

Town of Monroe Planning Board Workshop Meeting MINUTES

— 06/10/2021

Town of Monroe Planning Board Workshop Meeting (Thursday, June 10, 2021)

Generated by Norinne McSweeney

Members present

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

Members Absent:

Lisa McQuade

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 Projects

Action, Discussion: 2.1 **Mountainview Community Shul** (0195-2021) SBL # 43-5-2 277 Mountainview Ave

John Queenan - Lanc & Tully representing
277 Mountain View Dr off 7 Springs Road

underwent site plan approval in 2016/2017 through the Building Department
property is 1.5 acres in size and is located in the SR10 Zone
2016 wanted to construct a Shul located on the map
single family dwelling located in front for Rabbi
in back listed as a one story metal building - that is an existing Shul that was reviewed and
approved through the Town Building Department in 2016 constructed and operational in early
2017
current Shul is approximately 2800 sq ft 1 story building with an access drive on the left side
of the property that passes the house and the Shul and opens up to a parking area with
approximately 54
54 Congregation at that time
property serviced by the Village of Kiryas Joel for water and a sewage disposal system

currently proposing to construct new Shul in the rear of the property approximately 5952 sq. ft. foot print

moving out of old Shul and using that building for storage

expand parking around building

105 congregate for the new Shul, the larger congregation needs more space for the sanctuary they are requiring a Mikvah, a library and some prayer rooms

What we're proposing is that 62 foot by 96 foot footprint in back of access drive around and propose additional parking spaces around on the right and around the back, proposing 35 spaces where code requires 33

site will continue to be serviced with water from Village of Kiryas Joel and there will be a sewer main extension up Mountainview Drive through OCSD#1

we will abandon the on-site septic system as part of the application through the construction of the shul

bulk table meets all requirements except for lot coverage 50% in this zone we are now at 54%

Mr. Arnott comments: (see attached)

the applicant proposes the Place of Worship use at the existing site. The use is a special use and is allowed under Section 57-13 (Q)

Bulk Table appears to be correct for the zone and use proposed.

Maximum allowable lot coverage is noted as 50% which is pursuant to Section 57-12 (Q)(13).

The applicant has identified a lot coverage of 54% and has noted a variance will be required.

Application deemed incomplete and needs to be referred to the Zoning Board of Appeals.

Applicant should submit narrative in response to the thirteen items under Section 57-13 (Q) as project relates to those requirements

application not on a major collector defined by Town's comprehensive plan - may require variance to satisfy 57-12 (Q)(7)

applicant's notes .25 total floor/area ratio is maximum allowable, however the applicant has not provided a floor area ratio

Mr. Queenan mentioned that the septic would be abandoned and a sewer main extension will be needed - that will have to have DEC approval

Question regarding the single story building Mr. Queenan said there was an approval back in 2016/2017, my office has a file from 2015 Shul approximately 9,000 sq.ft. it was a sketch plan, but the application was withdrawn, but there was nothing showing the one-story metal building.

Mr. Queenan response possible an earlier application he is not aware of

Mr. Arnott just curious how this building appeared?

Mr. Queenan apparently back in 2016/2017 the code allowed the building inspector to approve site plans if it was below a certain capacity or square footage

Mr. Arnott okay so this went through the building department, I will confirm with Mr.

Maldonado

Mr. Arnott additional comments:

parking slight revision needed for proposed structure to include one-story metal building
need to discuss with Ms. Torre if a commercial access maintenance agreement needs to be proposed for the 2 separate buildings

topography across the site there is a 38 - 40 feet from the southeast corner to the northwest corner on the site just noting that it is difficult

will need input from Kiryas Joel as the water provider as well as OCSD # 1

EAF notes Historic preservation office as potential interested or involved agency - will need input from them

within 500 ft of Kiryas Joel so a GML referral is required as well as submitting to the Village unlisted action

public hearing required

inaudible at the end

Ms. Torre

purposes of SEQRA it is an unlisted action

owner endorsement not same as name as the county records could just be spelling errors
county records show Moses Schetzel application shows Moshi Shtesl need to correct this
applicant indicates BYN Community Room says its a corporation but it doesn't seem like an actual entity

Entity Disclosure form the signature block wasn't filled out and signed

there is a correction deed in the county clerk's records should be indicated on the plans it's book 14390 page 1989

EAF should identify in addition to the ZBA and the Village of Kiryas Joel, the DEC and Orange County Environmental Facilities and services as involved agencies

Typically with Special Use Permit the board looks for a narrative going through all standards 57-13 (Q) indicating if you comply or seeking a variance

will need to submit architectural details for review

tree plan showing area of disturbance

Member Allegro in this zone does this type of accessory use require that it be attached to the dwelling or part of the dwelling

Mr. Arnott it is not an accessory use it is a Special Use I am not aware of it being required to be attached to the dwelling

Ms. Torre I don't see anything in the Special use standards for that

Chairwoman Franson we definitely need a narrative explaining what is happening in both buildings. Is one remaining a single-family residence for the Rabbi and then there'll be a place of Worship. Like to get some type of floor plans to get a sense of how the space is being used

which goes to the parking requirements. Not sure how many will be walking as it is located in the neighborhood and how many will be driving. Narrative should include how it will operate whether it is day to day, what the hours would be.

Information in regards to emergency access

57-13 (Q) These are the individual standards for Special Uses:

Place of Worship maximum floor area ration that applies to all principal and accessory buildings and structures

development coverage you should be located on a lot with no less than one acre all structures in parking shall be screened from adjacent properties

parking requirements shall be determined based on peak attendance

place of worship shall maintain frontage on a major collector road

all structures shall be in harmony with the surrounding neighborhood and be of similar design aesthetic

no parking or loading shall be permitted between the structure and any street line. Although drop off is allowed

single family detached dwelling owner tenant must reside on the site

structure must comply with New York State Uniform code exceptional waivers to New York State uniform code which Planning Board has no jurisdiction

Planning Board shall have discretion to waive any number of these conditions to extent necessary

Need a discussion as to the waivers for instance lot coverage is specified whether or not we have the ability to waive it versus whether it gets referred to the ZBA

Ms. Torre for this specific section of the code you have the ability to waive, but there is a standard that is involved, they have to show that it would be a substantial burden on the religious practice if this wasn't waived of tht variant is another route, which would be an area variance based on that standard.

Chairwoman Franson so we would have to make a determination whether by not allowing the waiver making sure it isn't placing some burden on the applicant and specifically the place of worship otherwise if that is not the case it can go to the ZBA for the variance.

Ms. Torre the applicant can seek the variance instead of asking for the waiver.

Chairwoman Franson continues with definition:

within a residential zoning district special permit is allowed an additional 20% lot coverage over what is otherwise allowed for the single family detached dwelling without or with central sewer facilities.

Member Manson - on the entity disclosure somebody should be listed in section B somebody has to be the beneficial owner or the controlling owner

Chairwoman Franson would like to get a sense of what the building is going to be like because there is a restriction of 35 feet and 2 1/2 stories

The original metal building will remain and be used for storage like a shed. Needs to be noted on plan what the use is going to be.

need an updated site visit form signed by the actual owner

3. Returning Projects

Action, Discussion: 3.1 **DG Management** (0172-2019) SBL # 1-1-96 Schunnemunk Road

John Queenan - Lanc & Tully

Mr. Queenan we are currently working on finishing up the traffic analysis, we are finishing up the SWPPP, we have an updated landscaping plan that will be submitted next month, we updated the visual cross-section profiles for this submission cleaning up the elevations, cleaning up the grades most likely change again, both wells were drilled one well according to the well driller is very good close to 100 gallons a minute, 2nd well was drilled and they only got halfway down when the machine broke currently at 10-15 gallons per minute they have to go and finish it, this well did hit a water main

We attended ZBA meeting last month they didn't have the resolution from this board regarding the yield count nor did they have the letter that this board prepared. They were questioning the length of the cul-de-sac, why they wouldn't have to grant a variance for that. Just to inform you we will send them the resolution and the letter that was drafted for them from this board to be before them again next month.

Ms. McSweeney the Chairman of the ZBA or the Attorney drafted a letter to Ms. Torre questioning the cul-de-sac and a waiver.

Ms. Torre the ZBA is asking for clarification on the maximum yield resolution and the waiver for the cul-de-sac length listed under the subdivision regulations A65-29. IF the board is acceptable I can respond to the inquire explaining what had happened that the waiver was granted and the highway superintendent was consulted before the board made its decision to ultimately grant that waiver. I can send that and include again a copy of the resolution for the maximum yield.

Mr. Arnott they also raised the diameter of the cul-de-sac, which is over the required diameter Ms. Torre that can be added into letter as well

Member Manson read into the record the description of A65-29 "the planning board may in appropriate cases waive any of the foregoing requirements not otherwise required by law." Par 65.-27 list all the requirements that are foregoing and the cul-de-sac length is one of those.

decision among board members, consultants and applicant regarding cul-de-sac and the letter written to the ZBA on behalf of the Planning Board

Member Vaccaro even though the Planning Board has the authority to grant the waiver is there a basis or reasons for consideration why that waiver should be granted and did we go through that process accordingly.

Mr. Arnott stated that Mr. Edsall had meet with Mr. Scherne, Highway Superintendent to discuss this and Mr. Scherne wrote a letter that he had no objection.

Member Vaccaro we discussed this, but I think a basis for the granting of a waiver should be based on a hardship on the part of the applicant.

Ms. Torre reviewed in the maximum yield resolution it was discussed the developmental constraints with the property, the topography and the areas that are developable was considered as well as the highway superintendents input.

Mr. Queenan this issue was discussed at great lengths over a 6 month period. I provided multiple layouts showing varying ways of accessing the property and this is how we arrived at the plan we have, we went through the process of showing why that waiver was warranted with several iterations of planetary.

Chairwoman Franson reviewed the resolution where the board granted the waiver for the cul-de-sac.

Member Vaccaro can the ZBA overturn our decision.

Ms. Torre the ZBA is the body that is charged with interpreting the zoning law, but they don't interpret the subdivision regulations that's a different part of the Town code. If the board wants I would ask for a motion to authorize me to draft a letter to the ZBA explaining the maximum cul-de-sac length was waived and giving a copy of the resolution explaining how it relates to the cluster subdivision review and clarifying that the diameter of the cul-de-sac is more than the required minimum.

Chairwoman Franson makes a motion to have the planning board attorney draft a letter to the zoning board of appeals that would explain the cul-de-sac waiver, may I have a second Member Manson,

Member Vaccaro does that require a motion can't we just poll the board

Ms. Torre a motion makes it clear for the record that the board authorized me to write the letter.

Chairwoman Franson can we review the letter prior to it going to the ZBA on Tuesday.

Chairwoman Franson I withdraw my motion until review on Tuesday.

Mr. Arnott comments: (see attached)

couple of bulk table revisions necessary

minor thing about the drainage collection

and the SWPP has to be prepared

Town Board passed a resolution in regards to street lights on June 7th need to see resolution to see if pertains to applicant

Member Manson was at meeting and summarized streetlights at intersections, end of cul-de-sac and beyond that only where highway supervisor or building inspector deemed

necessary

Mr. Queenan one more item in regards to sidewalks does the board wish to see them or good without

Ms. Torre under public improvement they fall under either required or permissible which make is required or discretionary and if required could be waived. A65-25.1 sidewalks are mandatory unless waived

Chairwoman Franson more information as regarding how the Village is handling the sidewalks on the connecting site

Ms. Torre nothing new we discussed at a previous meeting the open space at lot one has to be held by either a homeowners association or one or more private landowners, but the conservation easement needs to be held by the town of someone else acceptable to the town. In the future for you to reach out to the town and see how they want to handle it. Nothing back from the OCDP so something else we are waiting on.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to authorize Ms. Torre to draft a letter to the ZBA explaining the maximum cul-de-sac length was waived and provide a copy of the resolution explaining how that relates to the cluster subdivision review.

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

Final Resolution: Motion Fails

Yea: Anthony Vaccaro

Not Present at Vote: Chairperson - Bonnie Franson, Jason Czerwinski, Jeff Manson, John Allegro, Pat Shea

Action, Discussion: 3.2 **Orange County West** (0192-2021) SBL # 4-1-1 thru 4-1-11, 40201 thru 4-2-7, 4-3-4 thru 4-3-6, 4-4-1 thru 4-4-3 Palmer & Spring

Pat Brady - Engineer

Brian Gibson - Attorney for applicant

13 existing tax lots proposing combine into 2 building lots
project is served by private roads, Palmer Drive
asked to show proposed houses and driveways
property serviced by sewer and individual wells
need a 280-A Variance for non frontage on a public road
on lot 2 we deducted for steep slopes (shaded)
can meet the minimum area requirement but makes for an awkwardly shaped lot, defer to the board for their opinion, as I am going to the ZBA if necessary I can also get an area variance

Mr. Arnott Comments (see attached)

corrections noted for bulk table and zone

will need 280-A variance for each of the lots as well as net lot area variance

confirm lot line within center of Palmer Ave is within the center of said right-of-way

confirm the southwestern boundary line between proposed lots

Lot 1 indicates a 35 foot side yard along Palmer Ave right-of-way, should be 50 foot front yard.

Lot 2 indicated 60ft rear yard setback from dividing line for lot 1 and 2, possible side yard setback

both lots propose parking in the front yard, section 58-39(C) prohibits parking in the front yard

proposed line types for overhead wire, gas and sanitary very similar hard to discern

proposed sewer connections should be indicated on plans

lot 2 indicates existing well to remain need note indicating if it will service lot 2

"adjacent building" is labeled on o4-3-3 total footprint is not indicated

Mr. Brady if you look up Section 57-3 the applicant and the board can specify which would be the front yard

Ms. Torre you are correct as far as setting the front yard but there is a provision 57-39(B) that says when you have frontage on 2 streets or you a corner lot you still have to meet the front yard setback for that side yard

open discussion on options to correct the front yard parking without a variance. Moving the house within the footprint still have the turnaround and be in compliance

Ms. Torre:

revision dates need to be added to the plans

bulk table what providing show numbers

comments on notes - will send suggested language

tree plan for area of disturbance 57-84

standard subdivision notes

house relocation notes

unlisted action for SEQRA

Member Vaccaro in regards to the paper streets and the parcels they're filed with the county is there any administrative process to clean all that up

Ms. Torre so that is what I had mentioned earlier with the map notes and what the map is going to say is that these paper streets, currently held privately, the map is going to be merging the various lots and merging and abandoning these paper streets that are shown on file so that will be in the county records.

requested copies of deeds

Discussed maintenance agreement in regards to the private roads

Chairwoman Franson
declared this as an unlisted action
will do uncoordinated review
come back again finalize and refer to the ZBA

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion determine this proposed action as an unlisted action and will conduct uncoordinated review for the project.

Motion by Chairperson - Bonnie Franson, second by Jason Czerwinski.

Final Resolution: Motion Carries

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

4. Minutes

Action, Discussion: 4.1 March 11, 2021 Minutes
held over

Action, Discussion: 4.2 March 16, 2021 Minutes
held over

5. Adjournment

Action, Discussion: 5.1 Adjourn Meeting

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby adjourns at 9:15 pm.

Motion by Anthony Vaccaro, second by Pat Shea.

Final Resolution: Motion Carries

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

Absent: Lisa McQuade