

Town of Monroe Planning Board Workshop Meeting MINUTES

— 10/14/2021

Town of Monroe Planning Board Workshop Meeting (Thursday, October 14, 2021)

Generated by Norinne McSweeney

Members present

Anthony Vaccaro, Lisa McQuade, Chairperson - Bonnie Franson, Jeff Manson, Pat Shea

Members Absent:

John Allegro

Jason Czerwinski

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 Project

Action, Discussion: 2.1 **Dominick Santiago** (0198-2021) SBL # 25-3-8 339 RT 17M

David Niemothko

new project existing lot with 2 buildings, plans to remove structures put up mix use building retail and apartments on second floor

provided existing condition plans, provided by a surveyor that shows all the conditions the site definitely slopes towards Route 17M

drainage swale coming across one side

using existing curb cut or opening from the property

provided 2 options one that favors parking more to the front and another that favors parking more to the side and in the back

we are here showing preliminary designs to get the boards feedback

everything presented complies with bulk table for GB zone

existing water & sewer on sight would like to connect to that understanding there might be upgrades to do

Mr. Arnott comments:

conceptual in nature here are a couple of major things

bulk table missing lot width

EAF some unanswered questions

one bigger item that was answered was public water? unaware of any town water available

proposing an on site well? Mr. Niemotko there is municipal water on site it feeds the 2

buildings possible water from Village of Harriman

Mr. Niemotko definitely commercial water supply found no wells on site

double check how water will be served?

confirming clearing for tree preservation law

setbacks need to identify what distances you're using

proposed retaining wall in the rear of the property note the top and bottom of the wall

elevations

regarding residential use on second floor didn't see where that was permitted on the bulk table

or in the code, find where that is allowable or permitted

Mr. Niemotko that would probably an accessory use because it is in the GB Zone the main use is commercial for the apartments

Ms. Torre didn't see it as a permissible use either spoke to Mr. Maldonado and he is unaware of anything as well, so that is a threshold issue, you noted existing residential on the property if you were going for some type of expanded non-conforming use which might have to go to the ZBA

Chairwoman Franson as you are demolishing the buildings and then reinstituting the uses so the ZBA will have to decide whether that is something that can transfer over

Ms. Torre there are provisions in the code 57-58(B) refers you to 57-65 deals with reconstruct in certain circumstances if you can reconstruct an existing legal pre-existing non-conforming use but there are restrictions as far as expanding it and the value of the reconstruction or enlargement

Ms. Torre suggested filling out the Land Use Determination form and submit to the Building department for a determination

Mr. Arnott one last thing procedural applicant wants to narrow the curb cut on Rt. 17M will require referral to DOT and highway work permit

Ms. Torre possible unlisted action depending on what comes out of EAF

public hearing discretionary versus required -

if a public hearing were to be conducted property within 500 ft of Village of Monroe and Harriman

as far as the owner different owner on OC parcel viewer showing a corporation 12-17M

holding corporation not sure if recent change

Mr. Niemotko transference occurred last month

submit current deed

board will have architectural review will need to submit all those details at the time

limits of disturbance - tree plan one to one replacement or fee in lieu

bulk table make sure subtract environmental restraints net lot area

because potentially new residential units the board would have to discuss the recreation needs and whether there is a need for recreation fees under the law or fees

Member Manson in your transmittal letter you mentioned proposing to remove the existing structures and then in parentheses which impact the existing zoning code negatively what are you referring to?

Mr. Niemotko the 2 buildings right now are in contradiction with the zoning code, they are too close to road within the front yard setback, and 2 structures on a site is also not consistent with the current zoning code

Member Manson can you give the pro and con to the 2 designs

Mr. Niemotko option one single parking along the front parallel to Rt 17M and a single row of parking on the west and along the south this design the parking wraps the whole site with the building in the middle

option 2 shows 2 rows of parking in the front with one row along the west side and then in the back we clustered together for the residential units

site slopes from back to front down toward Route 17M creates a natural entrance to the second floor on the back

Member Manson option one seems to preserve more green space in the front of building any thought on number of retail spaces and number of apartments

Mr. Niemotko with 80 feet length probably 4 units retail and 4 apartments on 2nd floor to meet town minimum area requirements for apartments

Chairwoman Franson primary comment the use that it is not allowed and not intended there EAF missing some information item # 3

page 2 of 3 permitted use should be no

consistent with the adopted comprehensive plan should be no

in the comprehensive plan under the General Business district it says residential uses would not be allowed in the district to further the town's economic development, so it's specifically not intended

connection to a public or private water supply needs to be determined

back ground information on back building would be helpful archeology or historic resources to get sense of what the story is with that building

trying to find the stream classification

Mr. Arnott stream label is misleading doesn't show up on the environmental resource mapper believe it to be more of a swale

Chairwoman Franson how many bedrooms per unit ties into the amount of parking spaces need to resolve between building inspector and possible the ZBA

3. Returning Projects

Action, Discussion: 3.1 **Yoel Shtosel** - Arch (0194-2021) SBL # 1-1-87 501 Rt 208

Joel Mann for applicant

comments all minimal
detailed list

Ms. Torre the board was planning on approving the resolution tonight but the county hasn't gotten back to use with the GML just under 30 days

Mr. Arnott A/C still on cinder blocks - need substantial base under it
recessed lights on eastern elevation towards 208 didn't see them in the renderings
soffits you were going to label what type of material and color
identifying existing versus proposed
do we come to a resolution regarding the planters that were previously discussed

reviewed resolution

Action, Discussion: 3.2 **Congregation Habones** (0188-2020) SBL # 7-3-13 20 Allison Drive

Joel Mann - Brach & Mann
Dan Richmond Zarin & Steinmetz
Larry Torro Civil Tech
John Till - Architect

Mr. Torro submitted new plans from site walk and previous comments many dealt with landscaping and trees and some clearing limits
issue on fire access road updated to 26 foot with the proper cul-de-sac at the end, still need to provide detail for that
information requested at the intersection of Cromwell Hill and Allison Drive into the site provided information on that as far as existing filed conditions
some comments we really need some direction on further is the landscaping tree removal etc. and the issue of the fence proposed along the driveway to shield the neighbors
Landscape Ms. Arent had a comment regarding cedar fence and height, we proposed 6 ft she said not high enough to shield the school bus, not sure what height she has in mind and then the code height in the front yard

how high should it be

Mr. Richmond looking for concrete road map with specifics issues the Planning Board is looking for, we are looking to advance application
most items are landscaping issues
read council's letter

we did write there is RLUIPA case law indicating that the board as a general proposition can't through delay expense or uncertainty burden an applicant, we're here before your board we're certainly not suggesting that we are exempt from ordinary planning requirements, but again New York law does require special consideration we think we have gone far to address your boards concerns and we are looking forward to working with you in a constructive path to move this forward on a definite path. We are looking for a specific direction for where we go from this point to be on the same page.

Chairwoman Franson customarily we ask the consultants for their comments and then any board members. Then we look to see what can be done procedurally and I believe we will be able to declare ourselves lead agency tonight. Is there anything else you wish to add this evening, we haven't heard from Mr. Till at all does he have anything he wants to add.

Mr. Till I don't have anything to add tonight other than what's been submitted for architectural plans.

Mr. Richmond Mr. Till is here for support in providing the services he's providing in connection with the project include the code compliance issues. He is here tonight to discuss any of that if necessary.

There was a suggestion from the fire department that there be access from all 3 sides of the building but that is not required in a building of this size

Mr. Arnott comments:

regarding last comment on fire code access all side our architect did confirm that for all intents and purposes it meets code

for fire access they widen the driveway 26', since driveway is longer than 150 feet it also provided cul-de-sac bulb which is 96 feet in diameter which meets code, the code does require a certain radius from entering the bulb from the 26foot starting the bulb that wasn't identified so that should be added

as Mr. Torro stated detail will be provided for the construction of that roadway/driveway will have to provide at least 75,000 pounds to meet fire code

6ft high fence along driveway it doesn't indicate if existing gate across the existing driveway was to be removed

dumpster enclosure at an odd angel for a truck to be able to get in and out of - needs to be looked at

regarding 10 additional future spaces no grading provided for those and with that specific item

currently the total proposed area is 0.96 acres dangerously close to threshold for a SWPPP - double check that

went inaudible for a few seconds

lights down driveway relocated or taken out - Mr. Torro states will be removed, lighting on building itself

didn't see proposed location of the lights or cut sheets on the lights - Mr. Torro will have to check with the architect- need a lighting plan prepared

the boards landscape architect has provided comments:

starting with the turning radius turns out of property onto Allison Drive and then turning onto Cromwell Hill Road - the board asked for this as well

you provided the responses to the OCDPW for sewer connection

Mr. Mann received permit from OCS today will send over to office

ADA does the ramp from the covered porch into dwelling back side meet ADA standards, double check calculations on the back side and from the covered porch to the landing only 6 foot ramp but greater than 6 inches increase

during site visit conservation commission said tree clusters on front side of house be removed - Mr. Torro the one by driveway will be removed the one in front no need - Mr. Arnott will defer to Conservation Committee and Landscape architect

regarding sewer connection from Cromwell Hill and Maple Ave there wasn't any detail for restoration of the roadway that will have to be provided

regarding the chain link fence typically the board requires black or green vinyl coated on all components

lastly discuss SEQRA

Ms. Torre comments:

just to clarify you brought up RLUIPA and this board is aware of it and what it requires, there have been no delays we are simply asking for information that has either been not provided or provided in part, it is all part of the planning board process as you saw on the previous application tonight, the law requires comprehensive submissions.

Mr. Richmond that is what I mentioned in the beginning that it would be helpful to come out of this meeting with clear road map of exactly what the planning board is looking for so we could comprehensively address it.

Ms. Torre after the last meeting there was a good comprehensive list and we had corresponded about it, but then the latest submission did not address all of those things regarding SEQRA the board can assume lead agency status tonight

note on the plans regarding DEC tree cutting for the Northern Long-eared bat that your going to comply or do the survey if not, need to know decision regarding that as part of SEQRA

Mr. Mann that depends on when the approval date is going to be

discussion on reasons why the board needs to know as part of SEQRA which way the

applicant is going in regards to the Northern Long-eared bat survey

Mr. Mann we will comply with the March 31 - October 31 date

note on the tree plan with the number of trees to be removed shows 33 for the driveway, but I counted 30 - need to verify those numbers

a number of my comments were addressed in a letter to the applicants attorney which we can now go through:

open discussion regarding photos provided stating they show all the screening, but they need to show screening for the parking part of the special use permit requirements

Mr. Richmond I don't think the board expects us to take a survey of every single tree on the side, Ms. Torre that was never requested, but you have to abide by the expectations, there's a certain diameter and height, you're requesting a waiver and the board needs to know the extent of the waiver you are requesting

need a landscaping plan for Ms. Arent to review for additional comments

Chairwoman Franson it all goes back to the tree law, what's being removed has to be put back on a one to one basis or pay a fee

Ms. Torre you have tree law and the special use requirements that require 25 feet of screening and the parking by evergreen of 5 inches in diameter or such has a landscape as well, refer to section 57-13 or 7 and 8. also whether it is leaf on or off conditions

Chairwoman Franson pulls up the plans for review and discussion continues on the trees, fencing, parking, not showing the full limits of disturbance.

discussion on the additional parking spaces not needed but required and where they would be in the future - if they are going to be land banked you have to treat them as if you were going to be building them

Chairwoman Franson my perspective if you're putting in a road used for a private school and it is expanded to 26' there needs to be landscaping for a buffer to the neighbors

Mr. Richmond there is no code requirement for that as the landscape architect pointed out there's not a lot of room as we are being required to expand the road

Chairwoman Franson that's partly the issue of having access from a flag lot

continued conversation on the driveway/road and landscaping, special use permit the board would want to see additional landscaping

Mr. Mann I see no other landscaping by neighborhood driveways

Chairwoman Franson comment those are houses not private schools with buses coming on

Mr. Richmond but the school is part of the residential fabric

Chairwoman Franson but it has a different operational characteristic, I am not saying that a school doesn't belong in a residential neighborhood

Mr. Mann buses are driving in residential neighborhoods with no screening to the roads

Chairwoman Franson buses wouldn't be driving up into this area as it is a cul-de-sac, this is something new that would occur within this particular location

Mr. Mann cul-de-sac are public roads and if someone was to send a child to a private school then buses would be allowed to go into the cul-de-sac and there is no screening.

Chairwoman Franson what I am saying is that Allison Drive at this point is a cul-de-sac that doesn't get busses and when it was developed it was not expected because it was a cul-de-sac for a public school that is what was anticipated, no one planned to have a private school in this neighborhood, that doesn't mean that it's not allowed by special use permit so now we're planning to put a school along a cul-de-sac that the subdivision did not anticipate having a school so we have to be mindful and respectful of the residents that live there, the two adjoiners, are there going to be buses coming in and out with neighbors that we need to be again mitigating the potential impact on them.

Mr. Richmond to the maximum extent practicable bearing in mind again this is a religious application and that it can't completely be expected completely negated its impacts, as we wrote in our letter that fails to realize that schools have a beneficial impact in residential neighborhoods

Chairwoman Franson but that doesn't stop the planning board from not having the ability to mitigate impacts associated with the schools whether it's private or public.

Mr. Richmond reasonable mitigation, we're being required to expand the driveway to a certain length which the landscape architect says makes landscaping infeasible so we proposed a fence and there is an issue

Chairwoman Franson a fence does not screen a bus landscaping at a certain height as it grows would screen a bus. So now we have a situation where because of the width of the driveway how are we going screen it, is there sufficient area to be able to screen along the margins of the extra wide driveway to mitigate the visuals of the buses.

Mr. Mann states that the landscape architect said any planting near the driveway would die.

Chairwoman Franson so that raises a question if you have to have a 26' driveway and you can't put landscaping and it is a visual impact is that an unmitigated situation because a fence isn't going to screen it

Mr. Mann I don't understand why a fence is not the same

Chairwoman Franson because a fence won't have the same height that landscaping would to screen views of a bus coming. Trying to figure out how to address this and if it will end up being an unmitigated visual impact.

Mr. Richmond it's mitigated to the maximum extend practicable.

Chairwoman Franson I don't think that's maximum extent practicable. Need to carefully look at the 26 foot driveway and see if there is anyway to get landscaping on your property with evergreens, need to see neighbors landscaping possible takes care of landscaping issue or assist it

Ms. Torre I would again refer you to 57-21.5 c which does talk about screening of non-residential uses when next to residences. This is a unique situation because this is a flag lot it's not just a typical driveway and the way the lot configuration is that's why screening is an

issue with the driveway area

Mr. Richmond I apologize but I have to remind the board of you know the it's obligation

Ms. Torre the board's well aware you've reminded them multiple times tonight. They understand you know accommodating religious uses but also mitigating adverse impacts if your engineer is saying that it is possible right here off the cuff that it is very possible to be able to have landscaping for you to then still argue against it is just not reasonable.

Mr. Richmond we're not no we're said we look at it, but I think again actually I do have to remind the board that they can't impose conditions that through their time expense or delay are going to impose substantial

Ms. Torre thank you Dan but I will advise my client the board and again they are aware of the RLUIPA standard so I would remind you that you do need to mitigate the adverse impacts

Mr. Richmond not to absolutely eliminate all impacts that's the law actually we do not we're a religious school we have beneficial impacts understanding

Ms. Torre I did not say eliminate all of them but I said to mitigate the adverse impacts so now we're dealing with mitigation adverse visual impairments

Mr. Richmond bearing in mind it's a religious

Chairwoman Franson we're aware of your letter we're aware of your position

Mr. Richmond you asked what was on my mind madam chair

Chairwoman Franson actually I didn't you did

Mr. Richmond you said you have a physical look

Chairwoman Franson no I was asking about the landscaping and why you look perplexed

Mr. Richmond that's why I look perplexed because I did put this in my letter and I'm not sure why it's not resonating

Member Vaccaro it's a public road and at any time a bus could go up that cul-de-sac but if you were to have a bus go up that cul-de-sac because Monroe Woodbury was going to pick up a student there it would be one

bus to pick up a student in that house or on that street but this is a reverse situation where you have multiple buses going up that street when there ordinarily wouldn't be multiple buses going up that street so i just wanted to tease that point out

Chairwoman Franson thank you anybody else on landscaping

Member McQuade is it possible the bus doesn't have to go into the driveway that it can pick the students up or drop them off at the end of the driveway and have a bus monitor walk them you know

off the bus and to the door and vice versa

Mr. Richmond I think that's a lengthy walk particularly in cold winter time, when raining and daylight savings time with darkness I don't think we'd want to commit to that these are young children.

Member McQuade when we were talking about it more than likely the bus didn't go up to the cul-de-sac so you had students people that would have lived in that home had their students

not only walk down the driveway but they'd also have to walk down the Cromwell Hill to catch the bus so that's how the cul-de-sac and the that community was designed so it's a possibility to have the the bus oh okay maybe it's a compromise to have the bus go into Allison Drive and stop at the end of the driveway because it's not a road and then to have to make it 26 feet wide not have enough room for screening have to have the turn around the cul-de-sac in Chairwoman Franson that's still going to be required in the driveway to widen the driveway and the cul-de-sac because because it's a fire situation fire emergency

Member Vaccaro are you going to leave the curb cut the same or what's the maximum allowable curb width for a driveway on a public road

Mr. Arnott don't know if there is a specific requirement but will check with the highway supervisor

Member Vaccaro there are also 2 pillars at the end of the driveway will they be removed

Mr. Arnott the pillars are noted to be removed

Member Vaccaro so that is going to effect the character of the street

Mr. Richmond adding a school to a residential neighborhood adds character to the street as well

Member Vaccaro from the initial submission we are changing the plans to fit what the applicant's desire to make of this lot is, there are quite a few more amendments to the site to make this work

Member Shea with the trees are trying to mitigate visual impact to the neighbors so they don't necessarily have to be along the driveway just need to block the individual neighbors for instance

Ms. Torre we are focusing on screening the neighbors from the buses on the driveway at this point in time

Mr. Mann we will have our landscape Architect look at this and see what they can come up with as proposed planting

Mr. Mann we will have tree survey updated, will add more pictures of the area including the parking area, and have our landscape architect review the driveway for plantings

Member Manson in regards the the tree replanting, landscaping any trees not being replace what is the solution going to be, remember one to one replacement and if not on the property, somewhere else or a fee can be paid, the board just will need to know what you are looking at

add notes on the plans regarding materials being used for steps, colors, ramps, specs and signage for the boards architectural review process

Mr. Richmond waiver requests we have - footnotes in letter in regards to the manual planning standards only applies to public schools not private schools, requirements not appropriate footnotes with examples

gave examples references in his letter from September 30, 2021 page 6 footnote # 3

Mr. Till the manual standards specifically designed for a superintendent of a public school district as guidelines on how to proceed with the planning and the acquisition of engineers and architects very specific requirements for normal process for public school state education department handles all the site planning, construction and all the approvals and at no point does it go to the local building department of planning boards they have full control over it. For private schools it falls under the building code that governs the design the requirements, the exit requirements, the life safety items all under the building code. As we advance through the process Mr. Maldonado and I go through a very detailed code review of where we address all the internal exiting and lift safety items on the plans before he issues a building permit. NY State building code governs private schools versus state manual for public schools. Example the state manual corridors of the building need to be 8 feet wide the building code doesn't have that requirement for private schools. There are many similarities crossovers when it comes to the building construction and the life safety items that are all handled at the building department level. So we are looking for relief from the standard manual code not the NY State building code.

Ms. Torre we understand it doesn't pertain to the private schools, so the issue came up because the town special use permit criteria holds private schools to this higher standard and there is a specific waiver standard for this board to waive that and that is whether it is not required in the interest of the public health safety or general welfare or inappropriate to a particular special use permit.

Mr. Till I am not sure if it is a higher standard, what I'm trying to explain here is that it's a different standard so the building code has just as high of life safety items that need to be achieved.

special use permit

Chairwoman Franson achieved so I think that's exactly what we'd like to know because the two examples given here were you know eight foot wide corridors and doors with a minimum clear 32 inches because private schools didn't have standards other than the building code the idea was to have the public school standards apply to private schools and treat them the same sorry can I finish so the special permit was written that way so that there'd be standards for private schools we in fact in the town of Monroe have very large private schools and I don't know if they're you know designed to building code or that they're designed to public school but so the point is in coming up with the standard the town created a special use permit that said that you should adhere to the same guidelines as a public school which is a higher standard but that the planning board has the ability to waive it and in most of this narrative that I see is about providing a lot of case law that says why you don't have to meet it our standard rather than describing to us substantively in a more comprehensive way what their standards are and why they should be waived and giving two examples to me is not sufficient.

Mr. Richmond, but I think the as your council pointed out the issue for a waiver is whether it's consistent with the public health safety and welfare and Mr. Till explained that this would be subject to the New York State building code which would go to the public health safety and welfare.

Chairwoman Franson and I haven't heard whether or not your building which isn't going to meet the education department standards does it in fact meet the building code for a place of public assembly.

Mr. Mann it will meet the building code any requirements will be added.

Chairwoman Franson you're saying it will be is there anything right now that does not comply with the ability for that school to be used for that purpose are there any retrofits is there anything that needs to be done.

Mr. Mann in the building code no from a building code

Chairwoman Franson from a building code perspective

Mr. Mann there is some adjustments that we need to do in the building in order to make it because the conversion from the residential to the building code there is a list of items everything is doable but the list of items that the manual stands before even looking deeper into the whole list makes this basically the this whole building unfeasible and I can tell you one thing knowing all the other schools all other schools all other private religious school I don't know private on religious school but all private religious school are going to be under the same burden. I have commented that on the zoning when the zoning law was adapted and I know other schools are coming up soon they will also seek the same waiver because it doesn't work with the private schools.

Chairwoman Franson why doesn't it work for the private schools if a public school can be constructed in that manner because a school a school so what's the difference

Mr. Mann it's governed under the building code there's a long list of items that if you want to spend our time and money to get that through the next couple of months again now

Chairwoman Franson I'm just asking telling you something

Mr. Mann I want to point that one thing I'm here long enough working with the board and every application trying to work it out the best possible this application I believe it comes from the supervisor all the way down trying to stop this will not let it go

Chairwoman Franson that is inappropriate that is inappropriate

Mr. Mann I have enough proof on that

Chairwoman Franson no that's inappropriate and that's not ad that doesn't concern our planning board

Mr. Mann every angle

Chairwoman Franson that doesn't concern our planning board that's it so again if that's what I was waiting for I think it was inappropriate my question is some key and maybe what would help you is if I gave some parameters of how I'd like to have a comparison so for example is the occupancy that would be allowed just by the building code different than what would be allowed for a public school in terms of a square footage basis what are the comparisons and what's the order of magnitude

Mr. Richmond I think if you want to give it comparators the comparator should go to the public health safety and welfare which is the waiver standard so again if there's you know I don't see it

Chairwoman Franson I'm working off of our special permit standards so I want to understand what it is

Mr. Richmond the special permit standards in your code may be illegal

Chairwoman Franson you know what we'll do we'll hire our own architect and we'll get them to take a look and give us a comparison then that's another option

Ms. Torre so if I could just touch on that as I noted in my letter it's not up for this board to address the legality of the zoning provision that the the applicant disagrees with but again the town has broad police powers when it comes to zoning so my question I guess perhaps Mr. Till could answer that is whether because you can't as you know just like a zoning board can't always grant a variance in a way that it would be effectively rewriting the code this board you can't be saying to this board you're always going to have to grant a waiver because this other body of law the building code is what should apply in these circumstances because that would render this provision meaningless and no code provision could be rendered meaningless it has to be applied equally so I think the question I have here is perhaps whether it would be is there a circumstance where there would be perhaps a larger private school that it would make sense to have these standards because to say it's not required in the public or to say you meet the waiver standard just because the building code is what should apply based on what the manual says that's not really going to the heart of the site plan criteria standard and that is really what this board is looking for so if it is as the Chairwoman was saying if those manual standards are because they're a much larger occupancy than this school or there's other distinguishing factors as to why they wouldn't be appropriate or required that's the type it's not going through every provision of the code this board doesn't know what those parameters are what type of intensity of a school used if the standard for the waiver is the public health safety and welfare.

Mr. Richmond if the standard for the waiver is the public health safety and welfare do you need something from Mr. Till saying that the NY State building code is intended to protect public health safety and welfare because again this would be subject to the NY State building code that'll implement it you're not giving up anything on the public health and welfare by waiving this provision I am just trying to think of a simple way to address this provision

Chairwoman Franson just some key standards like occupancy acreage things like that and how do they compare

Member Manson in your footnote you which goes to public safety health and welfare your example of the requires the main corridor and stair enclosures have at least thirty six inch doors but the building code requires that each door opening provide a minimum of 32 inches implies one door is acceptable in a private school would all the provision of the ADA be applicable because a 32-onch door wouldn't meet ada standards where a 36-inch door would. Does the ADA apply to this private school or all private schools as part of the New York State building standards

Chairwoman Franson for a public school the plans would go to the state education department and the facilities group would review the plans so see if they met the standards for private schools the special use permit anticipated that and by the way isn't our special use permit for private and public school.

Mr. Till the manual of standards has one standard for one for a certain size school that you know for instance the two the six foot wide door the double doors okay that they're anticipating that you know a typical school has hundreds and hundreds of students going through those corridors whereas they don't and they don't have an exception for the smaller school so the smaller private school has to rely on only the building code because a smaller school wouldn't have eight foot wide corridors in a smaller school the building code says you can have smaller corridors because you have a lower occupancy load it's similar to the door question if you have a large a double door system hundreds of people can go many hundreds of people can go through that door if you have a smaller occupancy load you don't need as many or as wide or as many doors and it's a factor of the occupancy load which designs that in the building code the state education department there they don't have those parameters because they don't have those issues because they don't build smaller schools they build they build the school the way they've been building it for 60 years certain size schools get certain size doorways and certain size hallways but private schools typically have a smaller occupancy load and that's where the building code comes into play and it does have it does meet the requirements of the building code to to the full satisfaction of the building inspector but it gives us other options there are no other options in in the manual so if we say that we have to meet

the standards of the manual it doesn't apply to the smaller buildings so that's

Member Manson it's a scalability issue where the building code allows for that in New York the planning manual for public schools does not

Mr. Till they don't build private schools and they don't build smaller schools they build high schools and middle schools and elementary schools for a certain level of population

Chairwoman Franson so I'm not sure that there aren't smaller schools in rural areas I'm not sure it's a question I have and I don't I think the other question is because you're touching upon it does the design standards manual itself have waivers and I don't know whether it does or not that's just a question so in the same way that you're asking us to waive a special permit requirement that says please meet the public school standards does the manual itself that public schools are supposed to follow does it have waiver

Mr. Till so in a situation like that I were designing a building for a public school or an addition onto a public school and I didn't meet the manual of standard standard for some other reason that would have to be reviewed by the state education department and their architects and engineers would make that determination and it's usually a face-to-face review you discuss the ideas and the requirements and they can make that determination like a building inspector would do for a private school they they're the building inspectors for the public schools so there's a and in those areas there would have to be a discussion and a back and forth to figure that out but that's at the discretion of the state education department for for those things they wouldn't even look at our project because it's a private school they have no jurisdiction interest in looking at a private school whatsoever they'd say call your building inspector in the town

Chairwoman Franson the other thing I wanted to point out and what I was starting to say is that our special use permit doesn't say you need a special use permit for a private school you need a special use permit whether it's a public or a private school and so we were holding schools to the same standard the standard being state education department

Mr. Till so my understanding of a public school is they'll never come to this board they have their own jurisdiction it overrides local village local towns so they don't even go to the building department when they build this school I've built schools from additions for Monroe Woodbury they'll do a cursory letter to the building department stating that they're about to build a school but there's zero oversight from the local planning board and local building department the only C/O the only approvals and C/Fs for the school district comes from state education department private schools of course there are because that falls under the building code and local zoning

Ms. Torre I would have to look into that I believe the state education law touches on whether

they're exempt or things like that

Chairwoman Franson question regarding septic abandonment you had the tank gets filled does anything happen to the tile field or does it stay in place? Mr. Torro they will stay in place

Mr. Vaccaro are there any underground oil tanks for heating? Mr. Torro not to my knowledge
Mr. Arnott I believe there is in the front next to the well there was a fill pipe and a vent pipe for oil no space by garage so assume there is a buried tank
Mr. Torro will look into that

Chairwoman Franson looking at my notes we have discussed:

silt fence

septic tank abandonment

referring to the ADA slope on the ramp

light locations show what is being removed and if added show that as well

record owner and applicant needed to be changed

SWPPP and the need for one

number of trips

fence design is a question mark not necessary for tonight

there is a note "no vehicles related to the intended use will be parking on the site" did you mean no vehicles unrelated to the intended use will be parking on site or what do you mean?

Mr. Torro there were 5 spaces for the office personnel no parking for school buses or teachers we will correct the note

Chairwoman Franson continues:

we talked about the bat note

Ms. Torre as we were talking about the parking on of my comments was about the parking calculation and I believe it has to be 15. You are only proposing 5 and 8 land banked but based on the number of employees which is 15 it needs to be 15 and then you'd show 10 land banked. The number seems to be ok just the calculation on the plan needs to be changed.

Chairwoman Franson on the note regarding parking please change to read persons associated with the school arrive by bus no parking proposed because it is required

SWPPP and potential need for one

Chairwoman Franson you are showing a bus template dimension is that the largest bus or the

bus proposed. You show a template of 35.8 feet and the S bus 36.

Mr. Torro that is the bus they utilize on site will verify the bus and size on site

Chairwoman Franson the cul-de-sac design can it handle anything larger than that or is that the maximum it can handle

Mr. Torro the cul-de-sac design is for the fire truck

Ms. Torre bus template needs to be shown on the actual site plan

Chairwoman Franson trash enclosure you show split face block when we get to architectural how does it match up with the house

wooden natural door painted or white - answer white

Ms. Torre for architecture review adding the materials colors and all of that plus signage detail

Chairwoman Franson first page metes and bounds and then you have deed line liber 4719

page 1063 does that meet up with or affect the adjoiner in any way

Mr. Torro don't believe so but will check with the survey department

Mr. Manson in the relation to the fire department comments should be noted that the building will be fire sprinklered and will have an fire department connection adjacent to the fire apparatus. There is suppose to be a tank that provides water for the sprinklers where does the water for the fire department come from the same tank or feed from the well if off the well does the well testing provide covering for that need as well.

Mr. Till my understanding is the fire apparatus pulls up it is a tanker truck brings its own water and hooks up to the Siamese connection (FDC) which charges the sprinkler system

Ms. Torre additional comments:

hydrogeology for well testing now - Mr. Richmond yes we just got that

sewer district issue if they're not in the Moodna

spoke on limits of disturbance

talked about fire access

spoke on architecture review

discussed site distance and whether there is enough engineer will have to confirm adequate site distance based on what was provided

reviewed parking

building stories you added the 2.5 stories confirm that is what was used in the calculations

narrative i summarized in my letter that the parameters of the proposed school are based on both narratives where there are some inconsistencies if there is anything in there that is incorrect please let us know

related to the buses 4 each doing a morning and pick up and an afternoon drop off that would make a total of 16 trips or a total of 8 altogether - Mr. Richmond you are using a different

matrix Mr. Arnott that is how trips are calculate four round trips (2 in 2 out)

food delivery special truck or how coming in anything happening frequently identify it

spoke on the waivers

SEQRA can assume lead agency status this evening

you will need the well testing results to make a determination of significance

you want to look at the short EAF

Chairwoman Franson as I look at the renderings for the egress from the back of the building that upper level for associated with the type of assembly and the egress is wood treated lumber allowed

Mr. Till yes it goes by building size

Chairwoman Franson so it is scaled to the building

Mr. Till as building grows and occupancy loads grow the construction type changes

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to declare lead agency for this proposed action unlisted action

Motion by Chairperson - Bonnie Franson second by Jeff Manson.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro Lisa McQuade Chairperson - Bonnie Franson Jeff Manson Pat Shea

Absent: John Allegro Jason Czerwinski

4. Administrative

Action Discussion: 4.1 **DG Management** motion to hire traffic consultant

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby makes a motion to authorize the Chairwoman to sign the proposal for AKRF to perform traffic consulting services for the DG Realty Management Subdivision project.

Motion by Jeff Manson second by Anthony Vaccaro.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro Lisa McQuade Chairperson - Bonnie Franson Jeff Manson Pat Shea

Absent: Jeff Allegro Jason Czerwinski

5. Minutes

Action Discussion: 5.1 July 20 2021

held over until next meeting

Action Discussion: 5.2 August 12 2021

held over until next meeting

Action Discussion: 5.3 August 17 2021

held over until next meeting

Action Discussion: 5.4 September 9 2021

held over until next meeting

6. Adjournment

Action Discussion: 6.1 Adjourn Meeting

BE IT RESOLVED that the Planning Board of the Town of Monroe hereby adjourns the meeting.

Motion by Chairperson - Bonnie Franson second by Pat Shea.

Final Resolution: Motion Carries

Yea: Anthony Vaccaro Lisa McQuade Chairperson - Bonnie Franson Jeff Manson Pat Shea

Absent: John Allegro Jason Czerwinski

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