

Town of Monroe Planning Board Workshop Meeting MINUTES

— 06/13/2024

Town of Monroe Planning Board Workshop Meeting (Thursday, June 13, 2024)

Generated by Norinne McSweeney

Draft

Members present:

Jeff Manson, Dylan Penn, Robert Garstak

Members Absent:

Bonnie Franson, Pat Shea, Lou Riveria

Board 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 **I. Bito** (0226-2024) SBL # 22-2-1.2 122 Ludlam St, Monroe, NY

Applicant Representative:

Ilonia Bito owner

Robert Kocik Designer

Mr. Kocik -

- the application is for an accessory apartment 335 square feet to be built into the existing single family residence which is 2077 Square ft so it's basically 16% of the floor plan .that's the nature of the application special special use in order to be able to use.

Deputy Chairman Manson - can you give us an idea of what you're thinking to use in the accessory apartment for?

Ms. Bito - the purpose is for guests so that we have privacy. We'll live in one part of the house and have the other part for guests, potentially for a little extra income to support the ongoing maintenance of the house.

Mr. Arnott comments:

- as everyone knows accessory apartments are permitted in all residential districts although a site plan and special use permit are required to get through the Planning Board for the use.
- I did step through all the requirements and the Zoning for the special use permit. I won't go through all of them but there's a couple highlights the first one is that the accessory apartment size has to be at least 450 Square feet 335 is proposed. I didn't know if the applicant wanted to increase the size somehow by maybe moving some interior walls or if they would like to go through a variance process through the ZBA to modify the minimum size. You don't have to answer this evening but I just wanted to raise that point.
- additionally the applicant has to prove that the single family dwelling has been in existence for at least 10 years I think a Building Department record or C/O for that can be provided for proof.
- a couple notes that I asked for on the plans one of the big things in the zoning is to make sure that the footprint and essentially size of the existing dwelling is not being modified with the exception of an exterior door being added. Mr. Kocik - we're not even adding the door it's really already there.
- the deck and stairs that are shown they're already there as well. Mr. Kocik they're already there as well.
- if you could confirm that there's no site modifications being proposed. Mr. Kocik - none
- the only other large item that I had was the septic and well usage
- we will need a certification or that the code requires a certification by a PE be provided as to whether the septic can handle the bedroom if it's proposed.
- but I wanted to ask you there an additional bedroom being proposed or is bedroom that's being purposed to the apartment

Mr. Kocik - the bedroom is already there as a bedroom and the septic tank is a thousand gallon. There is a proper installation and report for that at the time of the installation.

Mr. Arnott - so do you have from the Building Department records whether or not you have an as built of the septic system.

Mr. Kocik - we got that from the building department. It's the last page in the application I attached what we got from the Building Department.

Mr. Arnott - so that's something we can discuss as the board. The way septic system and well sizing is done is by bedroom count there's no change in bedroom count so in my opinion I don't even know if a letter is necessary to be provided because there's no change.

Unfortunately, the attorney was noting that she doesn't think that can be waved that provision, you'll need a letter from a PE certifying that there is no additional septic modification.

Deputy Chairman Manson - it was mentioned that the house needs to be in existence at least 10 years on the tax record it's showing that the actual year built was 1934. Do you know that to be accurate?

Ms. Bito - that's what we know from when we bought it just two years ago.

Deputy Chairman Manson - is there something particular we would need to demonstrate that the house is over 10 years or would this filing from the tax record suffice showing that it was built in 1934.

Ms. Torre - the code says a CO or adequate proof. I don't recall if that record gives a date as far as when I think it was constructed because I think there likely isn't a CEO because it was constructed so long ago. So I do think that would likely suffice to satisfy that criteria.

Ms. Torre Comments:

- the floor plan needs to be by a registered architect or PE -
- the code also requires voting records or competent evidence that would be sufficient to establish domicile for purposes of voting so either a license or government issued ID or if it's not going to be voting record something like a utility bill in your name that kind of thing that would suffice to register to vote
- the code does require two parking spaces per unit with a backup or turnaround area so that cars which park in the spaces are not required to back out onto the street. I would just ask Mr. Arnott to review that parking and confirm that's adequate.
- the application also requires an owner's affidavit testing that you'll abide by certain standards.
- complete a revised affidavit that the secretary will provide to you.
- the house has to be owner occupied. Noticed you provided a certificate of insurance that indicated it was a short-term rental unit so I don't know if that was an older thing.

Ms. Bito - that was proof that we have home insurance and we increased our liability so that we would be covered for potential rental. When we started the application for the short-term rental permit and talking with our designer and planning we decided the house needed more work before we could go forward. I was including what I have my husband's name on a utility bill.

Ms. Torre - it is owner occupied it's not going to be used as a short-term rental?

Ms. Bito - it's currently owner occupied. We're going to live in the main part of the house and rent just part of it.

Ms. Torre - you will need something to demonstrate the domicile if it's you or your husband if you're both the owner, if you have something that's in one of your names or voting records to show that.

Mr. Kocik - the owner is just wondering about when you would need those kinds of documents, proof of primary occupancy residents?

Ms. Torre- it would be needed before you'd be able to get a final approval. Typically the board would want to see those before they issue an approval. If it's something that potentially could be a condition we'd have to think about, but it would be something because that's a one of the the bigger requirements the owner occupancy.

- as far as SEQRA goes it would be a type two action and it does not require referral to the Orange County Planning. It doesn't appear to be within 500 ft of a municipal boundary or any other trigger.

- again due to this Square footage requirement that's not being met the applicant will need to either increase the square footage or seek an area variance.

Mr. Kocik - I'm bringing this up whether that's obligatory only because of the kind of the lay of the apartment. All we're adding to make this accessory apartment is one three and a half foot wall and to change that by adding more square footage would kind of cut into primary space, like the kitchen, space hallway space.

Ms. Torre - you would need to go to the Zoning Board of Appeals that's a separate board from this one. You would need to get an area variance in order to reduce the minimum habitable space requirement and you would need to do that before you could get approval from this board.

Ms. Torre - for this evening some action items you could take would be to classify the application as type two under SEQRA and if you wanted to refer the applicant to the ZBA for that variance if that's what they still an option for them to change the floor plan as well. decision you're gonna need to make

Deputy Chairman Manson - I'm not sure if I'm remembering right, but I see there's a door from the accessory apartment to the main dwelling, is that permitted under the code? I just I feel like that came up in the past within accessory apartment, but it's been a while since we've done one. I can understand why, if you're using it as space for guests in particular where that would make sense to have a a door to do that. Ms. Torre - I don't believe there's a restriction on that, but it does require separate entrance to serve the accessory apartment and also the structure can only have one front entrance and only one entrance from any other facade.

Member Garstak - I'm just not clear are you planning on having this separate apartment eventually as a short term rental?

Ms. Bito - we're kind of taking things step by step. We've a three-year-old daughter it would be easier to just have one person in there at this point. We've looked into the requirements for short-term rental and that would be in the future. Guest will be staying there could be my parents or my husbands parents, like an in-law sweet is what you call it.

Mr. Kocik - I kept the door on the plan that exists into the primary space to give them as many options as possible for flow.

Ms. Torre - are there just two exterior entrances or are there three? I thought I saw one by the laundry room as well.

Mr. Kocik - that's to the primary space the laundry room entrance and then there's one the main entrance it's on the South Side it might appear as the back that's the primary entrance,

then the only other one is the one that's going to be used for the accessory space.

Ms. Torre - the code does say that the structure shall have, meaning the dwelling, shall only have one front entrance one primary entrance and only one entrance from any other facade of the structure. So it does appear to limit you to two entrances.

Mr. Kocik - the way I understand that is a second entrance is permissible.

Deputy Chairman Manson - are you suggesting that in order for them to be able to add the separate entry for the accessory apartment they'd have to eliminate the entrance for the laundry room?

Mr. Arnott - the way I read it, it would limit the number of entrances to the apartment it's not limiting the entrances to the primary space.

Deputy Chairman Manson - it sounds like our biggest issues is that we're not meeting the minimum requirements and it's going to need a variance if you're not going to change the plans.

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to classify this as a type II action for the purposes of SEQRA.

Motion by Jeff Manson, second by Dylan Penn.

Final Resolution: Motion Carries

Yea: Jeff Manson, Dylan Penn, Robert Garstak

Not Present at Vote: Nicholas Napoli

BE IT RESOLVED, that the Planning Board of the Town of Monroe hereby makes a motion to refer the applicant to the ZBA for a area variance.

Motion by Robert Garstak, second by Jeff Manson.

Final Resolution: Motion Carries

Yea: Jeff Manson, Dylan Penn, Robert Garstak

Not Present at Vote: Nicholas Napoli

Action, Discussion: 2.2 **Home Depot** (0227-2024) SBL# 2-1-31.2 254 Larkin Drive, Monroe, NY

Applicant Representative:

Dorin Balan Kimley & Horn

Mr. Balan -

- proposing to stripe off outdoor storage areas within the Home Depot and the store perimeter
- this is in response to violations received by the Building Inspector that need to be addressed
- these improvements will create a loss a total number of 26 parking spaces

Deputy Chairman Manson -

- what type of items are going to be located in these areas?

Mr. Balan - it will vary it's all merchandise for sale currently within the parking lot and the front of the store. Example lawnmowers, barbecues, plants, and there will also be a Penske truck rental area.

Deputy Chairman Manson - is this going to be for seasonal use or permanent?

Mr. Balan - permanent.

Mr. Arnott -

- this appearance is coming from a series of notice violations for storage items within the stripe fire lane. It is important that the plans get referred to the Building inspector and the jurisdictional fire department or review and comment

- portion of modification are going to be made within the Village of Woodbury, line runs through the parking lot, make application for site plan modification as well to the Village of Woodbury

- no proposed fenced in areas

- water easement - portion of storage area is located on the easement - reach out to the owner of the easement to ensure that they are okay - written approval - storage area J

- applicant notes that they will require variance for parking - what is provided is less than required by Zoning Code - and they are decreasing the number of parking stalls - the board can refer them to the ZBA

- applicant noted the number of ADA stalls is deficient from what is required - not aware of a means to obtaining a variance for that - recommend the applicant propose striping modifications to meet the minimum ADA space requirements. Should be done prior to going to the ZBA may impact number of parking spaces that is being sought with the application.

Deputy Chairman Manson - how many ADA spaces are they deficient?

Mr. Arnott - they are deficient 6 20 are required and 14 are existing.

Mr. Balan - there are 14 existing, 19 required, 5 short
need a loading stall for ADA

Member Penn - as the parking spots reduce does that do anything to change the deficiency level?

Mr. Arnott - it could increase because they're going to need the loading stall adjacent to the number of parking stalls. it could increase the variance that's required.

Mr. Balan - one thing we were curious about is, typically we find with these commercial big box retailers and shopping centers that the parking calculations are based on the shopping center as a whole, we did them based on just the Home Depot parcel which is why it's extremely under parked. Is there any chance that we could look at the calculations from The Commons as a whole to see if we can maybe avoid going in for a variance.

Mr. Arnott - I noted that in my comments as whether or not a cross parking easement exists

for all the parcels and I defer to council, but if that exists I think that could be looked at.

Deputy Chairman Manson - my question in relation to that is do we have any authority under the code to look at the number of parking spaces without going to the ZBA, whereas only the ZBA have that jurisdiction?

Ms. Torre - parking is a little complicated there is I believe a cross parking easement. You may recall we had a few applications not too long ago one being Target with their outdoor storage containers and another being the end space for for another building up by Target that became the restaurant space. At that time the applicants had to show that there was sufficient parking elsewhere under you know the whole allotted parking under the original site plan approval so I think a similar type analysis would be appropriate or necessary in order to find that a variance wouldn't be required and that would have to take into account those prior analyses as well. So say Target already eliminated some of their spaces so that now has reduced the overall count that was originally part of the site plan. It might be a little complex to go through and make sure that the applicant has all of those records to be able to determine whether there's any or sufficient available parking after removing what's already been removed. I think Walmart was another one with their online pickup had eliminated some.

Deputy Chairman Manson - so that's an issue for the applicant. Inaudible - BJ's making some spaces green space in order to provide more paved area for the site across the Ring Road.

Ms. Torre - I believe they also did an analysis at that time.

Mr. Arnott - I think specific to BJ's. I think Home Depot could look at it with Walmart.

Deputy Chairman Manson - right because parking spaces are being added on the far side of the ring road and I think it was an equivalent number that were being subtracted over by the tire bank. So that wouldn't necessarily negatively impact this in the overall scheme of parking calculations if we were able to look at it that way is what you're saying.

Mr. Arnott - on Cross easement yes.

Ms. Torre - I'm not sure who that was party to that.

Deputy Chairman Manson - I'm a little curious too, so we have a deficiency of ADA spaces do we have any idea how that occurred in the first place? (inaudible) Okay I didn't know if it was an issue that when the building was originally approved.

Ms. Torre - perhaps it was a different requirement at the time.

Deputy Chairman Manson -that's what I'm wondering if the requirement was different when Home Depot was originally approved but now that we're going and we're changing the site plan it has to meet the current code.

Mr. Arnott - just because I'm unaware of a way to vary the number of required spaces.

Ms. Torre comments:

- the outdoor areas are there any structures the goods are going to be stored in?

Mr. Balan - it would just be the parking striping in the lot at the moment there's no actual construction being proposed

Ms. Torre - I know Mr. Arnott had touched on the need for approval from the Village of

Woodberry if you could clearly mark the Village of Woodberry boundary on the plans too so we could see what portion is in the Town and what's in the Village.

Mr. Balan - question if the area B that butts onto the Village boundary were to be modified or shrunk so that it's no longer within that boundary could the need of having to apply to the Village be waved?

Ms. Torre - if there's nothing happening in the Village then you wouldn't need approval from them it'll still have a public hearing it'll get referred to the village and you certainly can refer to the Village out of ordinary course where's the for the applicant to not have to go to two boards.

Ms. Torre continues:

- under SEQRA it would be an unlisted action
- the amount of outdoor storage spaces it exceeds 4,000 square feet so essentially expanding a commercial facility by more than 4,000 square ft even though there's no construction proposed.
- it would require referral to the Orange County Planning Department because it is right on the boundary of the Village
- the public hearing is discretionary

Member Penn - I just want clarification as to what spots the Penske Operation would take specifically on the drawing.

Mr. Balan - that would be area A.

Deputy Chairman Manson - for our benefit area A is located where?

Mr. Balan - kind of almost dead center in the lot it's the third row of parking stalls from plan South

Mr. Arnott - in front of the garden center the smaller portion

Member Penn - do we have purview to suggest an alternate location I mean on a consumer basis

Deputy Chairman Manson - we can certainly make any suggestions that we want to make.

One thing that I noticed when I was over there yesterday was in what I believe is the northeast corner of the lot again

closer to closest to the inner Ring Road here's four or five pieces of heavy equipment park there right now, back hoes that kind of thing, and what I was wondering is there a project going on over there and Home Depot has allowed them temporarily to park that equipment there, are those pieces of heavy equipment that Home Depot rents out in which case they're there on a regular basis, or are they allowing another like a construction company to park their equipment on that part of the lot. One way or the other if those vehicles are there on a somewhat permanent basis it affects the parking calculation in my mind because those aren't spaces that are usable. First of all it depends on what's really going on with that equipment and so is that a permitted use number one and number two is that going to affect the overall space count as well because that should be part of our referral to the ZBA. If you can find out some more information about that for next time.

Mr. Balan - Home Depot does rent out large format equipment I can't say for sure if those four

specific vehicles are their property or someone else's, but I will look into that.

Ms. Torre - if it is something that they do on a regularly basis, and if it's in the town that should be then proposed you know the area where those are going to be stored. If it's not already on the on the list there

Mr. Arnott - I think we should wait to refer it though to both the ZBA and the Fire District just until you get us a revised plan. If you're looking to eliminate the portion within the Village and if you're looking to modify some striping to propose where the equipment storage would be should the equipment be utilized by Home Depot. so just just so

Member Penn - just so I am clear we're looking to mitigate the notice of violations of items being stored in a fire lane or fire boundary in addition to adding storage area that is currently parking correct because we have to place what's being stored and we're adding the Penske operation.

3. Returning Projects

Action, Discussion: 3.1 Superior Packing (0201-2022) SBL# 1-1-24.1 2 Bailey Farm Road
Monroe, NY

Applicant Representatives:

Larry Torro - Civil Engineering

Tom Baird - Barton & Loguidice

Deputy Chairman Manson - it has been awhile since we've seen this application. Why don't you go over where we are at this point. Since the Village of Harriman is the lead agency I am assuming you have been working with them to get to this point.

Mr. Torro -

- we have been working on the wetland situation on the site and the buffer
- we did a delineation, the Town Consultants have come out and verified it.
- there are some slight modifications and we have been adjusting the plans accordingly
- we are looking to work with some type of variable buffer. Before we get into specifics details of the plans we want to try and nail down the footprint of the building, the road etc.
- we haven't been to the Village of Harriman on this issue as it is a Town of Monroe issue as far as the wetlands go.

Mr. Baird -

- we have been working back and forth with Dave Tompkins and John Greaves from CHA
- there was a review and then our wetland consultant meet with, Mr. Tompkins and Mr. Greaves, on site for a third review and they came to an agreement some of the areas that got extended slightly closet to the proposed building and what we had proposed originally to your consultants was to do a mitigation for any wetlands that may have been withing the 100 foot buffer area

mitigation within 100 foot buffer. With our experience we determined it would be a shame to damage good wetlands to get to make other wetlands, so at the suggestions there's a number of isolated areas that aren't wetlands on the site but they could become wetlands naturally through a forested system, but it wasn't prudent to get into those areas and destroy wetlands just to create more wetlands considering there is only a small area that are really within the 100 foot buffer. They are high quality forested wetlands but they are not a pond they are not water anything like that it's habitat and appearances. There was a conversation with the CHA consultants, Mr. Arnott and our team they would be ok with a variable buffer with the minimal areas that we really do have approaching past the buffer area. What we mean by a variable buffer most of the half of the site will be outside of the 100 foot buffer and the buffer would go down to at a minimum of about 35 feet and a very small area about 50 feet. So in the spirit of preserving wetlands and definitely the natural habitat and all that we came to the conclusion that it wouldn't be a detriment for those isolated areas being that close especially that any kind of storm water runoff from this will be treated multiple times and infiltrated and not actually get into any of that Wetland area. So we have multiple ways that we can achieve that and once we nail down this wetland buffer and all that we'll proceed with those submissions on how that would be accomplished.

- We've massaged the building our client was looking for a little bit more expansion, but understands that in the spirit of doing the best we can with the wetland that building will be a little bit smaller. We've extended a little bit larger in the Harriman section, but we've also modified the parking so it's more efficient so we can cut down on the pavement as well. We also are relocating the entrance on to Bailey Farm Road in the best possible way it can be located if we go any more to would be the west away from the site the grades get to where it's not really feasible to do that and the grades for the trucks too as well so we've really finessed the parking. We're going to extend a little bit of retaining walls just to make it work and have areas around the building to have access that's pretty much it.

Mr. Arnott comments:

- so I just concentrated my review on the wetland impacts and making sure this plan could actually be built so that the buffer can be locked in.
- I did refer the application to Dave Tompkins of CHA Consulting for review and his input on the revised plan
- in regards to the plans - there is no grading on this plan so I ask that it be added to ensure the board is aware of how wide the buffer is.
- the grading obviously would not be within the buffer
- regards to stormwater the application requires a SWPPP
- there's no storm water facilities shown nor have they been checked so that could impact the buffer
- with regards to truck access - there may be enough room for the trucks to get into the Loading Docks, but if you look to the south of the building I'm not sure if the trucks can make

the turn out to come back towards the highway. I thought the intent of all the circular counterclockwise around the building so I just ask that the applicant look at those spaces to the south.

Mr. Baird - we definitely will the the turning template show they can make it. It is a difficult turn, but we have there's a lot of room to make movability. We didn't focus on that exact circulation path just because the wetlands is really driving the design.

Mr. Arnott - my concern is if the maneuverability has to or the pavement has to change it could impact the wetland buffer.

Mr. Baird - we have all that parking is in the Village of Harriman section for the trucks down there so without that 100 foot requirement there we can move any closer.

Mr. Arnott - but as you impact the pavement, you impact the storm water which I assume will go in the pocket which then could impact the buffer as well.

Mr. Baird - we're actually looking at infiltration and under temporary storage underneath the pavement um I've the national expert on porous asphalt there's three or four different ways that we can achieve this without any water getting out of the site. All of that will be very detailed and provided to you once we can move forward with this footprint close or at least close to it.

Mr. Arnott - Ms. Torre and I had met with the the Village and their consultants back in June of 2022 and the applicant asked us to kind of divide what each board would be looking at. As you know, the Village of Harriman is the lead agency but, they're going to be looking at traffic, water, lighting, noise and storm water and then the town would be looking at storm water, landscaping, wetlands and lighting. As you can see the storm waters is on both and that's because both municipalities are what's known as MS4 municipalities. So both municipalities have to sign off on the storm water review before construction can start.

Member Penn - because this is kind of my realm it I understand the impact because it's their water supply verse, but the picture as a whole should at least be reviewed. We may not be the yes or no.

Mr. Arnott - I think it was more for the the consultants to review not so much the boards.

Member Penn - I think it's like an expedition thing from the applicant but I definitely would want to see the whole picture of the project. One question I have is I see about 10 docks currently at the facility, typically how many trailers are stored not in those docks?

Mr. Torro - there is space opposite the loading docks for the trailers that are inactive.

Deputy Chairman Manson - currently it's five docks and 15 trailer spaces in existence.

Ms. Torre comments:

- as far as the wetland buffer goes you know it's a 100 foot buffer typically in your code there is ability to vary that based on specific conditions relating to topography, slopes, soils Etc. So it's not clear to me whether the applicant's asking to waiver that or vary that buffer reduce it

based on site specific conditions or if you're instead seeking a wetlands permit to disturb the areas of the buffer in this varied fashion as you're showing. I think it's likely the latter.

Mr. Baird - we are looking for the waiver of the 100 foot buffer or to reduce the 100 feet to a variable buffer where we have some areas where're 200 ft away, but in very isolated locations we're down to 35 - 40 ft the variance allowed us to do that is what we're looking for.

Ms. Torre - not of the wetlands but a wetlands permit would be required to disturb the buffer area. If you're going to be disturbing 20 feet into the the buffer. I don't know whether this has been discussed with Dave Tompkins our Wetlands Consultant as far as which path.

Mr. Arnott - this was Mr. Tompkins suggestion to modify the width of the buffer under that provision.

Ms. Torre - some outstanding things I have from our last meeting is that your project opening forms, site visit consent your, GML disclosure those documents identify the Village of Harriman parcel, but not the Town of Monroe parcel so those should be updated.

- there's also parking in the front yard setback and that's not allowed under the code so either a variance would be required or you would have to modify the the parking to the area that's in front of the existing building

- board does have Architectural Review Authority so when you get to that point the wtland issue but just a reminder you'll need to submit all the architectural details

- tree plan required

Member Penn - you mentioned possibility of subsurface retention or alternatives. Does that mean the facility expansion is following lead certification or possibly obtaining lead certification?

Mr. Baird - it's not out of the question we just don't have enough information on it yet that's a really big part of it but we'll definitely talk about it with our client. We do have lead certified people on staff at our company so we could we could pursue that.

Deputy Chairman Manson - in reviewing the plans my biggest question is I understand that the proposed expansion is to bring storage on site so that they're not trucking things back and forth from one spot to the other and that essentially it's warehouse space not production space however from what I read typical shift is around a 100 workers and the building is being expanded almost twice the size and we're more than doubling the number of loading docks and we're expecting to add about 10% to the number of employees. I'm just not sure that I understand 10 additional employees servicing that number of loading docks frankly having worked in a couple of warehouse situations myself including being a picker at Wake Fern and that goes to the parking calculation I get that it's two spaces required for every three workers if I remember correctly so there's more spaces provided than what the expected headcount will be for employees. My question is that employee count really realistic because that's what goes into do we need all these spaces number one or is it sufficient spaces. I'd like to get

some information from the applicant on why 10 employees will suffice for the unloading of trucks for the warehousing of all of the merchandise that is being packed into this additional expansion area obviously not having seen the interior architectural will the back wall of the existing space be completely blown out will this be all one open area or will it pass through from one area to the other is it a separate space that's being added with access from one point to the other or are we literally in increasing the entire floor space and it's going to be open all the way which of course would allow for more flexibility and how things are laid out and that sort of stuff.

Mr. Torro - we could verify that with the applicant but my initial first guess would be that they would have certain areas where they have pass through doors instead of taking the whole wall out.

Mr. Baird - if I could comment on the employees possibly what we were told by our applicant is that a lot of these employees already exist and they are at different facilities and moving in trucks and moving things around those employees would then become permanently stationed at the site here so they're already existing employees and the additional employees help cover the overlap and the shifts the

extra spaces are for when someone arrives early and someone's leaving late the overlap. There's definitely many more spaces here than required by about 40.

Mr. Arnott - I could just ask those employees are included in the in the 100 plus or minus that exist is that correct.

Mr. Torro - yes

Member Penn - is it open bay warehouse expansion or is there a warehouse automation planned?

Mr. Baird - they didn't mention anything about automation it's all what we've been told and what we understand now is just packing and they'll move things in off the docks and then stockpile and have it

available. A lot of the spaces here too will be trucks that may sit for weeks and in a space so they're neatly arranged and they look uniform so instead of you know they're out there on the grass right now a lot of them so in a few cases so that's also the the docks the reason for the number of additional docks as well a lot less Trucking will be going on being able to just come to one place instead of multiple locations that they have so you know we think from the traffic standpoint it could very well help in other areas that aren't exactly on this location other parts of the town and Village as well so we'll have all of that analysis done when we move forward with kind of the layout and the circulation we have all the existing counts we've gotten data from dot our friends at AKRF had done a adaptive traffic signal control on the whole area we have all that data but we'll put that in the traffic report which will be very detailed to let you know everything.

Deputy Chairman Manson - I understand that's going to fall mostly under the Village of Harriman's purview I think for our purposes we'd want to have an understanding of what the existing condition is now with the number of trucks in and out of the site and what it's expected to be right because there's going to be a reduction of certain kind of traffic and an increase of

other type of traffic.

Mr. Baird - Yes. One of the parking area that you see in the new area too is critical because a number of their employees come via van and the pickup and drop off area is important and there's that overlap too so we do have a lot of maneuverability for the vans and then also for Emergency Equipment to get in there if there are still vans there. So that arrangement is kind of set up that way to help with the pick up and drop off with the vans.

Deputy Chairman Manson- obviously that's variable depending on who the employees are at any given time but have any idea what percentage of the employees come by van.

Mr. Baird - I don't want to speculate but it was very important to them to have that area and quite a few do so it's not a random van here or there it seems to be a number of them. We can get that information for you though definitely. It would be definitely in the traffic study report all that will be in there as it's an important element of it for sure.

Deputy Chairman Manson - what other the questions do you have for us at this point so we can help you move this forward.

Mr. Baird - we we'd like to get some some type of direction on the potential of having this variable wetland buffer and that way we can proceed with more of the detailed engineering to get a lot of these questions answered. Then submit for review as we move forward a little hesitant they're you know concern that the 100 foot is here and we don't really have too much of a building if we can't get some kind of give and take on this.

Deputy Chairman Manson - I'd like some information from our consultant Mr. Tompkins on what the impact would be of making that decision and to do a variable buffer. I think that there's something to be said about having an intelligently designed layout of your site plan and being as efficient and effective as possible and I think that there's some nice changes here in what we're seeing. I get that you know at points we're 200 feet away and we have a buffer that doesn't necessarily mitigate the areas where it's 35 - 40 feet. I think getting a better understanding of that from our wetlands consultant would help us make that decision so if we can get that kind of information from Mr. Tompkins I think then we can have a a more intelligent discussion and not only that kind of make a decision on that so that you really have a direction to go forward with.

Mr. Arnott - again the variable buffer was Mr. Tompkins suggestion for this.

Deputy Chairman Manson- I'm not necessarily thinking that Mr. Tompkins would come back at this point and say don't do this but I want to know what the rationale is. I think that's where my issue is does that make sense gentlemen.

Member Penn - I am going back to the lead certification because part of that process is management of waste and storm water runoffs so I just want to confirm that's kind of more of the methodology of design to obtain that type of certification so we'd want to see if that's aligned kind of checking the box one A and see if we can go on the same path.

Mr. Torro - procedurally is it you'll coordinate with Mr. Tompkins and then get back to us so

that we can come to another meeting once you coordinate with him. How do you want to handle that?

Mr. Arnott - with board's okay I can forward on Mr. Tompkins comments to the applicant once received.

Deputy Chairman Manson - that is okay. Then we can discuss those at next month. I think we can barring anything else let you know what direction we're heading with that.

Action Discussion: 3.2 **Eagle View** (0168-2018) SBL # 18-4-60 & 61 402 Lakes Road Monroe NY

Applicant Representative:

David Niemotko - Niemotko Architect P.C.

Mr. Niemotko -

- our understanding there was an interpretation approved that would allow septic facilities on these 2 lots since the central sewer system is not accessible at this time.
- we did perk test on site as witnessed by MHE
- we prepared a septic system that matches those perk rates it matches the amount of bedrooms in each house
- nothing else has changed this difference in this submission would be the septic location and the 2 well locations since the last submission
- last set of comments were July 2023 those have been addressed

Ms. Torre comments:

- since the application last before you there was that interpretation approved
 - the Town did change the law so that it reflects that interpretation consistent with the code. You are able to have septic systems provided you meet certain criteria - the lots not part of a major subdivision it's been existing for at least one year the licensed professional engineer has to certify and the Town engineer has to verify that based upon soil testing and review of the septic system that the lot can occupy a wastewater disposed of without resulting in a danger to public health their personal property and that adequate separation distance exists to public and private wells. That certification is something that's going to need to be provided and verified by Mr. Arnott.
 - Lakes Road is a scenic road the scenic buffer road map note needs to be added to the plans
 - I will send you the map note
 - is the scenic buffer zone designated on the plan?
 - Mr. Niemotko we have the 100 buffer from the lake
- Ms. Torre - the scenic buffer zone itself has to be designated. The code explains how to calculate that it's a distance from the right away 25 feet (57-21.4)
- it has also been discussed that there are no trees proposed to be removed on this

application so you would be seeking a waiver of the tree plan requirement

- add a note on the plan that there will be no tree removal
- sheet c3 note 1 should be revised to indicate that the lots do have a shared driveway entrance
- you will require an easement and shared maintenance agreement for the shared driveway
- we also previously discussed the disturbance to the wetland buffer it's limited to just for the driveway construction so there is that calculation as long as the intrusion is less than 25% of the wetland area (56-6 B2)
- some procedural items SEQRA is an unlisted action
- assumed lead agency when the project changed from 3 lots to 2 lots
- applicant submitted a revised EAF part 1 that addresses the current proposal so the board will have to make a determination of significance based on that
- the septic certification is something you'll want in order to do that
- does not require county referral for GML as the original project did since the towns entered that agreement with the county that exempts subdivision that are fewer than 5 lots and there's no structures or roads within the 100 year flood plane
- public hearing required

Mr. Arnott Comments:

- Mr. Niemotko mentioned the septic testing was performed on the site however the testing was performed at existing grade so as if the septic's were to be put in with no cuts but on each lot there's a 3 to 6 foot on lot one and a 4 - 8 foot cut across the property. So the testing is invalid because that soil is going to be removed. So the testing will have to be performed at the proper elevation.

Mr. Niemotko the soil profile that we did all the way down was pretty consistent and if we don't disturb that area or compress the soil can we make it a condition that once the degrading is done it could be re-perked at that time. To go out there to start to grade the site down towards that road would be a significant impact on the land.

Mr. Arnott - that's not what I'm asking I think we need to do some additional deep pit tests to go down to ensure that there won't be any groundwater or rock below the septic. To make sure that the septic's are even viable before the subdivision is approved.

Mr. Niemotko the deep pools were done in that area

Mr. Arnott - but not to the proper depth

Mr. Niemotko - 8 foot

Mr. Arnott - on lot two you have an 8 foot cut so you have to go four feet down to at least to ensure that there's adequate separation. That's obvious concern because if you allow the applicant to get the subdivision approval and then the septic's can't be built there's no sewer for the project.

Mr. Arnott additional comments:

- I've got some comments on the retaining walls relatively minor

- there is a sewer lateral proposed out to Walton Terrace that the applicant has removed the installation of the sewer lateral at this time. I'm not sure it's a code requirement whether or not that should be installed at this time it may make it easier on the homeowners in the future if it is installed and the perspective other homeowner located on Walton Terrace could be built so I defer to the board whether or not you want to require that be installed at this time.

- one suggestion for the applicant as you know the the driveway is shared coming off of Lakes Road for quite some time into the property maybe in order to avoid future friction between the homeowners there could be a visible barrier within the roadway and maybe that's flush mounted curbing between the driveway so they know who's responsible for which side just merely a suggestion. Ms. Torre mentioned that the curb cut would require shared maintenance agreement but this is a means to maybe lessen the friction that could be created by that arrangement.

Deputy Chairman Manson - while you're discussing that I was under the impression that once you got beyond the right-of-way that the driveway couldn't be shared at that point that it had to be split there but that's not what we're seeing in this case. How is this different.

Mr. Arnott - that is generally suggestion to get as close to the right-of-way as possible this arrangement has been okayed by the Orange County DPW who has the ultimate permit to go out to Lakes Road it's a little bit further than I would like to see to not meet that code requirement however both driveways could be built separately as shown and the curb cut within the right of way would just be built as proposed currently. It a little bit more than I'd like to see probably but is it too egregious that I think it needs to meet a private road requirement probably not.

- a comment from my last com round of comments the wells are located behind the homes up on the hill the grading might impede the potential installation of those wells up top. I ask the applicant to make sure that those wells can indeed be installed.

- while we are talking about wells the subdivision code requires that at least one of the wells be tested for quality and quantity prior to the subdivision. I know of one well that has been installed and abandoned in the future that well could be utilized to do the testing. Prior to scheduling the public hearing.

Ms. Torre - I'm just wondering because I know when you had started the application before I was here and Mr. Arnott I don't know whether you did well testing back as part of your initial application.

Mr. Niemotko - we had done a significant amount of well testing.

Ms. Torre - actually see it in the records from the prior attorney notes saying that well testing was completed so I think it's just a matter of locating those records.

Deputy Chairman Manson - I remember that there was the issue with the neighbors in relation to the well testing and going to them about doing monitoring on their wells while you were doing the testing and a couple of neighbors availed themselves of that if I remember correctly.

Mr. Niemotko - so it didn't draw down and we proved that it didn't

Mr. Arnott - so the applicant has shown the electric trenches now on lot two the electric shown

through the proposed septic system but considering this is a scenic road and on previous applications with scenic roads I know the board likes to try to get the electric trenches as close to the driveways as possible. I just asked that the applicant look to see if they can reroute kind of go along the right-of-way for a small portion and then maybe close to or under the driveways with the conduit and trenches so the front half of the lot is located within the town's water supply protection overlay there are a number of conditions that the board can impose on the application if you so choose such as restricting development within that area and other things you know you would restrict development via conservation easement so something the board could consider.

Mr. Niemotko - now that we talked about the well-being tested can we go ahead with the public hearing get that process going.

Mr. Arnott - I think the septic test (inaudible) there's no doubt that the lots are viable.

Deputy Chairman Manson - I think that's instrumental to this application at this point. I want to understand something with the septic because the design from one house to the other is considerably different in size and in and in number of runs and that sort of thing. I assume like you said it was built and designed to the perk test is it because there's a significant enough difference from the one lot to the other or the layouts of where the houses are in relation to the 100 foot separation. They're both four-bedroom houses but the one on lot two is

Mr. Niemotko - the rates were different so the one lot had like a one to five minute actually had stabilized a little over a minute but the other lot perked between 15-20 minutes as a stabilized rate. So that would increase the filed or increase the area of absorption.

Deputy Chairman Manson - in a couple of spots it looked like you were right up against that 100 foot separation from the water line which I gather is instrumental for that. Is there any flexibility in rearranging that at all so that we're not that close or we're really locked into what we are seeing at this point?

Mr. Niemotko - because of the approvals in place already from Orange County DPW it's very difficult to redesign the lots the driveway the locations even house locations they mandated as part of their review. Wo we're at a point where it's cast in stone for the most part.

Deputy Chairman Manson - so then it really comes down to will those layouts work based on further testing.

Mr. Niemotko - we are confident they will. I can understand the point but when we did the soil test the soils were consistent throughout we're anticipating a similar range in the perk rates and you know I

was hoping that could be a condition of approval.

Deputy Chairman Manson - I agree with Mr. Arnott that in this situation the septic is so instrumental to the ultimate approval that we need to know that those septic's will work at the depth after the grading is completed because that's the conditions that they're going to exist in not the ones that we've

tested at this point.

Mr. Niemotko - let's put out a design concept for a moment just to get everyone's feedback. Again I don't want to be locked into this but it is a thought that came across my mind while cutting the grade to reach the driveways. If we did introduce the two retaining walls one on each side of the drive to maintain the natural grade of the testing.

Mr. Arnott - is that to have a garage under house on each house (inaudible). I think the testing could just utilize (inaudible) as long as the tiebacks for the retaining walls would not impact the septic.

Mr. Niemotko - correct the field itself cannot be disturbed. If we maintain the field as is and design a retaining wall to keep that natural grade.

Mr Arnott - keep the natural grade on the back side I would take no exception to that.

Deputy Chairman Manson - did that raise the overall elevation of the buildings on the sites where they're going to be. The way I understand the grading to be it sort of creates a bowl effect in the back and the houses are set down into that. One of the original things that we talked about when we were first talking about this and it was going to be a three house is the benefit of locating the houses further back just because of the views that you're going to get from that property because it's so wide open would the houses sit up a little higher and take advantage of some of the existing views or are they still going to sit down into that bowl.

Mr. Niemotko - they're sitting up I mean but you're referring to the cluster development design that was proposed years ago and it didn't work out right so it's that push but by not having that it pushed the houses forward and lower down in elevation and you lose some of the site line benefits from the houses that way I was wondering just if what you're proposing with the retention walls would raise the houses a little bit back up and you get that benefit.

Mr. Arnott - it's going to bring the houses up substantially. The only thing in my mind is I don't know what you do with the grade where the driveways terminate and if you're going to have a retaining wall back there how do you access your lawn from your driveway.

Mr. Niemotko - that's why I'm bringing it up now I'd rather hear everybody's comments.

Mr. Arnott - I don't know what you do with the grading do you continue to do the grading as proposed in the back to cut it back.

Mr. Niemotko - I would keep the grading in the back but bring the retaining walls in the front along the drives and then parallel to the property lines so that natural grade of the testing locations right now could remain.

Mr. Arnott - quite an expense plus the expense of cutting and hauling.

Mr. Niemotko - that's something I would discuss with the owner. I'd rather have the option to discuss with the owner because then right now we're talking about going back with a machine cutting the grade

down to get to 10 feet below where we're at right now.

Deputy Chairman Manson - I would be amenable to that idea proposal. What did you guess the height of the elevation of the retaining walls would be at its highest along the driveway?

Mr. Niemotko - just as Mr. Arnott mentioned probably 8 ft because that's our cut.

Deputy Chairman Manson - so the garage would really be below grade in that case.

4. Minutes

Discussion: 4.1 March 14 2024

tabled no quorum

Action Discussion: 4.2 March 19 2024

tabled no quorum

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 the meeting.

Motion by Dylan Penn second by Robert Garstak.

Final Resolution: Motion Carries

Yea: Jeff Manson Dylan Penn Robert Garstak

Not Present at Vote: Nicholas Napoli

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