

Town of Monroe Planning Board Workshop Meeting MINUTES

— 05/13/2021

Town of Monroe Planning Board Workshop Meeting (Thursday, May 13, 2021)

Generated by Norinne McSweeney

Members present

Anthony Vaccaro, Lisa McQuade, Chairperson - Bonnie Franson, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

Consultants:

Ashley Torre, Esq.

Shawn Arnott, PE

1. Welcome

Procedural: 1.1 Roll Call

Procedural: 1.2 Point out Fire Exits

Procedural: 1.3 Pledge of Allegiance

2. New & Returning Projects Brach & Mann

Action, Discussion: 2.1 **Raywood Drive** (0176-2019) SBL# 43-1-11 Raywood Drive

Joel Mann - representative

received conditional site plan approval a few months ago

still some open items on the conditions

main condition that requires a lot of coordination between Town and Village attorneys is the water agreement waiting for final signature

there is still other items to be done so we are here to ask for an extension for at least 90 days hoping to get everything completed in that time

Mr. Arnott comments:

my office reviewed the cost estimate for the public improvements and provided comments, waiting for revisions before we can finalize the plans

then there was an issue with the easement agreement

Mr. Mann there was a request to get the word file on the easement we are working on that

Ms. Torre comments:

in receipt of the easements will have revisions to those

regarding the water agreement the town has reviewed it and it looks good, but an issue came

up with the corporate status of the property owner, until this is resolved everything is on hold as you can't enter into an agreement with a non-entity
why we're here I would advise the board that you can motion to extend the conditional approval, granted in 90 day increments, to the closest Planning Board meeting of August 12, 2021.

Acting Chairman Manson from the original resolution when would their timeline run out
Ms. Torre May 16, 2021

Acting Chairman Manson what are the issues with getting the entity active again

Ms. Torre that is something the applicant has to work out the the department of state

Mr. Mann understands that they are hoping to have it resolved in the next 2 weeks. The paperwork has already been filed where it was necessary to file

Acting Chairman Manson did a quick review for Chairwoman Franson who just arrived

Chairwoman Franson is there a time frame a maximum that we're allowed to give as far as extensions

Ms. Torre normally do the extensions in 90 day periods. This would bring you to the August 12, 2021 meeting and if they needed to come back there is already a meeting scheduled
Chairwoman Franson ok so if they get it done before then we are good

Ms. Torre yes they have a few items to take care of the easements the water and sewer easements are going to be finalized, water user district agreement, signing of the plans, if everything is accomplished before then they wouldn't need another extension

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby grants a 90 day extension for the Raywood Drive project until the date of August 12, 2021.

Motion by Jeff Manson, second by John Allegro.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairperson - Bonnie Franson, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

Action, Discussion: 2.2 **Yoel Shtosel** - Arch (0194-2021) SBL # 1-1-87 501 Rt 208

Joel Mann - Brach & Mann

Mr. Mann

middle of last application proposal to add handicap ramp outside the building not encroaching in the parking lot and aisles

requirement for architectural review proposed new design of outside of the building

building sign large circle no sign higher than 2 ft above the roof town code

the applicant would like to stay with the building as it is right now and subject to the board

having any recommendations for minor adjustments. With the original proposal it was to build up the soffits in front and the sides, do landscaping nothing has changed with that, still talking about cover/shielding the ramp with landscaping

as you can tell by the application existing pictures and there is a proposed rendering the difference between the signage which was revised from the last applications to match existing building,

2nd thing was it add color to ramp to match building

lighting is similar to what was approved in the last application

Chairwoman Franson brought up the photos of the building how it is now

Mr. Mann the ramp is existing now

Chairwoman Franson but that is not what was approved, any other changes

Mr. Mann there are no physical changes to the building, they want to keep the building as is, not proposing any new changes besides the signage that will be modified from the previous approval

Mr. Arnott the ramp was proposed to be concrete with metal railings

Chairwoman Franson the ramp was not built compliance with what was approved

Mr. Mann was part of the approval metal and concrete

Mr. Arnott based on the renderings it was

Chairwoman Franson they were supposed to have consistency with the colors, they were going to use stone, 501 was going to have some kind of illumination, suppose to be landscaping not gravel topping,

Member Manson the doors at the top of the ramp proposed double glass doors currently single metal door

there was a tiled planter that was removed

Mr. Mann so basically the whole design feature that was approved has not been done, so that is why he wants to make modifications to keep things as existing

Chairwoman Franson from my perspective that is not accurate, he went and built a ramp that does not meet the specs. My perspective we have an applicant that put all this together for the Planning Board for architectural review, the site is visible from 208, we all agreed to what would be done and then basically it was thrown out and he didn't adhere to it at all, and now he is back and essentially do basically none of it. It would of been better if he came back and said he wanted to make modifications for whatever reasons, but instead he went forward and decided to build whatever he wanted. I find it a little disrespectful after we went through the whole process and I don't understand why we wouldn't still adhere to what we had approved.

Member Manson as far as I am concerned this is the second occurrence the reason applicant was sent to us was he removed windows which was not part of his building permit approval

open discussion between board members and Mr. Mann as to previously separating exterior design and ramp, that was not done at final approval, board not happy with the fact that ramp was built and not to the specs that were approved

Member Manson the applicant took a building, that previously was a medical building but had been empty for a while, made changes without approval and made the changes for the worse not better, the siding makes it look like a commercial shed, there's no landscaping, the grass

by the ramp removed and is now filled with rock, which wasn't proposed. We spent 8 months on this project coming up with we thought an acceptable solution for the applicant.

Chairwoman Franson mentioned that the proposal that was provided to the board came from the applicant and the board made some changes in regards to material elements but it was the applicant's architect who provided these to us and we found them acceptable

Mr. Mann so here are the issues:

first the ramp was not built according to the approval

second the exterior facade

Member Czerwinski the exterior window issue is one thing could of use alternatives privacy glass or one way glass, the grass now rock kind of runs into the parking lot

Mr. Mann that is existing but not proposed to stay that way there are proposed plans and renderings.

Member Vaccaro I agree with the other members that the approval was not utilized and that this is not a good situation

Member McQuade questions regarding the building signs that were taken down are they going back up

Mr. Mann they have been stopped by the building inspector as things were not within compliance

so now the proposed is to change the siding not to red but to maintain the siding, change the doors, the lightening will be corrected and the signage will stay, the wooden ramp will be painted and covered with bushes or the other option is to cover it with plate so you don't see the columns

Chairwoman Franson need to correct the lighting to what was approved

Member Allegro was surprised at the pressure treated wood ramp, the new proposed ramp looks presentable and this is where we need to be (referring to the concrete and metal railing ramp), and I agree with everything the other members have said.

Member Shea nothing to add that hasn't already been discussed

Member McQuade are we saying that they have to remove the wooden ramp

Chairwoman Franson - we are hear to listen to the amended application, they clearly violated the approval by putting up something that wasn't approved, and they are hoping to have the Planning Board approve what they have built

Member McQuade other than improving the landscaping I am not sure the ramp has to be taken down

Chairwoman Franson that is something for our attorney to guide us on in regards to keeping original approval or an amended approval. Question for the engineer and maybe the Building Inspector does that ramp even comply with code, does the door comply with code, overall what has been done does it meet with code. Now a windowless building brings up does the building comply with the egress under the code.

Mr. Arnott - comments

regarding your concerns I am not an expert on the code but I will certainly speak with Mr.

Maldonado as well as our architects

Chairwoman Franson questioning whether a permit was issued for the ramp and not built to what was approved

Mr. Mann not aware of specifications as to what ramp was to be constructed of, will check into that and to the building permit application

Mr. Arnott summarize that to have the ramp remain cover it with a type of material to match what was actually approved

back to Mr. Arnott engineer comments:

changes that were made and not approved

application had some discrepancies that need clarification

interior layout submitted in error

EAF submitted ramp proposed and incomplete

SEQRA review ?

lights locations changed wall sconces added to the building front that faces Rt. 208 and took some away

specifications on the lights are identical to what was approved

next to door light removed

architectural review has to be done not site plan review since the layout is not being changed

multiple reviews of the old and newly submitted pictures trying to compare and see what was done and should of been done

Member Allegro - the ramp needs a drastic change to make it more visually appealing, some siding and landscaping surrounding the bottom

Member Vaccaro are the windows still there and just boarded up? Maybe a frosting or something as a windowless building is unappealing to me

Member Manson - regarding the renderings that were submitted with this application and the renderings of what exists and the change in the signage on the front of the building I don't see how that can be accomplished with the ductless air conditioning unit right where the lettering is proposed, again not visually attractive, this applicant needs to clean up the property in a sign of good faith don't make any more changes

Chairwoman Franson addresses Ms. Torre talk about options that the planning board can take and how to proceed

Ms. Torre - you can't take final action as this is subject to GML Review
submit proper forms in owners name

Architectural review discuss standards and what is involved, the appropriateness of the exterior design, the arrangement texture

Planning Board gave good feed back tonight

Mr. Mann should go back to applicant and see what he wants to propose, changes make

them clear

present what is proposed to be changed or how can you get more in line with original approval once properly submitted it can be referred to the County

Chairwoman Franson at this point we can't make a decision, a lot of time went into working with the applicant and coming up with design that everybody thought was attractive and essentially the applicant went and did what they wanted to do. He didn't finish up any of the changes basically just built a ramp and that's not acceptable. Right now I am in support of the original design but it is up to the entire board. Something that is more attractive than what has been done, which is piecemeal, no consistent theme or character or architectural theme. You presented renderings that are ok this is what we did can you approve it and that doesn't work. Go back to your client and see what changes can be made and resubmit them to us if he sticks with the proposal, then as far as the ramp is concerned, we would have to look at the minutes and the record clearly a ramp was shown that didn't look like it had wood decking, certainly didn't have wood rails. Renderings showed a hard surface not a wood surface, it showed metal railings, it showed stone, clearly materials that were not installed.

Mr. Arnott I would like to reiterate your point that the applicant prepared these renderings and that's what the board approved they didn't necessarily suggest any of those materials on the first application.

Chairwoman Franson to Mr. Arnott could you follow up with Mr. Maldonado in regards to a building permit for the ramp

Member Vaccaro there was a large discussion about the base map that was used for the proposed plan and where the actual line of pavement was to circulate around the property and that was supposed to be resolved before going forward and I don't think that ever was, would need to review the minutes.

Mr. Mann there was an encroachment into the roadway, the ramp was redesigned and we got an actual survey from AFR and everything was addressed and that's the way it was approved

Member Manson remember what is proposed here is a medical facility. There are 2 medical offices for 2 practices that are operating out of this building. When I think of a medical office I think clean, professional and this facility is neither of those. Going to a medical facility you want to feel confidence in the facility, this location does not accomplish that. It is an unusually architect building but we have to work within the constraints of that, the original plan that was approved maximized what was there but what was done minimizes it.

Mr. Mann your referring to the existing property, I understand I got enough messages to deliver back to my client

3. New & Returning Projects - D. Niemotko

Action, Discussion: 3.1 **Suris** (0193-2021) SBL # 24-1-68.27 12 Country Court

David Niemotko

12 Country Court 2019/2020 we were before the Planning Board and the ZBA for approval of an accessory apartment, back then the accessory apartment needed to be less than 750 sq feet.

it was confined to first floor, which meant the current owner then needed to make modifications to the existing apartment, at that time it included a staircase up to the second floor which had a bedroom, closet and bathroom

we prepared and submitted architectural plans to show those areas removed and the apartment limited to the first floor

the building department issued a permit based on that. Apparently the work was not done and the house was sold to the Suris family based upon the real estate listing upon seeing the accessory apartment which is needed for her parents.

At some point the Building Inspector was at the residence and issued a warning letter to the family that something needed to be done, but this was about 8 months after the family had moved in.

So here we are again to go through the process and we know we have to go to the ZBA, so we are asking for the board to refer us to the ZBA so that we can continue the process for an accessory apartment approximately 1450 square feet and it would be 2 floors that the existing stairs remain.

Chairwoman Franson we will start with Mr. Arnott and then Ms. Torre before I open it up to the board members

Mr. Arnott

In reviewing the Town Code 57-44 (A)(2)(c) "any accessory apartment which exceeds the maximum habitable floor area of 750 sq ft requirement shall be deemed a two family-dwelling" this is not a permitted use in the zoning code. they will need a use variance

Ms. Torre -

If a use variance is required that is something that the Planning Board can't refer directly to the ZBA there will need to be a denial letter from the Building Inspector.

In the past I have written a letter to the Building Inspector asking for a letter so that you can appeal that and go to the ZBA for the use variance. If that is how the board wants to proceed I can prepare that letter asking Mr. Maldonado to issue a denial or determination.

my additional comments were based on the accessory apartment in regards to code provisions

SEQRA

but if it is not going to be an accessory apartment but a 2 family if it comes back for site plan approval depending on the variance granted

Member McQuade addressed Mr. Niemotko what wasn't constructed before sale of house Mr. Niemotko when I was here for the Gomez family the existing conditions included a kitchen and living area on the 1st floor and a bathroom, closet and bedroom on the 2nd floor. The stairs were separate from the main stairs in the house. We were before the Planning Board and the ZBA to get the approval of an accessory apartment in so doing they would have to eliminate the 2nd floor access to do that the stairs would have to be removed. These things were not done.

Mr. Arnott sorry to interrupt, but in speaking with Mr. Maldonado he said that the removal was done and he confirmed that at the time of the issuance of the CO for the accessory apartment and after the fact they were added back in. They took the internal stairs down and then put them back in

Ms. Torre agrees with what Mr. Arnott was saying.

Chairwoman Franson who did the work?

Mr. Arnott my understanding the prior owner, but Mr. Maldonado hadn't visited the site once the CO was issued

Mr. Niemotko I agree with all that you are saying in a better way to clarify the situation, the new owners have pictures of the listing that showed the conditions with the stairs and the apartment which is how they based their decision on purchasing the house

Member Manson reviewed the project as it was under the Gomez application until the present time. He asked if the current owners still have some of the pictures from the original listing.

Mr. Niemotko said he believes they do

Chairwoman Franson how big is apartment compared to size of house not including the garage

Mr. Niemotko I don't have an exact number the apartment as proposed is approximately 1440 - 1450 sq ft and I believe the overall house has got to be 3000 sq ft

Mr. Arnott according to the tax maps the total house is 3,900 sq ft and the apartment is proposed to be 1475/1450

Chairwoman Franson in reviewing this it is now considered to be a two family not an accessory apartment and they will have to go to the ZBA for a determination whether or not to allow it as an accessory apartment or to grant a variance for a two family dwelling in a single-family neighborhood

Ms. Torre it would be a use variance for a two-family dwelling in a not permitted area

Chairwoman Franson addresses Ms. Torre what are out next steps

Ms. Torre I can write a letter to Mr. Maldonado requesting that he issue a denial or determination letter that way the applicant can appeal to the ZBA

Member Czerwinski is your applicant ready to meet the burden of proof for a use variance

Mr. Niemotko that is something I need to discuss with them

Action, Discussion: 3.2 **Eagle View** (0168-2018) SBL # 18-4-60 & 61 Lakes Road

David Niemotko

Glenn Schaeffer

update on application

brief summary we submitted an application to OCDPW for their approval ultimately we received it. what has changed in the design from the previous design we had to move the driveway 10 ft to the west to increase sight distance, in doing so we had to reconfigure subdivision line to accommodate the lot areas needed for each lot and lot coverage driveway outside each garage are huge they are 28 x 40 which increased the impervious area, the DPW wanted that large area so that the a car could turn around

relocate the houses to accommodate the driveways

site distance 321 ft including grading along the DPW right-of-way to decrease the embankment which would allow an increase in site distance

we are here tonight hoping to wrap up the project

in reviewing Mr. Arnott's comments that I just received some of them are repeats that we already have approval on

we have approval from Moodna for the sewer

sewer comments addressed before believe we have the documentation associated with it sewer easement being 7 feet wide is generous

town approval of the wetlands is something new something to discuss

Chairwoman Franson lets do Mr. Arnott's comments and then Ms. Torre comments at which time a review where we are in the process

Mr. Arnott:

new layout of lots lot 61 faces Walton Terrace proposed to 14,222 sq ft as the net area which is below the required lot area so this would need an area variance as currently proposed subdivision plat needs metes & Bounds for the easement

Mr. Niemotko we requested the metes and bounds for all 3 lots and the sewer easement we haven't received it yet

impervious cover calculation appears to be a little light on the square footage which affects net lot area, needs to be double checked

scenic road notes need to be included

with the forced main Moodna approved, I believe was the old layout, Mr. Niemotko replied that they had reapplied, but as currently proposed all homes would tie into one central force main which will require NYS DEC approval

I previously recommended each home having its own force main which would not require

sewer main extension

pavement restoration detail which would be anticipated for the disturbance to Walton Terrace which is a Town Road. Detail needs to be updated in accordance with the Town Code.

Walton Lake is technically a wetland as defined by the Town Code, permit based on disturbance within the buffer

7 ft wide easement for the sewer I wouldn't suggest if I was designing it could be feasible to build with the 7ft wide as opposed to the 3 ft wide previously designed 3 ft wide easement At a previous meeting Member Manson suggested rain gardens for each of the homes to help with storm water treatment and quantity reduction

Haven't discussed the acceptance by OCDPW on the proposed access drives from Lakes Road

applicant should be aware of the OCDPW letter regarding the sewer, the lot is located outside OCSD # 1 and therefore cannot be approved at this time because the Town is over its current allocation at Harriman

Ms. Torre

SEQRA done in 2019

since then application changed substantially back in approx. August when you submitted the conventional plan, that making the prior application considered withdrawn and this is an amended application we have to go

through SEQRA again. Haven't yet started the process

the board can declare its intent tonight if your going to do a coordinated review we could circulate a notice of intent to the other involved agencies

new plan OCDP GML

OCDPW letter the Planning Board can't approve for outside user, the applicant needs to demonstrate sewer service in order for the project to be approved

scenic buffer notes 57-21.4 (f4)

tree law any area of disturbance in area of driveway where you are removing trees you have to identify those trees code section 57-84

scenic buffer 57-21.4 f

with all subdivisions before approval you have to discuss public improvements and any recreation fees

tonight it is appropriate to classify the action as unlisted under SEQRA declare your notice of intent to be lead agency and then I can circulate notice of intent to other agencies

Chairwoman Franson lets discuss the lot in regards to reconfiguration.

Ms. Torre the one off Walton Terrace

Chairwoman Franson 18-4-61

Mr. Niemotko questioning the amount of impervious area coverage

Ms. Torre there's a provision where maximum coverage is 15 but with proper stormwater quality control based the board can increase that applies in all plans due to the watershed

overlay district

Mr. Arnott Chairwoman Franson is referring to the net lot area for lot 61 is 14,422 and the minimum is 15, 000 so she is suggesting you shift the lot lines to be able to get the additional square footage

Chairwoman Franson with our engineers review it can be increased if you put in rain garden or certain improvements that are going to show beneficial impact to water surface, water quality

Ms. Torre stormwater quality controls will reduce potential water quality impacts to pre-development conditions

Ms. Torre on the coverage of the watershed protection overlay it reads you could increase it up to 35 but the maximum in the SR 15 is 25% so you really have to be under the 25 Member Manson brought up Town Code regarding shared driveways

Mr. Arnott reviewed and it is good

Ms. Torre there will have to be an easement and shared maintenance agreement for that portion of the driveway

Mr. Niemotko does that require separate meets and bounds

Mr. Arnott on private property sometimes they do

Chairwoman Franson we are going to do a notice of intent

Ms. Torre need a motion to classify the action as unlisted and declare your intent to be lead agency and authorize Planning Board Attorney to circulate a notice of intent

Chairwoman Franson wait for revised drawings, whatever water quality drainage demonstration you have to make, get in contact with OC Sewer, Moodna basin and see what can be done,

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to type this action as unlisted action and that the Planning Board circulate a notice of intent so that it can be lead agency for this proposed action

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

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairperson - Bonnie Franson, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

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 at 9:00 PM.

Motion by Pat Shea, second by Jason Czerwinski.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro, Lisa McQuade, Chairperson - Bonnie Franson, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea