

MONROE TOWN BOARD MEETING MINUTES

— 06/03/2024

MONROE TOWN BOARD MEETING AGENDA (Monday, June 3, 2024)

Generated by Valerie Bitzer on Thursday, June 13, 2024 (Public Hearings Transcribed by Town Clerk Valerie Bitzer & Deputy Town Clerk Barbara Singer)

Members present

Supervisor -Tony Cardone, Mary Bingham, Sal Scancarello, Dorey Houle, Maureen Richardson

Town Counsel - Brian Nugent, Dylan Lockyer

1. Call to Order

Discussion,Information,Procedural: 1.1 Pledge to the Flag

2. Motion to Open Town Board Meeting

Action (Resolution): 2.1 Motion to Open Town Board Meeting of June 3, 2024

2024-#313

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Town Board Meeting of June 3, 2024, at 7:00 PM.

Motion by Sal Scancarello, second by Supervisor -Tony Cardone.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mary Bingham, Sal Scancarello, Dorey Houle, Maureen Richardson

3. Community Announcements

Information: 3.1 Village of Monroe Summer Concert Series

<https://conta.cc/3PmSuik>

To hear Councilwoman Houle RE: Village of Monroe Summer Concert Series, please go on-line to Board Doc's Video Clip #3.1, 0:1:05.

Information: 3.2 Town of Monroe Food Truck Festival

The Town of Monroe Food Truck Festival will take place on Saturday, June 15th from 11 a.m. - 7 p.m. at O&R Park, located at 61 O&R Road.

To hear Councilman Scancarello RE: The Town of Monroe Food Truck Festival, please go on-line to Board Doc's Video Clip #3.2, 0:2:24.

Information: 3.3 Village of Monroe Farmers Market

The Village of Monroe Farmers Market takes place every Sunday from 9 a.m. - 1 p.m. in the Millpond Parkway Commuter Lot from June 2nd - October 27th.

To hear Supervisor Cardone RE: Village of Monroe Farmers Market, please go on-line to Board Doc's Video Clip #3.3, 0:3:33.

Information: 3.4 Walk MS: Orange

To hear Supervisor Cardone and Councilwoman Houle RE Walk MS: Orange, please go on-line to Board Doc's Video Clip #3.4, 0:3:48.

Presentations: 3.5 Amanda Primiano, Monroe Free Library

To hear Councilwoman Bingham RE: Amanda Primiano, Monroe Free Library, please go on-line to Board Doc's Video Clip #3.5, 0:4:25.

4. Public Hearing

Action (Resolution), Discussion, Information: 4.1 Motion to Open the Continuation of the Public Hearing RE: Local Law H-V1 of 2022 to Amend Chapter 57 (Zoning) Concerning the Regulations Governing Tree Preservation *Public Hearing Transcribed by Town Clerk Valerie Bitzer

2024-#314

BE IT RESOLVED, that the Town Board of the Town of Monroe Made a Motion to Open the Continuation of the Public Hearing RE: Local Law H-V1 of 2022 to Amend Chapter 57 (Zoning) Concerning the Regulations Governing Tree Preservation.

Motion by Supervisor -Tony Cardone, second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mary Bingham, Sal Scancarello, Dorey Houle, Maureen Richardson

The following residents signed up to speak during Public Comment for the continuation of the Public Hearing RE: Local Law H-V1 of 2022 to Amend Chapter 57 (Zoning) Concerning the Regulations Governing Tree Preservation. To hear their comments, and Board Members responses, please go on-line to Board Doc's Video Clip #4.1, 0:5:00.

- Supervisor Cardone: Anybody sign up?
- Town Clerk Valerie Bitzer: No Public Comment.
- Supervisor Cardone: No Public Comment. Okay. So, we're going to continue it till the 17th. So, I'll make a motion to continue that public hearing on June 17th at 7:00 p.m. or immediately there-after.
- Councilwoman Richardson: Second for discussion. Are we scheduling a Workshop Meeting?
- Councilwoman Bingham: Prior. You mean.

- Supervisor Cardone: Prior.
- Councilwoman Richardson: Just in general.
- Supervisor Cardone: I mean. Dory myself and Dennis have a meeting set up.
- Councilwoman Richardson: That's not the workshop meeting that Dennis requested at the prior meeting, and that we've brought up at several Conservation.
- Supervisor Cardone: Well, how bout.
- Councilwoman Richardson: How bout you let me continue my sentence. That's not the workshop meeting that would engage the Building Inspector, the Planning Board Chairwoman, and three or more members of the Board and allow every member who's entitled to work on it, to work on it at a scheduled time and convenient location where the public can view, and would be, I think cutting down on the continuations of these time and time again where we can actually just hash out the details with the involved parties.
- Supervisor Cardone: Okay. So, why, why don't you contact Dennis and set that up?
- Councilwoman Richardson: Okay, thank you.

Action (Resolution): 4.2 Motion to Keep Open the Continuation of the Public Hearing RE: Local Law H-V1 of 2022 to Amend Chapter 57 (Zoning) Concerning the Regulations Governing Tree Preservation

2024-#315

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Keep Open the Continuation of the Public Hearing RE: Local Law H-V1 of 2022 to Amend Chapter 57 (Zoning) Concerning the Regulations Governing Tree Preservation until June 17, 2024, at 7:00 PM or soon there-after.

Motion by Supervisor -Tony Cardone, second by Maureen Richardson.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mary Bingham, Sal Scancarello, Dorey Houle, Maureen Richardson

Action (Resolution), Discussion: 4.3 Motion to Open the Continuation of the Public Hearing RE: Short Term Rental Application, 13 Ruby Road, (SBL#35-2-2.1) *Public Hearing Transcribed by Deputy Town Clerk Barbara Singer

2024-#316

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Continuation of the Public Hearing RE: Short Term Rental Application, 13 Ruby Road, (SBL#35-2-2.1).

Motion by Supervisor -Tony Cardone, second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mary Bingham, Sal Scancarello, Dorey Houle, Maureen Richardson

The following residents signed up to speak during Public Comment for the Continuation of the Public Hearing RE Short Term Rental Application, 13 Ruby Rd. (SBL: 35-2-2.1). To hear their comments, and Town Board Members responses, please go on-line to Board Doc's Video Clip #4.3, 0:6:42.

- Jeanette & Paul Carrico
- James Horan

- Town Clerk Valerie Bitzer: Paul Carrico. Just a reminder, you'll have five minutes.

- Supervisor Cardone: Just state your name when you come up to the mic and where you live please.

- Paul Carrico: Paul Carrico, 14 Ruby Road, right across the street.

- Supervisor Cardone: Okay.

- Paul Carrico: And my wife Jeannette Carrico.

- Supervisor Cardone: Okay thank you for being here.

- Paul Carrico: Thank you for having us again. We were here the last time, we enjoyed, the appreciate the opportunity to speak and I just realized I didn't read fully the short-term rental, the February 2002 local law one that was passed. Appreciate that because I see it gives the homeowner some opportunities to protect its interest there. So, thank you for that very much. We did want to say that, as we had in the past, that they did operate a bed and breakfast in 2022 and we submitted information 2023 and according to the guidelines there it mentioned that that would disqualify them for 24 months from receiving a short-term rental. And it has been admitted here that they knew that they did that they were trying to mitigate some challenges with that. I think Jeannette wanted to say a couple things too.

- Jeannette Carrico: Right, yeah, that as far as that's concerned that was your legislation 40-3 and, you know, operating a short-term rental without a permit, a valid permit, is prohibited and therefore would disqualify or make it ineligible for them to have a short-term rental for a period of 24 months and I did submit through email the date that we actually saw the listing for that Airbnb was back in July of 2022. So, those are, you know, that's our big objection, the biggest objections for the short-term rentals though are simple for us, it's a matter of our peaceful, right to a peaceful living, our serenity, our peaceful surroundings there, why we live here in Monroe, on the lake, is to enjoy our home, the beauty, the nature and not to have strangers coming and going all different times of day, night, walking about through our private little area, parking in our private area, walking in our private area. We hear the noise despite the fact that there are shrubs, evergreens, that my husband lovingly planted to give some privacy, you still hear the neighbors. We know this from experience because we've lived at both residences and there's only two of us in this small neighborhood so we understand the challenges and the differences of living on a in a big community with a hundred homes where maybe one is a

short-term rental and you really would never know because people are rarely seen or heard going in and out but here it's just us, two neighbors who we were hoping could coexist in this peaceful setting, enjoying our nature. It's for us, it's like going on vacation and you have rowdy people there in at the pool. Yes, they're not in your same building, no they're not your next-door tenant, but you're just thinking when are they going to check out so I could really enjoy this resort? Or you're anxious to get back home because of the bothersome parties they're having or you just don't know what to expect. So, that's our big reasons for the objections. There are.

- Paul Carrico: Send these photos.

- Jeannette Carrico: I did send some photos. They outline that yes, we can see them, they can see us. If I could probably go back in history and see from when we were living at the 13 residence, we could see the 14 residence doors and neighbors and you know. We're, our property is a little bit elevated from theirs, so if we're sitting in our deck we certainly can look right into their backyard and see their, you know, short-term renters in the backyard, in the front yard, the side yard whatever it is.

- Supervisor Cardone: For a second, (inaudible) with all these (inaudible).

- Jeannette Carrico: Those are people. So, if they have up to 12, that was when they actually, you know, you just don't know, they're going to come and go. This is our ring doorbell that's shared because it's the shared driveway. So, you know, when we're, you know, out and about, we're wondering, well are we expecting a package, we might be looking but it's just constantly different people coming and going throughout the day and night and so it concerns us with security as well.

- Paul Carrico: I just might add that we have the ring doorbell with the gate. So, that's what goes off all the time.

- Supervisor Cardone: That's the gate at the front?

- Paul Carrico: That's the shared property come in on the property. It discourages people from coming down unless you have a

- Supervisor Cardone: Is it the beginning of Ruby Road or is it?

- Paul Carrico: Half way.

- Councilwoman Richardson: May I ask who owns the gate and paid for the gate?

- Jeannette Carrico: We actually purchased and put the gate up.

- Councilwoman Richardson: Yeah.

- Jeannette Carrico: And that was before the house was sold.

- Councilwoman Richardson: Right.

- Jeannette Carrico: And so that common maintenance agreement, easement agreement.

- Councilwoman Richardson: Just bring the microphone closer.

- Jeannette Carrico: Oh, sorry so the common maintenance agreement that we have for that shared access, it involves the maintenance of that and other things that come up related to the road, the access.

- Councilwoman Richardson: You guys originally paid for the gate?

- Town Clerk Valerie Bitzer: Time is up.

- Paul Carrico: Correct, we, yes, the gate, the bushes, the driveway. We since we own both houses we maintained it.
- Supervisor Cardone: How many homes are on the shared gate?
- Paul Carrico: Just two.
- Supervisor Cardone: So, the 13 Ruby and you. So, you were the ones that sold it to?
- Jeannette Carrico: Correct and the point of the security too is that at the end or beginning off Sapphire are the two mailboxes for our homes 13 and 14 and so people know that that's all there is down that one road and there's also from, if you are on an Airbnb listing, there's an aerial view that they provide more of a logistics for the map of the area so you can get a general idea of where you might want to be close to when you're picking a home. And even though you can't, they don't advertise the address, there it is. There's only two homes on that road. It's not rocket science to figure out our address or.
- Councilwoman Richardson: It's very helpful for us to find illegal rentals. I actually used that exactly but not so secure.
- Jeannette Carrico: But that brings up the security issue because we have had people come down the driveway, go in turn around just to look.
- Councilman Scancarello: What's the time frame on?
- Jeannette Carrico: Some are current. The ones with just the one truck shown is, and I don't know if I did a snapshot of video, that I couldn't send that's right it was too large, those are from past.
- Paul Carrico: 2023 till the fall they were renting, so that would have been before that, 2000, that summer of 23, summer of 22.
- Jeannette Carrico: And one shows a person, even though it's just it's a recent capture of the last time they rented, prior to them submitting their application for their permit. The person who is there as a short-term, rental walking in our area, so she comes from the and this isn't the first and only time we'd have to go back through our ring history that's capturing and it would, you know, when they come they rent, they take groups that are walking together, they'll walk about the neighborhood, they just are viewing maybe our home as also renters, so they don't feel that they, you know, have to respect our privacy and nobody's there to monitor it. There's no host on site to address any of that.
- Councilwoman Richardson: This picture here.
- Jeannette Carrico: That was the first time we addressed the issue because they had definitely more than 12.
- Councilwoman Richardson: And how many cars were there that time?
- Paul Carrico: I believe about five.
- Jeannette Carrico: There were more than five, actually.
- Paul Carrico: Okay.
- Jeannette Carrico: But they weren't all staying over there.
- Paul Carrico: They've had up to like eight but then as, you know, we've discussed it with them and then because you're allowing visitors during the day. If you're allowing 12 bedrooms

now how many families have 12?

- Councilwoman Richardson: No more than 12 guests at a time.

- Paul Carrico: No, it allows for one guest to bring in for the day and then they leave.

- Councilwoman Richardson: Oh, so it's no more than 12 overnight and then one guest per couple.

- Supervisor Cardone: Let me just say this because we're over our time. I will say this regarding your comment about the after seven days, that's only applies if there's a violation, when they apply. I don't know if there is a violation with this home and when we discussed this law, and I remember Council speaking directly to it, we discussed the fact that there before we instituted the law, Airbnb has regulations. So, you might be a Premier or Platinum host and by not being able to continue advertising we would have

hurt their business by preventing them from continuing to rent and it would have put us in a legal situation if they were approved. So, Council I don't know if you want to add to that.

- Town Attorney Nugent: No, that's correct. I think that provision the way it was worded, the idea was to encourage compliance and we didn't want to discourage compliance so if somebody had been advertising at the time the law went into effect or advertised improperly, it wouldn't prohibit them. However, there's a notice provision, if they were given a notice and then you know went on to expand or continue to advertise beyond that time, then there was the violation and the provision that was talked about earlier concerning the 24 months, you know, potentially being unable to apply. So, I'm not sure in this particular case if there was a notice or not.

- Councilwoman Richardson: It's also they weren't allowed to rent it out but they were allowed to continue advertising, is what how Ben described it. They were not, they were allowed to advertise but as you said, they were not allowed to expand out and advertise on further sites but they were not allowed to rent it, like to actually book, to continue booking, like Mr. Cardone had said, it was sort of for the purpose of the continuation of keeping their status.

- Supervisor Cardone: Well, I didn't state that they couldn't continue booking. That wasn't the intent at the time.

- Councilwoman Richardson: Okay, that's what I'm clarifying because

- Supervisor Cardone: Please don't put words.

- Councilwoman Richardson: You had said that it was the continuation of advertisement so that they could maintain their status as a premier host. Advertising is not booking, that's what I'm clarifying. I spoke with the building inspector and he just.

- Town Attorney Nugent: I don't know. I'm not speaking for the Supervisor, I'm not, you're asking what he said or?

- Councilwoman Richardson: I'm just asking because I didn't hear the answer to the question was; the law intended to allow Premier hosts to maintain their status, to continue advertising or were they allowed to continue booking and renting out without a permit?

- Town Attorney Nugent: I believe, it at the time, it had to do with that was part of the discussion. At the time it wasn't put in anything about Premier status or anything else, it was just put in that the advertising couldn't be expanded. Whatever they had at the time they

applied it could not expand. I don't know that it particularly said. you know. all rentals must stop but obviously if they rent, you know, and they don't have approval then they'd be in violation of the code.

- Councilwoman Richardson: So, that's again, my question is are they allowed to rent it out or is it purely just they're allowed to advertise?

- Town Attorney Nugent: I don't think they can rent out.

- Councilwoman Richardson: Okay then it's accurate.

- Town Attorney Nugent: Then they cannot continue to rent in violation of the code.

- Councilwoman Richardson: Okay, thank you.

- Paul Carrico: Thank you. So, you're at a point where you have to make a decision. They're legally abiding by the law by getting the house inspected. There are the circumstances that have led up to this that you, as a council, certainly can consider that they did rent, that they did know, they did know the law and they just, I'm being a good neighbor and I'll still plow the yard, I mean the lawn, and I'll take care of it and I'll say hello and we'll but you can make a decision based on enough, I think, to say no, you're denied the permit. That's what we're just hoping so but that's up, of course, to you.

- Supervisor Cardone: Thank you for being so.

- Paul Carrico: Thank you.

- Councilwoman Richardson: Thank you for the pictures.

- Town Clerk Valerie Bitzer: That's all for public comment.

- Supervisor Cardone: Repeat that when you get up to the mic.

- James Horan: James Horan from J&G Law, appearing on behalf of the owner of 13 Ruby Road. With respect to the issue of prior rentals, my client indicates the last rental was the July or August of 2023. With respect to the provision in your code, which I apologize I had just had, but it require, in order to for the 24 month prohibition to kick in, there had to be a notice of violation served by the building.

- Supervisor Cardone: That's what I said.

- James Horan: Right, yeah, and my client is not aware of any notice of violation being served in respect to this. With respect to the gate, you know, there's and I believe we had submitted the documentation regarding the private road, there is an agreement that the, all of the, properties that access it have access over the common road, including the gate. It would extend to the property owners and their invitees or tenants and with respect to the conditions here, I believe there's five conditions that need to be considered and the applicant meets all five of those criteria. We had submitted documentation regarding the parking on the premises and with respect to the privacy and the screening, obviously it's impossible to screen properties 100% but under the circumstances here, as was noted at the last meeting, there is very substantial screening here between the properties. It was noted that in comparing this screening to other applications this was, in essence, the model of what would be a very, very substantial screening. There are house rules that are now in effect that were not in effect previously and the code contemplates that if the neighbors complain, the complaint will be investigated and if,

in fact, there are violations, the permit can be revoked. So, I mean there is a mechanism whereby it can be policed and that's the whole reason why my client is now, you know, applied to the town board for a rental permit, he wants to comply with the law and, you know, he wants to, again, use the, rent the premises on, you know, some basis when he's not present, when he and his family are not present. So, it's to defer some of the costs. Again, he resides in the city and uses it as a second home but this would defer, you know, some of the cost for the property. My client maintains the property immaculately and he wishes that to continue. It's not in his interest to, you know, let any tenants get out of control, any damage that would be, you know, caused to the property, he'd have to, you know, he'd have to absorb that, so it's not in his, it's not in his interest to have, you know, unruly renters and with that we would ask that the public hearing be closed and that the board reach a determination as soon as possible. Thank you.

- Town Clerk Valerie Bitzer: That's all for public comment.

- Supervisor Cardone: Anyone have any comments? Okay I'll make a motion to close the public hearing regarding 13 Ruby Road. What's the board's flavor, would you like to review everything?

- Councilwoman Richardson: Yes please.

- Supervisor Cardone: I think that we can make a decision, yeah, at the next meeting on June 17th. We'll place it on the agenda because with the new information (inaudible) couple things (inaudible) we'll have a decision.

Action (Resolution): 4.4 Motion to Close the Continuation of the Public Hearing RE: Short Term Rental Application, 13 Ruby Road, (SBL#35-2-2.1)

2024-#317

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Close the Continuation of the Public Hearing RE: Short Term Rental Application, 13 Ruby Road, (SBL: 35-2-2.1).

Motion by Supervisor -Tony Cardone, second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mary Bingham, Sal Scancarello, Dorey Houle, Maureen Richardson

Action (Resolution): 4.5 Motion to Open the Continuation of the Public Hearing RE: Short Term Rental Application, 21 Front Street (SBL: 16-3-1) *Public Hearing Transcribed by Deputy Town Clerk Barbara Singer

2024-#318

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Continuation of the Public Hearing RE: Short Term Rental Application, 21 Front Street (SBL:

16-3-1).

Motion by Supervisor -Tony Cardone, second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone, Mary Bingham, Sal Scancarello, Dorey Houle, Maureen Richardson

The following residents signed up to speak during Public Comment for the Continuation of the Public Hearing RE Short Term Rental Application, 21 Front St. (SBL: 16-3-1). To hear their comments, and Town Board Members responses, please go on-line to Board Doc's Video Clip #4.5, 0:25:54.

- Jim Connolly

- Supervisor Cardone: Okay, next item motion to open the continuation of the public hearing for short-term rental application 21 Front Street, sbl 16-3-1. Anybody sign up?

- Town Clerk Valerie Bitzer: No public comment.

- Supervisor Cardone: Okay, no public comment. Okay, so the only question I have regarding this is, we still don't have a final map of the addition. You're 21? Come on up. We still don't have a final map on the clarification of the additional lands that will become yours.

- Councilwoman Richardson: We have an email from Norinne, our planning board secretary, that answers our questions, you know, we got the proposed lot line changes that was approved conditionally and then we were told that the conditions were not filed yet. Do you have an update to that?

- Jim Connolly: The conditions were not filed for the line change?

- Councilwoman Richardson: Could you speak into the microphone?

- Town Clerk Valerie Bitzer: And just please state your name for the record.

- Jim Connolly: Jim Conley at 21 Front Street. I wasn't sure, I'm not sure of where the lot line actually stay. I know it was conditionally approved and then and then the surveyor he said he has to do a topography.

- Councilwoman Richardson: Mr. Nugent?

- Jim Connolly: But what I applied for, my current lot line, right, so I don't know how that alters.

- Supervisor Cardone: If I remember correctly, some of the walkways and other aspects.

- Jim Connolly: I sent pictures, I took pictures of the everything to show that.

- Supervisor Cardone: Yeah, I personally, I would prefer to see a survey.

- Jim Connolly: I have the survey right here.

- Councilwoman Bingham: I'm just speaking to Councilwoman Richardson, the letter from the planning board says that the applicant has not submitted to them regarding the conditions set forth in the resolution. So, the resolution that the planning board gave you when you got your conditional, final conditional approval, there must have been some things you still had to do and that's what we're looking for.

- Jim Connolly: The topography, yeah, most likely that's a survey I got to find out but what I what I'm saying is I applied for the STR based on my current situation. So, the only, everything else, is just really a bonus. I mean this the extra lot.
- Councilwoman Richardson: I wouldn't recommend that.
- Jim Connolly: What's that?
- Councilwoman Richardson: I wouldn't recommend that. Just based on my preliminary understanding of the law because the, your deck and the facilities that the renters will be using, actually the map that we had, like we were talking about it split the stairs and everything. I know that you submitted a private survey but.
- Jim Connolly: Pictures of the (inaudible).
- Councilwoman Richardson: Yeah, it's
- Councilwoman Houle: So, the lot line went right through the staircase.
- Councilwoman Richardson: Yeah, the building inspector's version of the survey. He's just not comfortable accepting outside party survey as a policy. So, now that you have a conditional approval, I mean, I would just recommend following through. What I was going to ask you is, does it have to go through the town engineer, am I remembering that correctly?
- Councilwoman Bingham: No, I think it's the planning board engineer that wants the (inaudible)
- Councilwoman Richardson: Oh, the Planning Board engineer, are we waiting on them? I just do not have that document.
- Councilwoman Bingham: We don't have anything.
- Councilwoman Richardson: Yeah, so they are the next initiator of the process? Or is he, is what I'm trying to say.
- Councilwoman Bingham: He has to
- Jim Connolly: What's that?
- Councilwoman Bingham: You have to complete the conditions that the planning board set then the attorney for the planning board and the engineer for the planning board would send a letter saying all the conditions have been met, that's my understanding.
- Jim Connolly: Okay, now I guess my question is, I didn't apply for the STR based on the new lot line, I guess. But you're saying that the old, what I applied for and what I got approved from the building department wasn't, is not what we want to do or?
- Councilwoman Bingham: Because I don't think the old, where the lots were, your items were not on your lot, that would kind of preclude us giving, I don't want to speak for the rest of the board, but it might preclude an approval, so you need to have all those conditions that the planning board set finalized.
- Jim Connolly: Okay but what is on the other, what are we referring to?
- Councilwoman Bingham: I don't have the resolution from the planning board so if it's the topography, if it's
- Jim Connolly: No, I meant as far as applying for, I applied for an STR based on the existing lot line and we, the building department came inspected everything and then I'm moving

forward with that. That's what I thought and then this is all actually happened after the fact, the lot line. This new lot line is.

- Supervisor Cardone: If you want me to read the resolution of approval.

- Jim Connolly: No, I guess, I see what you're saying, is that in order to get the additional lot line (inaudible)

- Councilwoman Richardson: In the opinion of the building inspector.

- Jim Connolly: Yes, that's the additional lot line but I'm saying what I did was, I applied for the old lot line with the (inaudible)

- Councilwoman Richardson: I know, so I can't speak for like what his opinion would be right now hearing you but I can only speak to what the conversation I had with him was that he, his Maps, our Maps, the ones that we can swear by, are telling us that we cannot and I know that you got a private survey done but I saw the flags and I'm not a specialist but those (inaudible)

- Jim Connolly: My neighbor flags.

- Councilwoman Richardson: Oh they're your neighbor's flags but still it doesn't make sense why a lot line would be through a deck. So I think this is just something that we have to finally clarify like once and for all. I know that it's very bureaucratic I apologize but if you have this sort of already in motion I guess what's the board feeling?

- Councilwoman Bingham: I think I need to hear Supervisor Cardone read that resolution what the conditions are.

- Supervisor Cardone: I was trying Mary.

- Councilwoman Bingham: If you have it.

- Supervisor Cardone: I was trying.

- Councilwoman Bingham: That's okay. Sometimes things take a little longer.

- Supervisor Cardone: Sometimes you get interrupted Mary.

- Councilwoman Richardson: You never do it.

- Supervisor Cardone: Okay and so subject to final engineering review of the map and that's basically goes into details about the map prior to the signing of the map the applicant shall submit a properly executed owner's endorsement from Round Hill Realty LLC authorizing the application. Prior to signing the map suitable monument shall be placed at lot corners to the satisfaction of planning board engineer seems like you've done that. The map shall be revised as follows to the satisfaction of the planning board engineer: revise the bulk table to include the applicable zoning requirements for the RR1 district and existing and proposed bulk dimensions for each lot and indicate any legal pre-existing non-conforming conditions; delineate the boundaries of the RP-O District RR-1 district and SR15 Districts; show the topography of Lot 1 Parcel A and 100 feet onto Lot 2 from the new lot line and show the stream in this vicinity; Label the existing Improvement/structures on tax parcel 7-1-40; Remove the reference to a proposed easement area for pedestrian access. Then it goes on to say add map notes as follows: the map reflects a lot line change amongst existing lots; no new lot is being created. No development or disturbance is being approved as part of this lot line change; tax parcel 70-1-40 is located partially within the Ridgeline Protection Overlay district which is what RP-0 means. Any future construction or disturbance proposed shall

require review and approval by the planning board pursuant to town of Monroe code 57-21.2. A map must be filed with Orange County Real Property Service and Orange County Clerk and no deed may be recorded until such map is filed. The applicant shall copy the planning board on its letter transmitting deeds to Orange County Clerk for recording and shall provide the planning board of proof a filing of said deeds and the new deed description shall be acceptable to the planning board engineer. Then you go on to the general conditions the approval is conditioned upon applicant submitting all necessary copies of maps to be signed including mylars when required to the town of Monroe building department within 180 days of the date of this approval. The approval is further conditioned upon all approvals that are needed by operation of federal state or local laws and regulations whether not or noted above in specific conditions of this resolution including but not limited to United States Corp of Engineers New York State Department of Environmental Conservation New York State DOT New York State Department of Health so on and so forth with other agencies. The approval is further conditioned upon the applicant delivering (prior to signing of the plat) proof in writing that all fees and expenses engineering planning legal and otherwise including inspection fees owed to the town for all land use application are paid fully. Completed entity disclosure statement signed and either sworn or affirmed by the applicant referenced on file with this board meaning the planning board. The conditional approval shall expire 180 days after the date of resolution granting such approval unless the requirements have been certified as completed within that time and a plat has been signed or unless such time is extended by the planning board. A failure to comply with any such condition in a timely matter shall result without further action in a lapsing of this approval. So that alone is why we can't act on it. We have to wait for the approval.

- Jim Connolly: So the current house that I purchased in Monroe I would not be able to short-term rental.

- Councilwoman Houle: Not until you satisfy these conditions.

- Jim Connolly: I understand that but I applied for the SDR with home that I purchased.

-Councilwoman Richardson: Mr. Nugent could you because I think that we're talking about two different matters now and he keeps going back and asking one matter at a time. He wants to prove that his lot lines are not the lot lines that the building inspector has issues with. He wants to file with that lot line he has filed with that lot line. Can you answer to that scenario?

- Jim Connolly: And then I purchased this property after I started right.

- Town Attorney Nugent: So what is the lot line before the planning board? The lot line change?

- Councilwoman Richardson: Just after the deck. It's in our executive.

- Supervisor Cardone: Yeah it's in here but it includes only a portion of the deck I think a portion of the walkway.

- Councilwoman Bingham: Stairs.

- Supervisor Cardone: Yeah stairs you know.

- Councilwoman Richardson: The lot line on the map goes three feet into a set of stairs so in practical realities sake that's not realistic. I don't think they would have allowed him to build

the deck unless there was some kind of permitting issue and then he had an independent survey which we have photos of with flags or the neighbor with flags that show clearance grass land between the edge of the staircase and his property line.

- Town Attorney Nugent: Do you know which condition is not satisfied in that approval?

- Councilwoman Richardson: What we thought was the condition not satisfied that the tenants would be using property not associated with the main house. Is that even a concern?

- Town Attorney Nugent: It shouldn't be but it also mentioned compliance or bringing in non-conformance into compliance. Is there non-conformance on the lot that we're talking about?

- Councilwoman Richardson: He hasn't been notified by our building inspector of any violation that his deck is off his property. In reality but that's you know he's brought this to our attention now technically so what's our obligation? Do we have one? Or is his independent survey you see like how do we proceed in remedying?

- Supervisor Cardone: So Brian here's the question do we as a board approve this and then or disapprove it but if we do approve it are there any ramifications if that lot line is not changed or that lot is not added to this lot?

- Town Attorney Nugent: I think there is if regardless of whether you got a violation if there's non-conformance you can't approve an STR. If you have non-conforming lot or structure on the property and until we know that I don't know that you know unless I'm going to go look at. We shouldn't have a question on where the lot line is.

- Councilwoman Richardson: He did submit it in advance he submitted an independent survey with flags that clear and in their opinion proves that it is in compliance but I spoke with Ben and.

- Jim Connolly: The building inspectors have been to my property.

- Councilwoman Richardson: Yeah.

- Town Attorney Nugent: And does any of the bulk or you know these houses even though the line might be moved off the deck is it still an issue? Anything that requires a variance where the deck is in relation to the lot line or anything? Even if it's now within

- Councilwoman Richardson: Oh like there's not enough clearance between the edge? Town Attorney Nugent: Bulk or you know set back?

- Councilwoman Richardson: That's a question for Ben but Ben's whole our whole discussion was based on that this addition would be successful and part of the application. He sort of our entire conversation premised on the application including the new lot.

- Town Attorney Nugent: Yeah so I don't think if we're in agreement or satisfied with where the lot line is that's issue number one but I'd have to ask Ben because I don't know if assuming the lot lines moved where it is everything is in compliance and conforming.

- Councilwoman Richardson: That's he just said he does not typically accept external surveys like that or that kind just a photo of flags. He can't accept that as evidence as well so.

- Town Attorney Nugent: No stamp certified?

- Councilwoman Richardson: That's my understanding.

- Town Attorney Nugent: Okay.

- Councilwoman Richardson: Oh stamp oh I don't know. No no the just what we received.
- Town Attorney Nugent: Do you have a survey by a licensed surveyor stamped?
- Jim Connolly: Yep.
- Town Attorney Nugent: Has that been submitted?
- Jim Connolly: Well there a survey you guys have.
- Councilwoman Bingham: It's not stamped with the engineer's stamp on it though.
- Councilwoman Richardson: Is that the one where the line is through the stairs?
- Jim Connolly: Professional Land Surveyor (inaudible)
- Councilwoman Richardson: Is that the one where the line is through the deck? I think that is the one that this is.
- Supervisor Cardone: This is not stamped this is a draft for review.
- Town Attorney Nugent: Yeah that's the one I saw it says draft for review on it.
- Supervisor Cardone: And I'm going to say this Brian I don't know how the lot could be conforming when and I'm just doing this by observation when the lot line looks like it's maybe a foot off the side of the house. There's minimum setbacks I think it's 35 feet 10-15 at a minimum on one side.
- Councilwoman Richardson: I thought you were through the building inspector and that's why he sent you here and that there were like non-conforming and unpermitted structures and all those things.
- Jim Connolly: The other property.
- Councilwoman Richardson: Oh okay.
- Jim Connolly: Not mine.
- Councilwoman Richardson: Okay.
- Jim Connolly: Not the property that's the STR.
- Councilwoman Richardson: Okay.
- Jim Connolly: And that yeah so it's all on the other property.
- Councilwoman Richardson: Okay.
- Jim Connolly: So the other property has nothing to do with the STR that I'm working on right now. However that's already been remedied with this conditional approval. All the other (inaudible).
- Councilwoman Richardson: Yes if you filed that then the preliminary opinion is that it would approve. Like you know improve your circumstances.
- Jim Connolly: The non-conforming items are all on the other property; they're not on my property.
- Councilwoman Richardson: Okay well.
- Jim Connolly: That's not on my property right now.
- Councilwoman Richardson: Right but what Supervisor Cardone has just mentioned and pointed out I'm now realizing and as well as our attorney that there has to be setbacks between your deck and the house and the edge of your property. So now we have to ensure that that is compliant and I'm not a building inspector so.

- Town Attorney Nugent: Here's a problem in a nutshell. The planning board resolution says that the survey has to indicate any non-conforming or you know non-complying bulk. Which is okay that's the condition. The problem is for the short-term rental it says that the structure and lot basically have to be conforming and it says the lot and the structure are not considered existing non-conforming uses or buildings. So if there's a building you know or the lot that are considered non-conforming. That may present a problem but I think that's something we have to talk to Ben about.
- Supervisor Cardone: How about we do this rather than belabor this anymore. Council can you contact Ben and discuss it with him and get your take on it?
- Town Attorney Nugent: Yeah but are you going to have a final survey from this person because instead of a draft?
- Jim Connolly: I have I mean I guess I have the final survey.
- Councilwoman Richardson: I think the whole point of the situation was are you do you want us to consider your application which lot? Which scenario? Do we have to decide that? That was sort of how we got down this path. Does he have to make that decision and that's what we deliberate on?
- Supervisor Cardone: Listen I'm going to tell you based on what you just said if you're asking me to consider this tonight and make a decision I can't vote yes on it with the way the lot line is.
- Jim Connolly: Okay.
- Supervisor Cardone: I'm being honest.
- Jim Connolly: All right.
- Supervisor Cardone: That's just me that's not everybody else.
- Councilwoman Richardson: I think that's the consensus right now just informally that it wouldn't conform.
- Jim Connolly: Okay I wish you had told me that a long time ago but the gentleman in the building department could have told me anyway.
- Councilwoman Richardson: I think he thought
- Supervisor Cardone: I had told you two meetings ago that we needed a copy the survey.
- Jim Connolly: No no I sent the surveys.
- Supervisor Cardone: No I know that but it's not a stamped survey it's a draft.
- Councilwoman Richardson: I think everyone just assumed that because you were getting that addition that any problems that came from your original lot not ending at the proper place that that would all be resolved and there were assumptions made and I apologize so yeah.
- Jim Connolly: No it's all right all right.
- Supervisor Cardone: I didn't make any assumptions just so you know.
- Councilwoman Richardson: Okay.
- Town Attorney Nugent: Do you want to continue this then?
- Supervisor Cardone: Yeah so I'll make a motion to keep open the continuation of the public hearing regarding short-term rental application 21 Front Street SBL 16-3-1. How much time

would you like? You want to do it on the 17th of June or would you like to go into July which is the 15th?

- Jim Connolly: Obviously I'd like the quickest but I don't know how along that.

- Supervisor Cardone: Yeah but can you what that's why I'm asking can you get your issues solved? Can you get a survey? Can you get your conditions?

- Councilwoman Richardson: Did you receive a copy of the conditions? Or your attorney from the planning board?

- Jim Connolly: My attorney they told me that everything was conditional they were working in moving forward. Everything from what I understood everything was done actually. As a matter of fact there's non-complying items on the other property that they were not able to tell me what the fines were. It was actually kind of daunting having to sign something not knowing what the fines are going to be. So nobody could tell me but they've actually told me what the fines are now so from what I understand I pretty much they wouldn't tell me what the fines were until that was finalized and they told me the fines.

- Councilwoman Richardson: This to me just sounds like if he can actually prove that his original property that he applied for we don't actually have to make that decision right now. Then if he wants to come back with some kind of acceptable proof if there are issues.

- Supervisor Cardone: I would like if you let our attorney speak to the building inspector and then possibly the building inspector get in contact.

- Town Attorney Nugent: That's fine.

- Jim Connolly: I'll call my surveyor tomorrow see where we are attorneys want me to reach out to Valerie or something? And see quickly.

- Supervisor Cardone: Yeah that would be great.

- Councilwoman Bingham: You want to wait two weeks and if worse comes to worse you'll just have to come back in July. So we want two weeks.

- Supervisor Cardone: So I'll add to that motion at 7 p.m. or immediately thereafter on June 17th.

- Jim Connolly: That works. Thank you.

- Supervisor Cardone: Thank you for your patience.

Action (Resolution): 4.6 Motion to Keep Open the Continuation of the Public Hearing RE: Short Term Rental Application 21 Front Street (SBL: 16-3-1)

2024-#319

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Keep Open the Continuation of the Public Hearing RE: Short Term Rental Application 21 Front Street (SBL: 16-3-1) until June 17 2024 at 7:00 pm or soon there-after.

Motion by Supervisor -Tony Cardone second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Discussion Information: 4.7 Motion to Open the Continuation of the Public Hearing: Proposed Local Law E-V1/2023 Ch. 41 (Sewage Systems) Revisions *Public Hearing Transcribed by Deputy Town Clerk Barbara Singer

2024-#320

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Continuation of the Public Hearing: Proposed Local Law E-V1/2023 Ch. 41 (Sewage Systems) Revisions.

Motion by Supervisor -Tony Cardone second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

The following residents signed up to speak during Public Comment on the Continuation of the Public Hearing: Proposed Local Law E-V1/2023 Ch. 41 (Sewage Systems) Revisions. To hear their comments and Town Board Members responses please go on-line to Board Doc's Video Clip #4.7 0:7:49.

****NO PUBLIC COMMENT AT THIS TIME**

- Supervisor Cardone: Item 4.7 I'll make a motion to open the continuation of public hearing regarding proposed local law E-V1 of 2023-chapter 41 sewer system revisions.

Councilwoman Bingham?

- Councilwoman Bingham: Do we have anybody from the public?

- Town Clerk Valerie Bitzer: No public comment.

- Councilwoman Bingham: No public comment so Mr. Nugent did look over the revision that Shawn Arnott had worked on back in April and there was a question regarding section 41-14 B maintenance Bond and how long do we want to hold that open for? For how many number of years? So the way it's written now I believe if Mr. Nugent you have the exact language because I only have part of it here. The maintenance bond is for five years but it could be released after one year and you thought that was inconsistent it should be.

-Town Attorney Nugent: It read as if it was for five years but then at the end somebody added one year like as a change. So I think Shawn may have changed it it appears inconsistent. I think it should be whatever it is the town would say. You know you need to provide a maintenance bond and we just not need to decide the period of time. Now for example I think I had said in the email road dedications are typically one year from when the town accepts the road you have a maintenance bond for a year but as I pointed out you know sewer infrastructure might be a little bit more complicated than a road so you may want to go longer on the maintenance bond. I think Sean said typically problems would show up in a year I threw in two years in the draft figuring you know sort of split the not exactly splitting the difference but you know going with two years. -Councilwoman Bingham: Now there's one

other question can the developer come back to the town board sooner than what we put in the code and be released sooner? So if we did five and five and you know there's no problems and the developer wants his money after 3 years could he come before the board and ask for it to be released early even though we have five and five in in the code?

- Town Attorney Nugent: You would need to write that because typically you wouldn't do that for maintenance bond you might do that on a performance case or something because they finish the work it appears satisfactory and you release but the purpose of a maintenance bond is you don't know what may show up you know 8 months a year or you know 14 months later so it's not the kind of bond where you're saying you've satisfied the condition and now we're willing to release it. The very purpose of it is that you're satisfied and look there's always normal wear and tear and things that are going to happen it's not that they have to guarantee it forever but it's the period of time that the town feels satisfied that if it wasn't done properly the work and the infrastructure that you would see signs of that and I believe Shawn you know mentioned a year that's why I put in two figuring it give you some insurance but you could go longer. I don't think if you do that you should release it earlier though. If you feel that five years is what's needed for you to see a problem then I believe you should keep the five years and not have a provision for early release but you don't have to go that long you can go two three you know whatever you think is appropriate.

- Councilwoman Bingham: I just know the way soil settles sometimes it doesn't show up like you said right away within a year so two was a compromise but I think three would secure the town.

- Councilwoman Richardson: That was my thought.

- Councilwoman Bingham: Three would secure the town better so if could you make that revision to change it to five years and then release after three?

- Town Attorney Nugent: Yeah we would reduce that to three and I think otherwise we have a you know red line and a clean. We can just send the clean version with the three years and then if you want to either close or continue and then close at the next meeting we could adopt at that point

- Councilwoman Bingham: Okay so it'll be three. All right there was another error you found we do have to discuss fees but that would be after we adopt this and then I thought there was one more you mentioned that was one more inconsistency; unlawful discharges section 41-57.

- Town Attorney Nugent: That the sewer and sewage language?

- Councilwoman Bingham: No that was unlawful discharge to a natural water outlet a natural outlet that receives the water.

- Town Attorney Nugent: Oh I think it was the word "subsequent" that was the very end that we talked about because it said subsequent but it was close to the last section of the code.

- Councilwoman Bingham: So we just removed the word "subsequent".

- Town Attorney Nugent: Yeah so it just says in accordance with the provision of this chapter instead of the subsequent provisions and I think you pointed out it might have been an old reference to chapter 42 or might have gotten moved around but yeah we just removed the

word "subsequent" there.

- Councilwoman Bingham: Okay so I would suggest that we keep this hearing open ask for a clean version and then for June 17th for it to be finalized at that time.

- Town Attorney Nugent: Yeah that will work we can get the clean version to you probably tomorrow so you'll have it and you can put it out to the public.

Action (Resolution): 4.8 Motion to Keep Open the Continuation of the Public Hearing:
Proposed Local Law E-V1/2023 Ch. 41 (Sewage System Revisions)

2024-#321

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Keep Open the Continuation of the Public Hearing: Proposed Local Law E-V1/2023 Ch. 41 (Sewage System Revisions) until June 17 2024 at 7:00 PM or soon there-after.

Motion by Mary Bingham second by Supervisor -Tony Cardone.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Discussion Information: 4.9 Motion to Open the Public Hearing RE: Zone Change Petition RE: Project 230160 18 Stair Way (SBL: 3-1-25) *Public Hearing Transcribed by Deputy Town Clerk Barbara Singer

2024-#322

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Open the Public Hearing RE: Zone Change Petition RE: Project 230160 18 Stair Way (SBL: 3-1-25).

Motion by Supervisor -Tony Cardone second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

The following signed up to speak during Public Comment for the Public Hearing RE: Zone Change Petition RE: Project 230160 18 Stair Way (SBL: 3-1-25). To hear their comments and Board Members responses please go on-line to Board Doc's Video Clip #4.9 0:53:57.

- Dave Higgins

- Supervisor Cardone: Next item is 4.9 motion to open the public hearing regarding zone change petition project 230160 18 stairway which is an sbl 3-1-25.

- Supervisor Cardone: Okay you're back good evening.
- David Higgins: Good evening.
- Supervisor Cardone: Just please state your name your company where you live how many kids you have.
- Councilwoman Houle: And do it all into the microphone.
- David Higgins: Yes all right good evening. David Higgins from Lanc & Tully Engineering and Surveying. I do have actually the notices for the hearing that were sent out hand to you.
- Supervisor Cardone: Yeah you can give it to the Clerk please.
- David Higgins: So again thanks for having me here tonight. I maybe would like to just provide a sort of summary of where we have been and what brought me here to the meeting here tonight. You may remember I was here in May and the petition that was submitted to the town board was in relation to 18 Stair Way tax lot 3-1-25 also known as the property where Master Class pistol range is located. That property is 2.7 acres and the owner of that property is Alice Serpi and essentially the owner had received a building permit for a garage. The existing garage on the property that was issued in 2016 then at the time that the garage was supposed to be for an accessory to the Master Class pistol range. Since that time in 2016 the owner had been allowing the Monroe Landscaping to use the garage for the storage of landscape equipment and in June of 2023 the owner received a notice of violation from the building department that they needed to receive site plan approval for the use of the garage in that manner. The owner then retained our services Lanc & Tully to prepare a site plan for that use and in the course of doing that in our submission to the town planning board it was determined that the use as landscape or contractor storage yard is not permissible in the GB District which is the zoning district in which the property exists. Essentially it was determined that there were two courses of action that the applicant could make which was to petition the town to change the zoning for the GB District to allow landscape or contractor storage materials in the GB District or the applicant would need to apply to the zoning board of appeals for a variance a use variance. So the applicant has made the petition to the town board to modify the GB zoning District to allow that use and in so doing I know we prepared certain materials some of which was you know the zoning map showing some of the adjoining areas and that the heavy industry and the light Industry districts which are also located in that general vicinity do allow the use as a special permit for landscape and contractor storage. So our petition is to ask the town to consider making that change to the GB District to allow that use. If there are any questions I'd be happy to try and answer them.
- Councilwoman Bingham: I have a question for the attorney. This would only apply to this one parcel or would it be for any parcel in the GB District?
- Town Attorney Nugent: Any parcel in the GB.
- Councilwoman Bingham: Any?
- Town Attorney Nugent: Yeah it would be adding a use you know permitted in the GB. So any zone that's GB would be receiving this change.
- Councilwoman Bingham: Do we know how many parcels other than this one are in the GB

Zone?

- David Higgins: I didn't count them but I know that in what I submitted was that I believe there two areas of the town that are in the GB District I believe. So you probably have a digital version of this as well but the GB district is essentially this dark green area. So that's this area in here subject property is located right here and then the other area in in the town is this area right here just before you get into the village of Harriman. So they're fairly minor areas. I also did point out that portions of those areas are going to be basically very difficult to be developed due to the topography or due to water resources that are in the area basically the lakes; so that there you know there's limit on what can be done on some of those properties to begin with because of environmental constraints. In the areas that I pointed out were the light Industry district and the heavy industry district again you know at least those are just the ones that I picked out that happen to be adjacent to the GB District that we're seeking to have modified.

- Supervisor Cardone: Than you (inaudible) did you Max?

- Town Attorney Nugent: I just sent it few hours ago. He gave us like he was supposed to give us an official memo in response to this so I haven't even reviewed that but it came in today. So in any event this would have to be continued because the local law itself it wasn't distributed in sufficient time so either way we would continue this and then in the meantime you can review the planner's memo and allow the applicant you know to respond to it with any comments.

- Councilwoman Richardson: So we are not concerned at this time with the subsequent steps that we've been provided because we're continuing it because I think my question was Harriman notified if we are potentially changing.

- Town Attorney Nugent: No the sort of threshold question is if you want to consider this you know moving forward with it this is a local law so it would require an actual amendment to the zoning so you would continue this hearing. It would need to be sent for GML review it would need to be sent to Harriman. There are other steps that would have to go forward before you could even consider adopting but I was just pointing out that the local law itself wasn't distributed so you'd have to continue but it's going to not be something you're going to adopt next month or next meeting because the County planning board is going to have at least 30 days for their review and then the Village.

- Councilwoman Richardson: So our obligation right now is just motion to open listen to comment respond to any questions and then.

- Town Attorney Nugent: Yeah in the public if anybody wishes to speak about it and then to review and provide the planner's comments to the applicant and for yourselves to review those because you may see concerns in the planner that make you decide you don't want to do this or

- Councilwoman Richardson: Right but we didn't get those. That's not something we can do tonight so.

- Town Attorney Nugent: Exactly.

- Supervisor Cardone: Motion to open the public hearing regarding zoning change petition

project 230168 18 Stair Way sbl 3-1-25 until June 17th at 7pm or immediately thereafter.

- Supervisor Cardone: So you understand?

- David Higgins: Yes so because the local law needs to be distributed you need some time for feedback on that.

- Town Attorney Nugent: And we have the planner's comments which we'll get to you and then in prior to the next continuation you can respond to those and the board will have an opportunity to review them.

- David Higgins: Okay so we'll be back here on June 17th is that correct?

- Town Attorney Nugent: Yes and we have sufficient documentation at this point to send out you know for GML review. We have the AF we have the local law so we can at least get that process started as well.

- David Higgins: Okay all right so thank you.

- Supervisor Cardone: Thank you very much.

- David Higgins: Have a good night.

- Supervisor Cardone: Thank you you too.

Action (Resolution): 4.10 Motion to Keep Open the Public Hearing RE: Zone Change Petition
RE: Project 230160 18 Stair Way (SBL: 3-1-25)

2024-#323

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Keep Open the Public Hearing RE: Zone Change Petition RE: Project 230160 18 Stair Way (SBL: 3-1-25) until June 17 2024 at 7:00 PM or soon there-after.

Motion by Supervisor -Tony Cardone second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

5. Acceptance of Minutes

Action (Resolution): 5.1 Acceptance of May 20 2024 Minutes

2024-#324

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to accept the May 20 2024 Minutes.

Motion by Dorey Houle second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Abstain: Supervisor -Tony Cardone

6. Audit of Claims

Action (Resolution) Discussion: 6.1 Amended General Fund Abstract From 5/20/2024

2024-#325

BE IT RESOLVED that the Town Board of the Town of Monroe requests approval of Amended General Fund Abstract #24-06 from 5/20/24 containing Check #35256 - 35319 totaling \$514614.02.

Motion by Supervisor -Tony Cardone second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Discussion: 6.2 General Fund Abstract

To hear Board Members and Town Counsel Nugent's discussion RE General Fund Abstract please go on-line to Board Doc's Video Clip #6.2 1:05:34.

2024-#326

BE IT RESOLVED that the Town Board of the Town of Monroe requests approval of Motion as written (Abstract #24-07 General Fund containing Check #35320 - 35384 totaling \$259881.45).

Motion by Supervisor -Tony Cardone second by Mary Bingham.

2024-#326A

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Table approval of Abstract #24-07 General Fund containing Check #35320 - 35384 totaling \$259881.45.

Motion by Mary Bingham second by Maureen Richardson.

Final Resolution: Motion Fails

Aye: Mary Bingham

Nay: Supervisor -Tony Cardone Sal Scancarello Dorey Houle Maureen Richardson

2024-#326B

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Amend the current Motion RE approval of Abstract #24-07 General Fund containing Check #35320 - 35384 totaling \$259881.45 excluding the three (3) vouchers from Supervisor Cardone.

Motion by Mary Bingham second by Maureen Richardson.

Final Resolution: Motion Fails

Aye: Mary Bingham Maureen Richardson

Nay: Supervisor -Tony Cardone Sal Scancarello Dorey Houle

2024-#326C

BE IT RESOLVED that the Town Board of the Town of Monroe requests approval of Abstract #24-07 General Fund containing Check #35320 - 35384 totaling \$259881.45.

Motion by Supervisor -Tony Cardone second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Sal Scancarello Dorey Houle

Nay: Mary Bingham Maureen Richardson

7. Cash Transfer Requests

Action (Resolution) Discussion: 7.1 Cash Transfer Abstract

2024-#327

BE IT RESOLVED that the Town Board of the Town of Monroe made a Motion to approve Abstract #2024-03 to move cash back to funds from NYCLASS investments to cover future expenditures in 2024 totaling \$220000.00.

CASH TRANSFERS TO/FROM INVESTMENT FUNDS

TOWN OF MONROE

DATE OF AUDIT: June 3 2024 #2024-03

DATE GL NO. DESCRIPTION Account Transf to Transf from
Consolidated Savings SR00 Fund SR00-0201 220000.00
NYCLASS Investment SR00 Fund SR00-0240 220000.00
220000.00 220000.00

To move cash back to funds from NYCLASS investments
to cover future expenditures in 2024

Motion by Supervisor -Tony Cardone second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

8. Budget Transfer Requests

Action (Resolution) Discussion: 8.1 Budget Transfer Abstract

2024-#328

BE IT RESOLVED that the Town Board of the Town of Monroe approves Budget Transfer Abstract #2024-11 totaling \$8370.72. Transfer for SD18 Lake Sapphire Dam Drainage Dist. to reimburse Town for prior year expenses. (Dist. was formed in 2023 and taxed in 2024)

ABSTRACT OF BUDGET TRANSFERS

TOWN OF MONROE

DATE OF AUDIT: June 3 2024 ABSTRACT 2024-11

Transfer for SD18 Lake Sapphire Dam Drainage Dist. to reimburse Town for prior year expenses. (Dist. was formed in 2023 and taxed in 2024)

DATE GL NO. DESCRIPTION Account Trans In Trans Out

6/3/2024 Maintenance and Contractual SD18-8540-4504-00 8370.72

Refund of prior year expenditures A000-2701 102.77

Refund of prior year expenditures B000-2701 8267.95

8370.72 8370.72

Motion by Supervisor -Tony Cardone second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution): 8.2 Budget Transfer Abstract

2024-#329

BE IT RESOLVED that the Town Board of the Town of Monroe approves Budget Transfer Abstract #2024-12 totaling \$41695.43. 2024 Expenditure Adjustments.

ABSTRACT OF BUDGET TRANSFERS

TOWN OF MONROE

DATE OF AUDIT: June 3 2024 ABSTRACT 2024-12

2024 Expenditure Adjustments

DATE GL NO. DESCRIPTION Account Trans In Trans Out

6/3/2024 1465 Orange Turnpike Monitoring System A000-1620-4260-08 4721.00

Shared Services Equipment A000-1620-2000-00 4721.00

Theater Bldg Elevator Inspect/maint A000-1622-4270-00 4675.97

Theater Bldg Repair & Maint A000-1622-4303-00 4675.97

Central Printing Copier Paper & Supplies A000-1670-4401-00 2238.56

Central Printing Stationery & Supplies A000-1670-4101-00 2238.56

County & Town Property Tax 34 Millpond A000-1952-4000-02 6146.46

Unallocated Insurance A000-1910-4601-00 6146.46

Dial A Ride Contractual A000-5630-4500-00 20000.00

Dial A Ride Equipment A000-5630-4500-00 20000.00

Brush and Weeds DT 2.0 DA00-5140-1052-00 210.40

Brush and Weeds OT 1.5 DA00-5140-1051-00 210.40

Snow Removal Pers Serv DA00-5142-1020-00 3703.04

Snow Removal OT 1.5 DA00-5142-1051-00 3703.04

41695.43 41695.43

Motion by Supervisor -Tony Cardone second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

9. New Business

Action (Resolution) Discussion: 9.1 Employee Handbook Update Section 503

2024-#330

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Resolution approving the following update to the Town of Monroe Employee Handbook Section 503.

Breaks for Nursing Mothers to Express Breast Milk – The Town will provide paid break time for thirty minutes and permit an employee to use existing paid break time or meal time for time in excess of thirty minutes to allow an employee to express breast milk for the employee's nursing child each time the employee has reasonable need to express breast milk. This policy applies to nursing mothers for up to three years following childbirth. Breaks are available to the employee during their normal work week and any overtime or additional hours worked.

New York State Labor Law Section 206-c which covers the Right of Nursing Mothers to Express Breast Milk was recently amended to require paid breaks for thirty minutes for nursing mothers to express milk. This amendment goes into effect on June 19 2024. The only revision to the current policy (Section 503) is in the paragraph titled Breaks for Nursing Mothers to Express Breast Milk. The rest of the policy still applies.

Motion by Supervisor -Tony Cardone second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Information: 9.2 Employee Retirement Webster Johnson

2024-#331

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to accept the Retirement/Resignation of Webster Johnson Maintenance Department effective May 31 2024.

Motion by Supervisor -Tony Cardone second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Discussion: 9.3 Resignation Brendan Cunniffe

2024-#332

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Resolution accepting the resignation of Seasonal Laborer Brendan Cunniffe effective May 31 2024.

Motion by Supervisor -Tony Cardone second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Discussion: 9.4 Philip Valenza End of Employment Probationary Period

2024-#333

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Resolution approving the end of the employment probationary period for Philip Valenza Part-Time Assistant Building Inspector III effective May 20 2024.

Motion by Supervisor -Tony Cardone second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Discussion: 9.5 Community Garden at Town Hall

2024-#334

BE IT RESOLVED to accept the Town of Monroe 2024 Community Garden Packet and Application. Fee for community plots \$35 per plot and will be available to Town of Monroe residents on a first-come basis. A mandatory gardeners meeting will be held in June. Date to be announced via Town of Monroe's Constant Contact. We encourage all residents to sign up for constant contact to be aware of all town sponsored events and important information for concerning town business.

Motion by Supervisor -Tony Cardone second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Discussion: 9.6 WIIA Grant Application Water District 14

2024-#335

BE IT RESOLVED that the Town Board of the Town of Monroe Made the following Resolution by Councilwoman Bingham and seconded by Supervisor Cardone:

RESOLUTION AUTHORIZING THE TOWN OF MONROE TO APPLY FOR WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT PROGRAM FUNDING FOR WATER DISTRICT 14

WHEREAS the Environmental Facilities Corporation is soliciting applications through the Water Infrastructure Improvement Act for clean and drinking water improvements projects; and

WHEREAS the Town of Monroe has an identifiable need to conduct infrastructure improvements to Water District #14; and

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the Town Supervisor or his designee to submit an application to the Environmental Facilities Corporation Water Infrastructure Improvement Act Grant Program for the infrastructure improvements at Water District #14.

BE IT FURTHER RESOLVED that the Town Supervisor and any other officer or employee as directed by the Town Supervisor is hereby authorized to take any and all necessary actions to carry out the provisions of this Resolution.

Adopted on this 3rd day of June 2024.

Motion by Mary Bingham second by Supervisor -Tony Cardone.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Discussion: 9.7 Millennium Strategies Service Continuation Agreement

To hear Councilwoman Bingham and Councilwoman Richardson's comments RE Millennium Strategies Service Continuation Agreement please go on-line to Board Doc's Video Clip #9.7 1:36:40.

2024-#336

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to approve the Millennium Strategies Service Continuation Agreement for grant writing services for the Town of Monroe. The proposed monthly retainer fee of \$3300 for an amount not to exceed \$39600.00 per annum reflects no increase over the prior year's agreement.

Motion by Supervisor -Tony Cardone second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Discussion: 9.8 Highview Drainage Study Agreement

To hear Supervisor Cardone RE Highview Drainage Study Agreement please go on-line to Board Doc's Video Clip #9.8 1:49:10.

2024-#337

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion authorizing the Supervisor to sign the Highway Drainage Study Agreement put together by MHE.

Motion by Dorey Houle second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Discussion: 9.9 Highway Garage Hazardous Materials Testing Quotes

2024-#338

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to approve Air Environmental Consulting LLC at \$4950.

Task – Perform Pre-Demolition Inspection and Bulk Sampling of Suspect Asbestos Containing Building Material (ACBM)

Task 2 – Perform a Pre-Demolition Inspection of Suspect Lead-Based Paint (LBP) with paint chip samples and/or X-ray fluorescence (XRF) analyzer

Task - Asbestos Bulk Sampling with PLM PLM/NOB and TEM Analysis

Motion by Supervisor -Tony Cardone second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Discussion: 9.10 Short Term Rental Application 8 Keith Lane

2024-#339

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to set a Public Hearing RE Short Term Rental Application 8 Keith Lane for June 172024 at 87:00 PM or soon there-after.

Motion by Supervisor -Tony Cardone second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

10. Old Business

Action (Resolution) Discussion: 10.1 Equipment Surplus Round Lake Boats

2024-#340

BE IT RESOLVED that the Town Board of the Town of Monroe Made the following Resolution by Councilwoman Houle and seconded by Councilman Scancarello:

RESOLUTION AUTHORIZING SALE OF SURPLUS EQUIPMENT TO THE TOWN OF WOODBURY

WHEREAS the Town of Woodbury ("Woodbury") has expressed interest in purchasing certain equipment from the Town of Monroe ("Monroe") consisting of a lot of four (4) swan boats and two (2) duck boats ("Equipment"); and

WHEREAS the Town Board does not have any useful purpose for the Equipment and desires to transfer same to the Town of Woodbury where such Equipment will be put to a beneficial use for the Woodbury community; and

WHEREAS the Town requested cost appraisals from Industrial Appraising Company which determined a salvage value of \$440 per swan boat and \$296 per duck boat; and

WHEREAS Woodbury has offered to purchase such Equipment at the rate of \$450.00 per swan boat and \$300.00 per duck boat.

NOW THEREFORE BE IT RESOLVED: that:

Section 1. The above "WHEREAS" clauses are incorporated herein as if set forth in full.

Section 2. The Town Supervisor is hereby authorized to execute any and all documents necessary to effectuate the sale of surplus equipment to the Town of Woodbury at the rate of \$450.00 per swan boat and \$300.00 per duck boat with the entire lot to be sold to Woodbury.

Section 3. The Town Supervisor and any other officer or employee as directed by the Town

Supervisor is hereby authorized to take any and all necessary actions to carry out the provisions of this Resolution.

Section 4. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Yea Nay Abstain Absent

Anthony Cardone Supervisor [X] [] [] []

Dorey Houle Councilperson [X] [] [] []

Mary Bingham Councilperson [X] [] [] []

Sal Scancarello Councilperson [X] [] [] []

Maureen Richardson Councilperson [X] [] [] []

The Resolution was thereupon duly adopted.

Motion by Supervisor -Tony Cardone second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Discussion Information: 10.2 Short Term Rental Application 649 Lakes Road (SBL: 29-1-34.1)

To hear Town Board Members and Town Counsel Nugent RE Short Term Rental Application 649 Lakes Road (SBL: 29-1-34.1) please go on-line to Board Doc's Video Clip #10.2 1:59:17.

11. Public Comment

Information: 11.1 Rules for Public Comment

Discussion Information: 11.2 Public Comment

The following spoke during Public Comment. To hear their comments and Town Board members responses please go on-line to Board Doc's Video Clip #11.2 2:06:10.

- John Deschner
- Dan Burke

12. Discussion Prior to Executive Session

Action (Resolution) Discussion Information: 12.1 Discussion RE Salaries for Building Inspectors

To hear Town Board Members discussion RE Salaries for Building Inspectors please go on-line to Board Doc's Video Clip #12.1

2024-#341

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to approve the range for Full Time Hire Building Inspector #3 to \$50000 - \$54000 based on experience.

Motion by Supervisor -Tony Cardone second by Sal Scancarello.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

13. Possible motion to adjourn to Executive and or/ Attorney Client Session

Action (Resolution) Information: 13.1 Enter into Executive Session

2024-#342

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to enter into an Executive Session to discuss Contract Negotiations and Performance Compensation for two (2) Employees.

Motion by Supervisor -Tony Cardone second by Maureen Richardson.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

14. Return to Regular Meeting

Action (Resolution) Information: 14.1 Return to Regular Meeting

2024-#343

BE IT RESOLVED that the Town Board of the Town of Monroe approves to return to regular session.

Motion by Supervisor -Tony Cardone second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

15. Motions From the Floor

Action (Resolution) Information: 15.1 Stipend RE: Highway Mechanic George Kydon

2024-#344

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion approving Highway Mechanic George Kydon be paid a (stipend) flat rate of \$2.50/hr. in addition to his base salary. That \$2.50/hr. will not be subject to any salary percentage increases in the contract. George is the Mechanic with the NYS Inspection License & Certificate. Effective June 4 2024.

Motion by Supervisor -Tony Cardone second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

Action (Resolution) Information: 15.2 Ed Morales Dial-A-Ride

2024-#345

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion that once approved by the County Ed Morales will be moved from Head Bus Driver to Supervisor of Transportation at a rate of \$70000/year.

Motion by Supervisor -Tony Cardone second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

16. Motion to Return to Executive Session

Action (Resolution) Information: 16.1 Re-enter into Executive Session

2024-#346

BE IT RESOLVED that the Town Board of the Town of Monroe Made a Motion to Re-enter into an Executive Session to discuss Federal Litigation.

Motion by Supervisor -Tony Cardone second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

17. Return to Regular Meeting

Action (Resolution) Information: 17.1 Return to Regular Meeting

2024-#347

BE IT RESOLVED that the Town Board of the Town of Monroe approves to return to regular session.

Motion by Supervisor -Tony Cardone second by Mary Bingham.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

18. Adjournment

Action (Resolution): 18.1 Adjournment of Meeting

2024-#348

BE IT RESOLVED that the Town Board of the Town of Monroe adjourns the meeting of June 32024 at 9:58 PM.

Motion by Supervisor -Tony Cardone second by Dorey Houle.

Final Resolution: Motion Carries

Aye: Supervisor -Tony Cardone Mary Bingham Sal Scancarello Dorey Houle Maureen Richardson

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