearing for the March meeting

Mr. Arnott comments:

minor items to be cleaned up on the plans one in particular the stonewall fence along the scenic buffer, plans still to reuse the existing stone between the 2 driveways
waiting on official approval from DPW on driveways connects and drainage improvements
send plans to Karen Arent
discussion regarding the tree removal in and out of scenic buffer
outside agency approval Department of Planning Moodna

Ms. Torre have spoken to the attorney in regards to this comment. It will be on all comments going forward. OCDP will be on all applications as part of their review not applicable here because in sewer district
can be over ruled by super majority not located in Moodna sewer district

Mr. Arnott continuing with the outside agency approvals

Village of Harriman for outside user agreement for water connections
conceptual approval for the sewer district for the proposed lateral connections
tree plan 113 to be removed with 21 planted within the scenic buffer

Ms. Torre comments:

prepare draft negative declaration and draft EAF Part II
tree preservation law about removal and replacement is on a one to one basis or or in lieu a fee of \$750.00 removed not replaced or \$350.00 replaced on another site within the town
couple of comments some of the notes or designations on the tree plan in regards to scenic buffer will send to Mr. Morgante

Mr. Bower Conservation Committee

back of half lot many ash trees that will have to be removed as they are going to die, replant with different species more durable, now have opportunity to plant at proper distances versus cast seeding
reviewed types of trees better for planting

review of the tree plan and some of the different trees to save versus cutting trying to keep more stately trees

all utilities will be underground, they go from Harriman Heights Road and straddle both sides of the common property line
will build stacked rock wall along scenic buffer line it would go from the north to the south along Harriman Heights Road
open discussion regarding the rock wall

open discussion in regards to the stone wall as to height, how held together, what might look like

talked about the types of trees to plant

update landscape plan

reviewed short EAF part II

reviewed negative declaration

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion that the finding will not have any significant adverse environmental impacts and no further environmental review is necessary so we propose to adopt this negative declaration.

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

Final Resolution: Motion Carries

Yea: Lisa McQuade, Chairperson - Bonnie Franson, Jason Czerwinski, Jeff Manson, Pat Shea

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to set a public hearing for March 15, 2022 at 7:15pm or soon thereafter.

Motion by Chairperson - Bonnie Franson, second by Lisa McQuade.

Final Resolution: Motion Carries

Yea: Lisa McQuade, Chairperson - Bonnie Franson, Jason Czerwinski, Jeff Manson, Pat Shea

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

Michael Morgante

Frank Filiciotto - traffic consultant

main focus the last few meetings has been the SWPPP and the grading plan and we are continuing to work on them

some house keeping items from Mr. Arnott comments to be completed

watershed names with what's shown on the model versus the plans

updating pipe elevations and rims to match the model

SWPPP heading in right direction

there are some technical comments to work on
my approach right now is to work on the stormwater and the grading plan to make sure those major components are functioning properly which helps with the utility placement, wells, water treatment supply and such

Mr. Arnott:

there are a number of water and sewer and driveway modification still outstanding, but handling the building locations and stormwater should be handled first
one question the board had last time was regarding parking demand by zoning wasn't met, current revised plans provide the required parking per zoning
SHPO phase one archaeological study was performed and SHPO has accepted it and has not asked for additional archaeological studies
received a response from DEC on the initial submission for the wastewater treatment plant modification

Mr. Morgante spoke that there were a couple of issues with the primary clarifier and the transducer which have been corrected and the meter will be recalibrated

Mr. Arnott continues:

visual assessments from Appalachian trail and other locations on other properties within 5 miles waiting on that
previously noted on the EAF had a potential spill within vicinity

Mr. Morgante emailed the report on the spill to Ms. McSweeney this evening, there was nothing of significance in the record.

Mr. Arnott the applicants representative prepared a geotechnical evaluation for the site. So the location of the multi-family unit is noted to be on between 7 and 12 1/2 feet of fill which is noted to be removed, it would be helpful to know how much fill actually has to be removed from the site.

Mr. Morgante when the grading plan and SWPPP is done we can provide cut and fill calculations to specifically address that. It has the potential to be used backed on the site once dried out as it is very wet.

Mr. Arnott it is important to know if blasting is going to be necessary or if hammering will be required.

Ms. Torre Comments:

FEAF part II started reviewing last month

there were some areas identified as moderate to large so the board has hired some outside

consultants awaiting comments from them.

application was sent at the board request to the fire department, state police, school district and ambulance corps. Have not heard anything back from any of them.

Member Czerwinski addresses applicants traffic consult how did you come up with your traffic model and trip generation for senior housing specifically the senior housing. I have a hard time believing that out of 100 units you are predicting 50 trips between morning and midday and those same trips coming back.

Mr. Filiciotto we based everything on the industry standards institute of transportation engineers trip generation manual.

For senior adult housing there are 100 units proposed and the trip generation is around 33 trips in peak period. The reason is senior adult housing caters to adults 55 and over not and not likely to be commuters in the peak hours. It is not 33 trips per day it is within the peak hours.

Member Czerwinski what kind of demographic data does ITE use and how do you specify Monroe as an area?

Mr. Filiciotto ITE looked at approximately 11 different similar senior housing developments throughout the country they aggregate that data areas. I can't speak to the specifics of each demographic but the data comes from looking at 55 and over studying and counting to provide the data.

Member Czerwinski so these 11 developments are nationwide and may or not be in areas that are transit rich, because also in the traffic impact study there's a section about people who may or may not use public transit, it talks about the rate of or the frequency of the public transit as well as the distance people would travel on public transit.

Mr. Filiciotto ITE provides sub-category and looking at sites within very close proximity to transit. The 3 categories that we looked at we elected to choose not near close transit. So there's no transit credit taken in those numbers.

Member Czerwinski under the town comprehensive plan the town of Monroe is defined as a bedroom community that has commuters going to public transportation facilities. Because it is 55 and older they're still working and still need to commute outside of Monroe. Now looking at the multi-family units, how do you define out of 78 units looking at 28 trips during the peak time.

Mr. Filiciotto not every family is on the same time clock, some work from home, some have staggered hours. This is the peak time of 8-9 am and not everyone leaves during that period

that is the reason for fewer trips.

Member Czerwinski I would prefer a more regional approach more localized area as there is a significant difference between somewhere here and somewhere in western New York

Chairwoman Franson lets say there are more trips what is the implication? The way traffic studies work it then feeds into what are the levels of service at intersections. How many more trips to kick it into the next level of service that would require a signal or a turn lane for example.

Mr. Filiciotto we can do a quick sensitivity analysis

Chairwoman Franson what would trigger or warrant a signal analysis?

Mr. Filiciotto there are 9 warrants, but 4 are really what drives most of the decisions unless a unique situation near a school.

There are 3 volume based warrants and then a pedestrian warrant. The pedestrian warrant wouldn't apply here as no pedestrian activity.

Volume warrants look at an 8 hour period are the volumes of a certain level across eight hours of the day not consecutive eight hours, but eight hours of the day are they high enough over 4 hours and the threshold is higher and then the peak hour warrant which is rarely used except in the cases of like a stadium or some sort of big generator.

You would look at 8 hour and 4 hour volumes on Harriman Heights Road and show they were having difficulty getting on to Orange Turnpike . I do not believe it will be enough to generate a signal, but could it warrant a turn lane or something like that, the sensitivity analysis would get at that based on the development there's not mitigation needed for that intersection. I will run some numbers and show you the order of magnitude what you'd have to do to a development to trigger something.

Chairwoman Franson has OCDPW been getting of this information and do they have the traffic study as they need to approve the new driveways.

Mr. Filiciotto we have been working with OCDPW for about a year now on the driveway location. OC has recently been taking the stance that if a development doesn't generate more than 100 trips in a peak hour they don't want to see a traffic impact study. All they requested was the trip generation table. We received a conceptual approval letter on January 18th approving the locations of the driveways, the site distance for those driveways and they've essentially concurred with the trip generation.

General discussion the wells on the property if they can be used or if wells need to be drilled.

Action, Discussion: 2.4 **BJ'S Site Plan Fuel Station** (0200-2021) SBL# 2-1-30,2-1-31.31

Harriman Business Park Larkin Dr
George Lithco - Attorney
Chirag Thakkar - Project Engineer
Jason Carr - Stantec Environmental
Martin O'Boyle - BJ's

Member Manson step down as he is recused from the BJ's project

Mr. Lithco hold off on the traffic until next month as APRK still reviewing

review of renderings

after the last meeting we met as a group to discuss how to reduce the impervious area, as the board is concerned about the added impervious area for the fueling area. We found another area to make more green by removing parking spaces over toward the BJ's tire section where many spots don't get used and making it a landscaped area.

Chairwoman Franson the effort is appreciated and getting to a net no change in impervious surface but at the same time it's really not addressing from my perspective it wasn't just about impervious but it was also adding from the aesthetic perspective and a functioning perspective that the tank area is still separate.

Jason Carr Stantec Consulting Fuel Tank Engineer - explained the reasoning for the separate location for the delivery trucks. The tanks have manholes that need to be accessed for maintenance purposed and inspections per NYS DEC requirements. So those manholes and those frames are in a concrete cover over the top of the tanks. There are impervious fill ports and other tank electronics.

Mr. Arnott those can't be buried with visors up to the surface manhole frames?

Mr. Carr there are half a dozen manholes running along the spine of the tank that need to be supported

Mr. Arnott the point is that they are 2 foot diameter manhole covers that could have risers so that the tank is set lower.

Mr. Carr largest ones are 48 inches and the tanks are 10 foot diameter so you have a few feet on either sides to support the frames and the covers. The main ways are intended to support the pumps that are within the tanks as well as the instrumentation and safety devices that are integral to the system.

Continued discussion regarding the deliveries as to how often and times, discussion on the location of the storage tanks being separate from the fueling area causing more impervious area. Applicant stressing as this is the prototype of how the BJ's fueling stations are set up.

The BJ's tank location for Newburg was being shown in a photograph to the board.

Showing more pictures to the board inaudible

Mr. Thakkar we heard your comments from last meeting and we are trying to find a solution that really works from an operational point of view, an environmental point of view and I think swapping the impervious area is a great idea. It is also within the same general area not outside the BJ's complex.

Mr. Arnott comments:

Last month a board member suggested moving it to the other side of the drive (the storage tanks), I haven't seen that alternative provided, Stantec did provide a letter stating the challenges. As far as security for the it is state-of-the art for tank monitoring I didn't notice a huge change from one side of the access lane tot he other.

Mr. Carr the longer the distance the longer the piping runs and the piping needs to be sloped continuously, there are limitations on how deep you could put certain things. I don't have details on the diameter of some of the storm drains, but there will be improvements being made there is other key infrastructure between the gas station and where the proposed tanks may be fit. In a security concern the line of site from the station to the fueling area for off-loading across the drive could cause an obstructed view and you need a clear line of site and communication with the attendant.

Mr. Arnott one thing I was unaware of was the fueling lines had to be back pitched toward the tank so that makes a lot of sense.

Mr. Thakkar looking at an aerial view to explain the situation in the location of the refueling tanks on the opposite side of the drive. It would take up approximately 45 feet of area not only for fueling but also being used by the patrons at the BJ main store. Inaudible at times. Adding more linear feet to fuel pipes means you have more probability of leaks happening. The recommended vertical separation between a sewer main and a water main is 18 inches. Need to watch for potential contamination issues the further you need to make the pipes. There is an O&R easement on site. Approaches the screen to point out the easement - inaudible while away from desk.

Chairwoman Franson reviews conversation that they were discussing the utility line easement that goes diagonally through the site through the bioretention area and then the parking spaces. Have you had any discussions with O&R regarding any improvements in this area?

Mr. Thakkar yes myself and Mr. Smith have meet with O&R at the site last year, we showed them the plans still need to go through their approval standards.

Continued discussion regarding the O&R easement.

Ms. Torre comments:

with the impervious area swap that was shown make sure the additional parking spaces to be removed get counted in the original to the original 68.

Mr. Lithco submitted an EAF narrative which summarized the project. It seemed as though it was written from the Planning Board perspective and they were going to adopt it, in the end it made it seem like the planning board was making a determination. It was written by Marissa and she is not here this evening, Mr. Torre I will touch base with her then.

Ms. Torre previously discussed doing some type of consistency analysis for SEQRA. I went through the findings from the original project there are some things in there as far as maximum impervious coverage, specific landscaping requirements, and architectural requirements, styles that the findings wanted considered as mitigation so to pull what's relevant from those findings and then any further SEQRA conditions from the further site plan amendments.

So procedurally where going to get some type of consistency analysis from the applicant and we need to see how that fits into the previous environmental review.

You circulated and assumed lead agency status on January 13th.

Still need consistency with whatever finding statement was adopted

Traffic being reviewed by AKRF

Mr. Lithco the consistency is going to be fairly general due to the passage of time, many of the consistency points are being addressed now. This process started before 1997 continued with some level of consistency analysis when BJ's was approved in 2001, but it's with rare exemptions it's not numerical determination. It's did you provide for drainage, parking and architectural appeal almost qualitative.

Ms. Torre there is a letter from the Town of Woodbury Mr. Lithco can you provide a response to that as well.

Mr. Lithco can we return to the subject of the tanks in regards to the aesthetics.

Chairwoman Franson it is a combination of the aesthetics of the area around the tanks, the additional pull off next to the access drives, one for BJ'S and one for the fast food, both along the main drive and the aesthetics with adding additional impervious where if the tanks were a regular gas station the tanks would be within the apron around the fueling area. If the applicant doesn't want it within the impervious area of the fueling area what other options are there.

Mr. Lithco the applicant feels that this is the most adequate one and what can we do to make it more adequate? The traffic circulation can be addresses with the traffic consultants. Regarding the aesthetics this could be handled by the landscaping plan with the additional landscaping being done by the entrance area, there will be trees and shrubbery. As Mr. Thakkar plans showed the same amount of area for the tanks would be removed by the entrance and replace with landscaping.

Mr. Carr it's hard to articulate everything in a letter about why it's complicated to put the tanks across the street. With newer gas stations it's the desire of builders and engineers to have the tanks in a safe area. Several years ago the EPA and NYS DEC adopted the ABC operator requirements, these are safety procedures for underground fuel tanks in the middle of a traffic pattern, these tanks need to be inspected daily, weekly and monthly. Putting these tanks in the middle of a traffic pattern that you have to open 40 manholes is not a safe place for employees. BJ's has ABC trained operators.

Chairwoman Franson why I have issues with these arguments is that every other gas station has them in the pavement area, that is why I am having difficulty seeing how this is unique compared to other gas stations.

Mr. Lithco I will let Mr. O'Boyle speak about that, but as we've stated BJ's is a membership club it operates in a certain manner, they have 200 locations, they have worked through these processes.

Chairwoman Franson are there any locations with the tanks within the fueling area?

Mr. O'Boyle being fairly new to BJ's I can't attest to every gas station being built this way. BJ's has been operating gas stations in NY and our operational area for over 20 years so this is evolving figuring out the best practices to make a safe and efficient fueling experience for our members. BJ's fueling stations are different as they member based, normally on a larger site, regular stations are on smaller sites and if available I would imagine they would choose to put away from traffic area. Putting the tanks in the fueling area will cause backups, removing of queueing spaces, make movements through the site much more difficult to those entering the site, possible cause backups out onto the road versus having a truck pulling in a separate

locations, unloading and pulling back out all in a single direction, which is a safe option.

Chairwoman Franson this is not a large site that is devoted to the fueling station, just giving some counterpoints, don't see how the membership aspect is relevant to whether it can go within the apron or not. Other types of stations example Sheets has the longer length of gas station, in our area we don't customarily see these longer fueling islands, and I don't know if they are putting the tanks somewhere other than the periphery of the pavement area. So, I would like to know if any other BJ's facilities have the tanks in the tarmac, because I think it is just a function of size. There is more space to maneuver on here than a typical gas station in Monroe. Need more research as to how other BJ's are built. There is one item that was mentioned tonight that may be the limitation and that's the O&R easement.

Mr. O'Boyle being a member based facility we aren't like a typical gas station, people pay, through memberships, to use these gas stations so they want a more efficient operation. They don't want to be waiting, they get cheaper gas for having a membership, just like going to a private versus public golf course you receive perks because of membership. This is what we have come up with over the last 20 years of developing these stations it is the safest and most (inaudible) out of the fuel area where the acting movement is one-way. It is our goal not to have backups onto the main road, to have cars queueing, fueling and leaving in the most efficient manor.

Mr. Lithco I am hearing 3 concerns:

- 1) aesthetics
- 2) impervious surface
- 3) traffic circulation

Discussion regarding the O&R easement.

Chairwoman Franson what we need going forward:

- 1) consistency information
- 2) AKRF to look at traffic report
- 3) would like information to if other BJ's locations have tanks within the apron of the fueling area

Mr. Carr there are a few earlier generation, 2001-2002 stores Olean, NY Albany, NY, that used existing sites and the tanks were there regulations have changed as well as operations have changed in response to the change in regulations. In regards to the inspections, maintenance activities and the safety of employees that is why we've gone with this regime.

who does the well belong to and who will be removing it? RD Management by DEC protocols

3. Minutes

Action, Discussion: 3.1 **July 20, 2021**

no quorum

Action, Discussion: 3.2 **October 14, 2021**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve October 14, 2021.

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

Final Resolution: Motion Carries

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

Abstain: Jason Czerwinski

Action, Discussion: 3.3 **October 19, 2021**

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the October 19, 2021 minutes.

Motion by Jeff Manson, second by Jason Czerwinski.

Final Resolution: Motion Carries

Yea: Lisa McQuade, Chairperson - Bonnie Franson, Jason Czerwinski, Jeff Manson, Pat Shea

Action, Discussion: 3.4 **December 9, 2021**

held over per chairwoman

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 Pat Shea.

Final Resolution: Motion Carries

Yea: Lisa McQuade, Chairperson - Bonnie Franson, Jason Czerwinski, Jeff Manson, Pat Shea