

Town of Monroe Planning Board Workshop Meeting MINUTES

— 04/14/2022

Town of Monroe Planning Board Workshop Meeting (Thursday, April 14, 2022)

Generated by Norinne McSweeney

DRAFT

Members present

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

Consultants:

Ashley Torre, Esq.

Mike Weeks, PE

1. Welcome

Procedural: 1.1 Roll Call

Procedural: 1.2 Point out Fire Exits

Procedural: 1.3 Pledge of Allegiance

2. Returning Public Hearings

Action, Discussion: 2.1 **DG Management** (0172-2019) SBL # 69-1-1.2 Schunnemunk Road

Jay Myrow - Attorney - via zoom

John Queenan - Lanc & Tully

Lipa Deutch - applicants representative

Mr. Queenan

the ZBA denied the open space variance for the cluster subdivision disappointing but not unexpected

back before you as to where we go next and how we would like to proceed

we have 2 paths the cluster and conventional

Jay Myrow will speak on the cluster plan introduce some new information potentially for the board's consideration on that layout

worked very hard with the board on the cluster plan and we all felt it was the better plan, new information to consider for the cluster plan

applicant would submit for consideration the conventional layout

Mr. Myrow sent a letter today basically with how we want to proceed here, since we were denied the variance no way to accomplish cluster layout as there is no way to preserve 50% gross area as open space

leaves us no ability to proceed with the cluster plan so that leaves us with the conventional plan

we are asking the board to move the conventional plan forward

I went back and reviewed the entire application and I didn't see where the applicant submitted a conservation plan

under the town code in the cluster regulations there's three plans that have to be submitted initially 1)conventional, 2) cluster and 3) conservation plan

never submitted empirical data to support their claim that the area encumbered by the utility easement can qualify as the space with conservation value

I believe it was the case that the board basically made its determination without either a presentation by the applicant and without the conservation plan so I believe we are entitled to be heard on that issue and for the record I have asked Mr. Queenan to prepare a conservation plan which we will submit along with the empirical data that will show that there is some conservation value to that area of land

you already have Mr. Nowicki's letter along with my letter that has additional information for the board to look at that may be relevant

at this point we are trying to figure out why the hesitancy by the board to recognize the area encumbered by the utility easement as open space if in fact we can put the empirical data in front of you that would support a finding to that extent and basically allow us to do the cluster plan

we are trying to get the board to a position where you can make a rational determination that we in fact have the 50% you can make a finding based on the information we are giving you that there is in fact conservation value for at least 5 acres of the land

asking the board for guidance on switching your focus to the conservation plan or to the conventional plan

what the steps would be in regards to SEQRA thinking have to reopen SEQRA as the negative declaration was issued on the cluster plan

Chairwoman Franson this is obviously our first time in this position the ZBA did deny the variance, you are describing 2 alternatives continuing with the cluster subdivision and you would submit empirical evidence to show that the land within the O&R utility easement/right-of-way has some value. The value is suppose to be for sensitive species not just open space, but open space value for sensitive species meaning threatened rare endangered, or whether or not to pursue the conventional plan that would entail additional engineering detailing out that plan and reopen the SEQRA process.

fundamental question what are we allowed to pursue as a planning board need to defer to our consultants

3rd option totally off the path as we are given cluster authority through the town board does the town board retain to some extent cluster authority, can an applicant apply/petition to the town board for cluster as an alternative

Ms. Torre not under your code for a cluster development there is the cluster floating district that was adopted last year which involves the town board, but this is all delegated to the planning board and once they give you that authority the town board doesn't retain it under state law

Ms. Torre originally reviewed this application it was a major subdivision so you require the submission of both a conventional and cluster, what Mr. Myrow has been speaking about the conservation plan that helps you evaluate which way to go, not sure if there is an actual document titled as a conservation plan in the record between conventional and cluster the planning board determines what they want to pursue, best interest for the and benefit the town. The board previously determined that to be the cluster, there is no set process for changing that as long as there is a reason for doing so that's not arbitrary if you are considering now that the conventional will be the best that is not out of the ordinary, but again it's your discretion and you did pick the cluster originally. Now there is still the issue of whether they can meet the cluster open space requirements and whether or not you wish to consider additional information from the applicant to determine whether based on what they have with the easement area if that can count towards open space. You could certainly hear what they have to present but ultimately it's up to the board which plan should be pursued.

Chairwoman Franson reviewed the project one of the realities when we first started was the land had already been clear-cut only trees that remained were in steep slopes or rocky areas, then you have the utility corridor easement which when first presented there wasn't much conservation value except there were some trees retained to screen the development on the hilltop. I don't recall feeling strongly about the cluster plan, but we as a board decided the applicant should pursue the cluster. We determined the maximum yield from the conventional plan, discussed different types of house arrangements to have a mix and then ended up with the issue of the variance for the open space requirements. It is within your right to present additional compelling information about the utility easement area having open space value and possible change our minds. I am ok with pursuing the conventional plan.

Member Manson if you have additional information that we haven't considered towards the conservation value of what would be protected then I would like to hear that.

My biggest argument for the value of this area as wildlife habitat transition space from O&R lake to the wooded areas as O&R lake is a primary water source for a wide range of animals from large to small.

That land is under easement and won't be developed structures can't be built there except for O&R.

The code speaks towards endangered species and threatened species but wildlife protection has merit as well and I am not sure if conserving the land makes a difference.

open to considering other information

all members open to hearing additional information towards conservation value

Chairwoman Franson there is a consensus among the members that we are open to considering additional information as whether this serves as a wildlife corridor and if a conservation easement can be placed on the O&R land or control the conservation value which doesn't quite meet the cluster requirements.

Chairwoman Franson what we will be looking for is some kind of analyses that would show there's potential to have some kind of wildlife corridor through this area. When it comes to habitat our regulations do talk about sensitive species specifically, but that is the argument for the supporting documentation can consider. Is there anything else you wanted to address this evening.

Mr. Myrow a couple of comments:

1) there is nothing to prohibit from placing the conservation easement on the property even though it is encumbered by O&R that can be done as a matter of right. Obviously it would only be enforceable to the extent that it doesn't interfere with O&R easement but a conservation easement never would. There is also maybe a value to putting a conservation easement on that strip of land there is nothing to say that the utility easement will be necessary forever.

2) not clear on the path that we're going to take regarding conventional plan. I know the board has the right to choose between the 2 plans, but if it's absolute to proceed with the cluster need to know that we are proceeding with the conventional plan, maybe some guidance on how to proceed as to not move both simultaneously. With the cluster plan it is one simple issue and as far as I am concerned that plan is now theoretically off the table unless we can prove this one narrow issue to you, which shouldn't preclude us from moving forward with the conventional plan. For a matter of expediency we just need some assurance that we will move forward with the conventional plan and what your thoughts are and how we are going to do that.

Chairwoman Franson I am a little confused as to the applicants intent because it sounds like you want us to consider the information regarding the value of the open space, but it also sounds like you want us to consider the conventional, so there lies the confusion.

Mr. Myrow once we make our submission you're either going to agree or disagree with our (inaudible) ... then we're going to proceed with the conventional plan. Do we have to re-notice intent to be lead agency on the conventional plan? Should we submit as soon as possible and make our presentation that you can make a decision on which we can do, just looking for some assurance or some guidance as to what's going to happen here if you don't agree to get

this as a cluster.

Ms. Torre the question is if the planning board does not agree with the information provided as far as the utility easement area counting towards conservation value is the planning board inclined to, and I don't know what your answer is going to be, but you would amend prior resolution and direct the applicant to go with conventional instead of some type of cluster that might be a modified version of what's being pursued be it less units or whatever different layout.

Chairwoman Franson if we don't include the easement as part of the open space and only use the area outside of the easement and you have to preserve 50% that leaves very little to build on. Fundamentally we can consider a conventional that the law allows us to do that.

Ms. Torre this is a unique situation the law doesn't say that it's allowed, but I think there's a path where you can get back there.

Mr. Queenan there is a clause that says if the board deems that the conventional is the path that you seek they can either grant approval, a resolution or a waiver for the conventional plan.

Ms. Torre back when they made the original resolution that was to pursue the cluster it was either or so they could have chosen the conventional, so it would essentially be going back and changing the initial determination.

Mr. Queenan can't proceed with the cluster at this point without the variance, as there is no way to obtain the 50%. For next month we would like to submit the information on the cluster for the board to evaluate and make a determination. If the information is not acceptable then we would want to pursue the conventional plan as long as there is a path that it can happen. We don't want to pursue both simultaneously right away.

Chairwoman Franson once the board has the information we can make a decision if the cluster is acceptable or to pursue the conventional. If we do the conventional we would have to reopen the negative declaration which I don't think would be significantly different, we would like to protect some visuals and get some landscaping back.

Mr. Queenan we would have to redo the SWPPP for the new layout and visual. The water sewer, visual, and grading landscaping.

Member Manson under the conventional how much more feet on the cul-de-sac 125 feet, with the additional impervious surface that all relates back to SWPPP, the conventional is how we did yield of 15 lots.

Chairwoman Franson again I think we need to look at the visual, building heights. Is there significant amount of work with the grading, draining and re-engineering?

Mr. Queenan the conventional plan had grading, we showed water and sewer but it needs to be cleaned up and be brought to the level of detail that the cluster is at.

Ms. Torre was the access the same on the conventional or the one lot had a separate access from the O&R easement.

Mr. Queenan that was granted to us from O&R for the driveway access. We can look into combining it into the cul-de-sac might be a very long driveway.

Member Manson since the property is accessible through a village road, some of the stormwater proposed is going through the village, you are still working an uphill battle with the village on some issues not sure if they are on board with this. As far as pursuing anything how are these obstacles going to be overcome?

Mr. Deutch I don't believe the village has any concerns. They have issues with water after rain and there are grants for infrastructure they are not doing anything. I had conversation with the mayor about the property after he sent his first letter that we are willing to sit down with attorney and engineer work on concerns starting with traffic we reached out to DOT giving approval want us to upgrade the drainage. I want to thank the board for the time and effort it has put in on this project. I would like to ask the board since we went to the cluster plan and it looks like a plan that can work if there's anyway in the law if it complies with the zoning law it would be appreciated to go with the cluster plan and if not the conventional plan. We will address any concerns with the village and one more thing our consultant Creighton Manning reached out to the village DPW regarding the striping on the road to not block the road they have no problem with a sign and striping.

Open conversation regarding the traffic in the area.

Sean Hoffman Consulting Engineer for the Village Monroe only comment based on what the applicant has indicated it is unclear as to the option of which development style and they are submitting additional information to help in that determination on behalf of the village I ask that you close the public hearing with the intent of reopening in the future or adjourn the public hearing.

Ms. Torre the public hearing can remain open for 120 days and we opened it last month so there is still time since you are going to be receiving additional information on the cluster it

would be appropriate to keep it open until next month.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion adjourn until May 17, 2022.

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

Final Resolution: Motion Carries

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

3. Returning Projects

Action, Discussion: 3.1 **Mountainview Community Shul** (0195-2021) SBL # 43-5-2 277
Mountainview Ave

John Queenan Lanc & Tully
Isaac Walter applicant

made a presentation for a new conceptual plan for a community shul
questions on application paperwork has been changed to Brightview Management
all forms are signed correctly
short EAF
prepared the narrative on existing shul and reason for expansion and special use permit for
house of worship 57-13(q)
page 4 address requirements and asking for waivers
shul approved 2016
277 Rabbi resides
1 story metal building is original shul site plan approved by building department
expand to the back proposed 5520 ft shul circular access and parking in back
the applicant would like to go through and evaluate the requirements of the special permit use
and work on the waivers before developing a full engineering plan
there were other clean up items that we provided now

review of ariel site of project showing a framed dwelling, metal building and a paved pad, a
retaining wall and a driveway that goes back and connects to something in Kiryas Joel.

Mr. Queenan the wall was put in for septic system, as part of this project we will be extending
sewer up Mountain View Drive and extending a service lateral out for the sewer
will abandon the septic field
the property currently receives water from the Village of Kiryas Joel

Mr. Walter we have a water agreement with Village of Kiryas Joel

Mr. Queenan supplied additional information:

buildings currently on site will remain
where the parking is now, the block wall, and the sidewalk that will be removed and become
an access drive that will loop around to a new parking lot with a circular access around with
additional parking in the rear
metal building current shul will be then used for storage
Rabbi will remain living in the house

Mike Weeks MHE Engineering comments:

application proposed place of worship this is a special use permit allowed in this zone
pursuant to Section 57-13(Q)
the application has included the required dimensions in the bulk table for the zone and use
proposed, however the following corrections needed lot coverage, the individual standards for
the place of worship allows the maximum development coverage of 45% whereas 50% is
requested
possible variance required for lot coverage under 57-12(Q)(12)
show proposed use of one story metal building
parking calculations one space per three fixed seats 57-49(A)(1). Shul noted as 105 persons,
therefore parking required is 35 number provided is 35 but no account for one story metal
building and wood framed dwelling
noted a number of well casings on site, intended use should be noted for board's review
4 special use permits seeking waivers from
existing units for storage notes on plan
house has single family
regarding short EAF identifies an adjacent area designated as sensitive for archeological sites
noted on NYS Historic Preservation office need to be referred to them
the applicant hasn't noted any existing trees that may be cleared should be noted on plans
needs GML review
public hearing will be required

Mr. Walter the building inspector has a copy of the water agreement

inaudible

Mr. Walter well was drilled when original shul was built

Mark Edsall was involved with the decommission of the wells

Ms. Torre comments:

in regards to SEQRA it is an unlisted action

need to decide if coordinated or uncoordinated review

regarding paperwork it is now listed as an LLC unable to find on state database need correct paperwork

need a copy of the more recent deed

the Village of Kiryas Joel should be identified for approval for water

OCSD # 1 needs to be changed to Orange County Environmental Facilities and Services they will be approving the sewer

ZBA protentional involved if variances required depending on the waivers

agreement with the Village of Kiryas Joel for water service will need a copy of agreement or will service letter

referred to SHPPO

bulk table should indicate floor area ratio, listed below bulk table needs to be move into bulk table and star which items a waiver being requested

architectural review need details submitted with the renderings

tree plan on removal for any trees above 6"

the applicant is seeking a few waivers that we can review. Pursuing to the waiver standard the board is able to waive any number of these conditions to the extent necessary if it places a substantial burden on the religious exercise of a person, religious assembly or institution
special use narrative 57-13 (q)

1) maximum floor area ratio of .25 shall not be exceeded either the plan or the narrative noted it was .27 excluding the basement but it sounded like the basement was going to be used for part of the shul so that needs to be included

2) maximum development coverage 50% seeking 54% (57-13(q))

3) minimum lot size they comply

4) landscaping waiver requires the width of the planting screen to not be less than 25 ft and they are proposing a five-foot planting strip (possible not shown on the plans)

5) didn't see any landscaping proposed around parking areas but narrative said that would be met

6) parking requirements needs to be confirmed as to what is required for the other uses the single family dwelling and I am not sure if the storage building needs any

7) having frontage on major collector road seeking waiver from

8) all structures in harmony with surrounding neighborhood similar design aesthetic

9) no parking or loading be permitted between the structure and the street line, all loading and delivery have to be in the rear

10) is inapplicable because the structure is not a single family detached dwelling

11) the structure will have to comply with the uniform code and that is up to the building inspector to confirm

12) discusses the waiver standards 1, 2 4, & 7 the narrative gave some explanation for why they are requesting the waivers

Mr. Weeks 3 parking spaces considered to be in the front yard by the metal building and will they be remaining
discussion regarding these spaces need to check with the definition of between structure and the street

single family residence has own driveway and parking which will remain

Chairwoman Franson go over narrative about why the waivers are being sought, this is your explanations of how it's related to the practice of religion

Mr. Queenan the applicant seeks in order to use the property for religious services

Chairwoman Franson so the FAR requirement is for all structures not just the main building

Ms. Torre all structures that are applicable to the use

Mr. Queenan FAR calculation on the new shul and the existing metal structure, didn't include the basement because sometimes in the code FAR doesn't apply to basements, noted we did not include the basement of the building dual use

Chairwoman Franson floor area itself doesn't include garages, carports, open porches, terraces, utility rooms and floor area with a clear ceiling height of less than seven feet eight six inches, it should be included if it can be used and inhabited

Ms. Torre definition of basement in the code a story partly underground but having at least half of its height above the average finished ground level of the ground immediately adjacent to the building wall a basement shall not exceed the total gross floor area of the story immediately above it and shall count as habitable floor area

Chairwoman Franson is the parking area you are requesting being driven by the code or what you really need? Could you get closer to a development coverage that works if you have less parking and then could you get trees and landscaping

Mr. Walter the shul is for the neighborhood so we do need some parking

Chairwoman Franson what is a reasonable amount of parking that you think you need? Is the parking something that we can waive, does it fall within the special use permit as opposed to the parking standard?

Ms. Torre special use permit that parking shall be determined based on peak attendance in

accordance with your off street parking requirements so it is tied to the special use permit open review of the waivers being asked for want landscaping throughout

Ms. Torre landscaping the structure and parking shall be screened adjacent properties by evergreen plantings of sufficient height and diameter to substantially eliminate noise and traffic, there should be a minimum of not less than 25 feet and the planning board may require a wider buffer. The narrative shows a five-foot planting strip. Would be helpful to see a landscaping plan and some photos visual analysis.

Mr. Queenan the original approval did include a fence with evergreen screen that went along the driveway, we propose to continue that up

Ms. Torre next item was screening the parking which they say they can meet

Chairwoman Franson question regarding the occupancy you talked about 99 person occupancy but might not necessarily be that. Is this number from a code perspective from building occupancy or are you limiting yourself to a maximum 99 person.

Mr. Queenan that is what size the congregation is now, don't know what the building code will work out to be based on the architectural plans would allow for main sanctuary based on the final square footage

Chairwoman Franson we talked about the major collector road from a waiver perspective and also related to a religious use can we consider the fact that it already exists.

Ms. Torre (inaudible) because it does exist already and obviously it wouldn't be able to grow without an approval as it was previously approved before this was a law.

all structures will comply with applicable building code requesting waivers for 1, 2 4 & 7

Member Manon asked Mr. Walter what the connection between Mr. Stessel and Brightview? response was Brightview was hired for the project to represent them.

Can one of the consultants help me better understand the relation between lot coverage and FAR and how that all works are they related or independent measurements.

Ms. Torre floor area ratio versus the percentage of the property that's covered. If you have multiple multi-story building the floor area ratio would be different but the lot coverage could still be the same if it's a smaller floor area ratio. It's how much livable space or usable building

space there is.

Chairwoman Franson example you have 10,000 square foot lot and your allowed 50% development coverage you can cover 50% of the lot so you can cover 5000 square feet floor area ratio relates the building size to the lot area. So it's the ratio of the building square foot area to the lot area, if you had a FAR of two and you're on a 10000 square foot lot the total building area you could have would be 20000 square feet you would have to build up to adhere to that development coverage.

Chairwoman Franson agency for coordinated review:

OCSD # 1

NYS DEC

NYS DOH

Village of Kiryas Joel

GML review

SWPPP for soil

ZBA

BF lead agency coordinate or uncoordinated

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion that the Monroe Planning Board declare its intent to be lead agency for the review of the proposed expansion of Mountain View Community Shul and specify the action as an unlisted action.

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

Final Resolution: Motion Carries

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

4. Minutes

Action, Discussion: 4.1 January 13, 2022

held over

Action, Discussion: 4.2 January 19, 2022

held over

Action, Discussion: 4.3 February 10, 2022

held over

Action, Discussion: 4.4 March 10, 2022

held over

Action, Discussion: 4.5 March 15, 2022

held over

5. Adjournment

Action, Discussion: 5.1 Adjourn Meeting

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

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

Final Resolution: Motion Carries

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