

Town of Monroe Planning Board Workshop Meeting MINUTES

— 05/11/2023

Town of Monroe Planning Board Workshop Meeting (Thursday, May 11, 2023)

Generated by Norinne McSweeney

Members Present:

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

Members Absent:

Pat Shea

Robert Garstak Alternate # 1

Lou Riviera Alternate # 2

Planning Board Consultants:

Ashley Torre, Esq.

Shawn Arnott, PE

1. Welcome

Procedural: 1.1 Point out Fire Exits

Procedural: 1.2 Roll Call

Procedural: 1.3 Pledge of Allegiance

2. Returning Projects

Action, Discussion: 2.1 **Henry Farms** (0209-2022) SBL # 29-1-2.52 Intersection of Lakes Rd and Camp Monroe Monroe, NY

Applicant Representative:

Vince Pietrzak - Pietrzak & Pfau

Mr. Pietrzak we are waiting on a letter from the planning board in response to the attorney submission.

Ms. Torre -

There is a letter from May 1st from the attorney which is our March letter with their comments and suggested revisions.

The first comment is located in the middle of the 2nd page - (inaudible) the roadway details and profiles to confirm compliance with the town code they have added in and the waiver granted as part of the approval and the resolution.

Ms. Torre I would like some clarity on that, are you referring to the waiver from the 2% grade

within 100 feet of an intersection that was granted by the highway superintendent.

Mr. Pietrzak that is correct. Our intent is to stick with the designed road that has been previously approved.

Ms. Torre that waiver is not part of your resolution, but something that was granted by the Town Highway Superintendent that was incorporated into the Planning Board Approval. The next item was requested to update the plans to include the drainage, water system improvement, sewer collection etc. to conform to the zoning regulation in effect at the time of the original resolution approving the 115 units and commercial lot.

Chairwoman Franson - I would like to go back to the prior comment and to actually clarify since this is being red lined and the waiver granted by the Town Board or the Highway Superintendent and recorded in the approval because it wasn't our waiver. Then regarding and conforming to the regulations in effect at the time of the original resolution. If you could speak what was confirmed with Mr. Ferrick as to what the intent was in terms of the stipulation.

Ms. Torre - last month we discussed the zoning regulations and to what extent the old zoning applied versus anything that may have changed. It has been confirmed that the intent is to use the 2015 zoning regulations for purposes of evaluating this subdivision. The tree preservation law wouldn't apply to this application. One of the planning boards comments was to consider revised locations that may reduce impacts to wetlands and or grading of steep slopes. The applicants response pursuant to the terms of the stipulation the layout of the 70 lot amended plan was agreed upon by the parties and serves as the basis for the town's execution of the stipulation recognized the right to construct 70 single-family detached market rate non-deed restricted residential units and one commercial lot. Both parties relied upon the stipulation for the reciprocal right to require the applicant to proceed with the approved layout. The stipulation further confirmed that the planning board shall review the proposed amended plan under the zone regulations in effect at the time of the resolution was adopted. The stipulation states that the lot areas are hereby conforming to the bulk regulations. Finally the lot locations shown on the amended Henry Farm subdivision plan conformed to all applicable restrictions as to wetlands and or steep slopes based on the foregoing the applicant will proceed with the layout as currently submitted.

Mr. Arnott the second to last sentence they affirm that they do conform with all applicable restrictions as to wetlands and/or steep slopes, a grading plan has been submitted, but that's not been vetted yet nor has any updated correspondence with Army Corps or NYSDEC been received so I don't know how the applicant can assert that statement at this point.

Mr. Pietrzak - Eva (no last name given) was a judge who stated that in the findings from the

court, but that could be verified.

Ms. Torre - the portion where they're saying that the lots comply with the wetlands and the steep slopes requirement that is something that I will go back into the stipulation and check, but that is something that I don't recall being decided yet.

Chairwoman Franson - so I think that requires a modification to that bullet to reflect the stipulation, but some of what's being represented isn't accurate from the perspective of we don't have enough information to then conclude that everything's in conformance with the applicable restrictions as to wetlands and steep slopes.

Ms. Torre - perhaps you could revise this and keep the part about considering, ultimately it's up to them, whether they want to modify anything take out the part of the stipulation change the ending part about the lot locations confirm to those restrictions, that the applicant should demonstrate that the lots conform to all applicable restrictions.

Chairwoman Franson - reviews what is going on for the board members. It comes down to the stipulation of settlement and there is a question whether or not we can ask for modifications. The applicant might at some point may or may not ask for modifications depending on the wetlands delineation by the Army Corps of Engineers or other agency regulations, so we want to leave that in the comments.

Ms. Torre - regarding the SWPPP we noted an amended SWPPP would be required they added or confirmation that the existing SWPPP does not need amending.

Mr. Arnott - in regards to the SWPPP I believe the applicant is hoping that an MS4 acceptance was signed at the time of the previous approval and that would suffice and a new SWPPP would not be required.

Mr. Pietrzak - we have an NOI which was submitted so we comply.

Mr. Arnott - also recognizing that a SWPPP is a living document any changes to the grading would require an amendment potentially to the SWPPP but it would be reviewed under the old general permit that it was filed under.

Ms. Torre - last issue in this section any revisions to the lot layout see response above subject to obtaining sidewalk waiver from Town Board subject to previous waiver granted for layout and design. I believe the sidewalk waivers under the road specs that the Town Board can waive, the second part of that I wasn't sure what it was referring to as the only waiver I am aware of is the Highway Superintendents for the road grade. At the end put subject to obtaining the sidewalk waiver from the Town Board under section A 63-13A. Additionally at

the end of the paragraph discussing compliance with the town engineer's most recent comments they have added and subject to review of the application in accordance with this letter such review to be made under zone and regulations in effect of the adoption of the resolution in 2015. Under the SEQRA section, the applicant was discussing the consistency analysis you added should include a comparison for the potential impact studied in the original EIS, they added as listed in the adopted SEQRA finding statement.

Chairwoman Franson - I don't know that the SEQRA or finding statement is going to contain all the information we're looking for. It should be the adopted SEQRA finding statement and the EIS.

Ms. Torre reviewed different categories:

Applicant's consistency analysis should specifically address and update/supplement the prior SEQRA analysis on the following areas of potential impacts:

- 1) added letter e the total area of disturbance
- 2) added letter d update wetlands mitigation plan
- 3) nothing changed
- 4) updated letter c. (including, but not limited to, potential habitat for bog turtles and any threatened/endangered species identified during the NYSDEC/U.S. ACOE consultation process).
- 5) no change
- 6) added including, but not limited to, with current Town Assessor information
- 7) no change
- 8) no change

that is the end of the changes.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion that the Planning Board authorize our Planning Board Attorney to transmit a revised letter to the applicant's attorney.

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

Final Resolution: Motion Carries

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

Action, Discussion: 2.2 **DG Management** (0172-2019) SBL # 69-1-1.2 Schunnemunk Road Monroe, NY

Applicant Representatives:

John Queenan - Lanc & Tully

Lipa Deutch applicants representative

Mr. Queenan - last month we went through the draft final resolution, since that time we have

been back and forth with Ms. Torre and Mr. Arnott with some changes and are in a good position. In the submission there was an additional sheet of the subdivision set that included all the drainage associated with Schunnemunk Road.

Ms. Torre - reviewed an amended negative declaration.

The negative declaration originally adopted on January 2, 2022 has been revised due to changes in the proposed drainage connection. The Planning Board as lead agency has reviewed the changes and determined that no significant adverse environment impacts will occur as set forth herein. They are going to be connecting directly into the Schunnemunk Road infrastructure rather than connecting into the infrastructure that was proposed as part of 310 Schunnemunk subdivision in the Village.

The Planning Board reviewed the revisions to the amended resolution.

Ms. Torre :

- there have been additional correspondences from NYSDEC and OCDPW
- off site drainage plan submitted
- plans updated to show additional plan set with an additional plan showing the off-site drainage improvement
- on page 6 added on May 11 you issued an amended Negative Declaration

Ms. Torre a few changes to the conditions I will point out:

- some things have been taken out because the plans have been updated to reflect them
 - under # 5 dealing with the timing for the construction of the drainage improvements within Schunnemunk Road so it has been amended to read prior to the issuance of a building permit for the first dwelling the applicant shall obtain all agency approvals required for the drainage collection improvements, including the highway work permit from the DOT and street opening permit from the Village of Monroe. The applicant shall complete the construction of such drainage improvements to the satisfaction of the Planning Board Engineer prior to issuance of the first certificate of occupancy.
 - under # 7 prior to signing of the plat the applicant shall enter into an agreement with the town regarding the road going to be conveyed to the town that is located in the village. Such agreement shall be in a form acceptable to the town attorney. Documentation evidencing the conveyance shall be filed in the Orange County Clerk's office and proof of filing given to the Town building department within 90 days.
 - number 9 requires prior to signing of the plat the applicant to execute an irrevocable offer of dedication to the Town for the proposed road that's in the subdivision. it will have to be acceptable to the town attorney and then filed with the Orange County Clerk's office at the same time as the filing of the plat.
- discussion about the road and where notes and conditions should appear, made some finally

adjustments to the wording to # 7.

-#10 minor modifications to the landscape and conservation plan

-#11 intersection sign and pavement markings have been approved by the village

Everything else was discussed last month. There were some changes to the landscape and conservation plan establishing the habitat standards as part of your resolution, also you're approving the terms of the conservation easement that will be required.

The Board discussed the conservation easement about added layers of protection of the land

Some items have been adjusted with the document.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to adopt the amended negative declaration for the DG Management subdivision project subsequent to the changes proposed.

Motion by Jeff Manson, second by Nicholas Napoli.

Final Resolution: Motion Carries

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

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to approve the amended resolution for final approval for the DG Management.

Motion by Jeff Manson, second by Nicholas Napoli.

Final Resolution: Motion Carries

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

Action, Discussion: **2.3 BJ's Site Plan** (0200-2021) SBL# 2-1-30,2-1-21.3 Larkin Drive, Monroe, NY

held over until May 16, 2023 no quorum this evening

3. Minutes

Action, Discussion: 3.1 October 18, 2022

held over

Action, Discussion: 3.2 February 21, 2023

held over

Action, Discussion: 3.3 March 9, 2023

held over

Action, Discussion: 3.4 March 21, 2023

held over

Action, Discussion: 3.5 April 13, 2023

held over

Action, Discussion: 3.6 April 18, 2023

held over

4. Adjournment

Action, Discussion: 4.1 **Adjourn Meeting**

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

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

Final Resolution: Motion Carries

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