

VILLAGE OF MONROE PLANNING BOARD
WORKSHOP MEETING
JANUARY 11, 2021
MINUTES

PRESENT: Chairman Boucher, Member Allen, DeAngelis, Hafenecker, Karlich, Parise, Engineer O'Rourke, Attorney Cassidy, Building Inspector Cocks, Planner Fink, Traffic Consultant Andrea Connell

Chairman Boucher opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the flag. Chairman Boucher stated that in conformance with the Executive Order 202.10 from the Governor we are permitted to hold virtual meetings.

1. 43 Freeland Street- Amended Site Plan (214-1-62)

Present: Joel Mann, Brach & Mann

Engineer O'Rourke had no comments. Chairman Boucher stated that the board had received the 239 back from OCDP with no comments given. Mr. Mann stated that an accurate picture of the front of the house was submitted to the board. Chairman Boucher stated that the board has received the siding and roofing material samples, which are available at Village Hall. The siding is standard vinyl and the color is listed as "Heather". Mr. Mann stated that he will provide the model number for the shingle color. Member DeAngelis requested that the color and model numbers for the siding and shingles be listed on the site plan. Mr. Mann stated he will have those details added to the plan. He added that the existing building uses this siding, so it is there now for the board to view. Member DeAngelis said that the drop off on the driveway is severe and a guard rail should be added for safety. Engineer O'Rourke stated that the approved site plan does show guide rails, but they are not installed because the parking is not finished yet. Member Parise asked if there is supposed to be a walkway from the driveway going to the front door. Mr. Mann, referencing a picture which displays the existing building from the front, stated that the sidewalk at the front is flush with the grass and cannot be seen from this perspective. Member Parise asks if the bushes are also closer to the house as shown in the picture. He also asks if the accessory apartment will be on the right side of the existing building. Mr. Mann confirms for both statements that this is the case. Member DeAngelis is concerned that the driveway is not wide enough. Will the driveway be widened during construction. Mr. Mann states that the driveway will be widened. Member DeAngelis says that there is digging around the driveway when she visited it yesterday and she saw red soil which is not typically seen in this area. Engineer O'Rourke stated that red soil is not typically seen here, but sometimes pockets of different soil can be found if the area is near a stream or a railroad. Member Parise

asked Attorney Cassidy if the 517 square feet of unfinished basement should be included under the condition of the special use permit. Attorney Cassidy stated that she has this listed as condition number one on page three of the special use permit she has drafted. Member Parise asked if it should also be noted that this conforms with zoning. Attorney Cassidy stated that she will do this. Member DeAngelis referenced comment number six and requested that Attorney Cassidy add that “the property will be suitably landscaped to protect the neighborhood and adjacent property in perpetuity”. Attorney Cassidy stated that she will have this added. Member DeAngelis asked that in the event this property gets sold, is the accessory apartment no longer valid. Member Parise stated that according to our code and the law, if the property is sold then the new owners have to come back to the planning board. Attorney Cassidy stated that she has the pertinent section of that law copied verbatim to the draft special use permit in item number three. Chairman Boucher stated that at the regular meeting this January the board is looking to do an approval of the accessory apartment and also the special use permit, can Attorney Cassidy have those resolutions drawn up. Attorney Cassidy stated that the resolutions are drafted and the board is reviewing them to see what conditions should be included. Member DeAngelis stated that under number seven of the draft resolution should it be noted that comments from Building Inspector Cocks and other consultants be included, including the emergency services. Attorney Cassidy stated she will have that added. Mr. Mann stated that he will provide an updated site plan which will include the colors and material model numbers.

2. 745 Route 17M- Amended Site Plan (206-2-1.1)

Present: Joel Mann, Brach & Mann; Mark W Siemers Pietrzak & Pfau;
Charles J. Gottlieb, Whiteman Osterman Hanna

Engineer O'Rourke had no additional engineering comments but made a few statements so the board is informed. The negative declaration was fine. The board had submitted for a 239 referral. A quick overview of the project is that the site plan is being revised. There are traffic modifications, as well as sidewalks and signage being added in response to the ZBA approval conditions for using the attic space. The board had requested a schematic of the attic plan, which the applicant had provided. Planner Fink has no additional comments but made a few statements so the board is informed. The action is classified as unlisted under SEQRA. There was a traffic study prepared by Maser. They concluded that the addition of the 5,700 square feet of attic space would not result in any significant impacts. On that basis, it was ready for the board to consider a negative declaration. The board had talked about the architectural drawings and was not sure if those were provided, right now there is only a floor plan. Member Parise stated that there is also a ZBA decision which details the area variance that was granted. Engineer O'Rourke reminded the board that a public hearing has been scheduled for January 26, 2021. Planner Fink stated that he will prepare the negative declaration resolution. Member DeAngelis asked if this was a three- or two-story building. Attorney Cassidy stated that on the site plan, with regards to height, the building has a pre-existing

nonconformity. Building Inspector Cocks stated that the building is two and a half stories. DeAngelis does not believe that the landscaping on the site there now matches what is listed on the plan. There are some dead trees on the site that will need to be removed and replaced in the springtime. Mr. Mann stated that he has not seen the site. A couple of years ago restriping had been done to create new parking spaces. The old landscaping plan is provided for the board to view, and the area should reflect that landscape. If there are features missing they will fix them. Member DeAngelis stated that some shrubberies are missing, the trees look ok. Building Inspector Cocks stated that since the landscaping needs to be maintained in perpetuity, a final inspection of the site should be done. This will have to be done in the springtime. Member Parise stated that the perpetuity should be noted as a condition and that the board will look at the site in the spring time to review the vegetation. Engineer Siemers stated that he had done the site plan for this project. The landscaping was approved with the original approved site plan. He does not believe that an "in perpetuity" note was required on the plan at that time. It is not on the current site plan now, but that note can be added for compliance with the condition approval. Chairman Boucher requested that note be added, and Engineer Siemers stated that will be done. Mr. Mann asked if anything was received regarding the 239 referral. Chairman Boucher stated that nothing was received yet. He asked Attorney Cassidy if she had started drafting an approval resolution. Attorney Cassidy stated that she will start drafting on subject to the board's comments. Member Parise asked about the attic floor plan if there will be two medical offices in that area. Mr. Mann stated that the area is not divided for any specific arrangement, the plan shows the spaces as separated by the stairs. There is no internal layout as of now. Member Parise added that the area as shown can be interpreted in different ways. The area can be one giant medical office with many doctors, or maybe two separate areas with some doctors. How many employees and patients will be using the space, and how that will work with parking. Mr. Mann stated that he is unsure of the final internal plan, but whatever is decided on will comply with zoning and New York State Building Code. Mr. Mann stated that the traffic study addresses the standard practice based on square footage, other areas, and guidelines, how much traffic this will generate. A traffic consultant can be made present for the January 26, 2021 Meeting to discuss the traffic. Engineer O'Rourke stated that when the traffic study was done, based on the code, there are ITE standards for medical office buildings. There is no traffic breakdown for visitors versus employees. There is one number based on square footage. Member DeAngelis states that the current occupants take up a lot of the existing parking, will there be enough spaces to account for the additional cars. Mr. Mann stated that the parking lot is never full. It has been visited and counted multiple times, there is always enough parking. Engineer O'Rourke stated that the applicant meets the village requirements for parking, even with the proposed additional square footage. Member Allen asked about handicapped parking on the site, are there only five spots currently.

Engineer O'Rourke stated that the handicap parking requirements are 2 per 50. Engineer Siemers confirmed that there are currently 5 handicap parking spots. Engineer O'Rourke stated that there are four facing Route 17M and one space in the rear.

3. **683 Route 17M – Site Plan (212-2-6)**

Present: Jay Stone, Owner

Engineer O'Rourke presented his comments. The applicant is looking to convert the second floor from commercial to residential, to make the existing apartment on the second floor legal. The biggest issue the board needs to discuss is parking. The board did not receive information concerning the size of the existing commercial area to determine the parking calculation. There are 6 proposed parking spaces, which may be enough, but without the square footage amount there is no way to tell. The current issue is with the 5 onsite parking spaces and 1 garage. You cannot maneuver into the 5 spaces, and it is questionable if the garage can fit a car. There had been no issues with parking in the past, in part because parking available in an adjacent site would have been used should there be any overflow. That adjacent site, which was retail, is now residential. You cannot have shared commercial parking on residential property. There are no easements, and there is no place to put that parking. Other issues include garbage refuse disposals. What is going to happen with that and are there just cans used. Typically, a dumpster is required, but if cans are working now then it may be fine. A 239 referral needed to be done because of the site's location, within 500 feet of a state highway. The board has scheduled a public hearing for January 26, 2021 to receive any comments from neighbors. The only change made was a note on the site plans designating the lawn area in the front of the site. The board had discussed landscaping, whether paving is required, whether lighting is required there as well. Member Parise does not think the garage constitutes a parking space. Member DeAngelis stated that she could not get in there at all. Chairman Boucher stated that the board had requested a detailed landscape plan be provided, which was not provided. The square footage on both the commercial and proposed residential section was requested, which was not provided either. Mr. Stone stated that there is no room for any more shrubbery or landscaping. The property is on the border of Monroe Farms, it is paved all the way in the back, which can be seen in the pictures he provided, and the trees also block any view. He measured the commercial and residential areas of the building. The downstairs area with two commercial properties are both approximately 555 square feet. The second floor is approximately 800 square feet, which is being used as residential. Engineer O'Rourke stated that these details need to be added to the site plan; the parking calculations table needs to be updated or confirmed. The applicant's engineer can put those numbers on the site plan and calculate the parking. Mr. Stone stated that he cannot create new parking spaces. If he cannot go forward with the spaces he has currently he will drop the project and keep the second floor zoned as commercial. Engineer O'Rourke stated that this is one possible solution. Chairman Boucher stated that another solution would be to take down the existing garage and creating parking spaces with that area. Mr. Stone noted that to take down the garage and repave the area would be expensive. Engineer O'Rourke stated that regardless of

what the applicant ultimately chooses to do, the requirements in the code have to be met. He questions the existing parking, and if it is required to put in an ADA parking since there is commercial use on the site. Mr. Stone states that there are only steps to get into the commercial area, would it be possible to have the existing condition be grandfathered in since it has been on the site for many years. Attorney Cassidy stated that while grandfathering may apply, that is where permits and a CO come in. In this case, since a permit and a CO have not been issued, the building department has to go by the current standards, regardless if the area is residential or commercial. Once the CO is issued, assuming the applicant does not alter the area, it can be grandfathered. Since there was never any original approval it does not meet that standard. Attorney Cassidy had other comments to add. She noted the requirements of 200-44 J for screening and 200-45 C for the design as they change the proposed parking. She recommends the consideration of removing the garage. With the garage removed they may be able to get a total of six or seven spaces along that side of the property line, straight in spaces. The site plan must be updated to reflect the current owner and be consistent with the remainder of the applicant materials. The owner listed on the application is correct, the owner listed on the site plan is incorrect. Stone asked that since there is a single owner for both properties, would it be possible to set up cross parking. Attorney Cassidy stated that she would have to see this on the plan. They would also need to see cross easements and traffic relating to this. Building Inspector Cocks stated that the issue he sees is that the adjacent property is strictly residential. He is not sure if there can be commercial parking on a residential house. Mr. Stone stated that on 681 there is a two-car garage. If the owner designated that for residential use, which would increase the parking by two spaces, would that fix the problem. That owner owns both properties. Engineer O'Rourke stated that the residents would have to be able to get from the garage to the apartment. The plan for that would have to be provided for Attorney Cassidy and Building Inspector Cocks for review. Attorney Cassidy stated that they would have to see the parking calculation on both lots. Mr. Stone noted that this project as a whole may become too expensive and he may consider dropping it from the planning board. He would have the existing apartment be vacated and replace it with commercial renters. Member Parise asked if this would mean that Mr. Stone would keep the site with the uses existing now, that is commercial use on both floors. Mr. Stone confirmed that this would be the case. Member Parise asked that if the applicant leaves the area use unchanged is there still enough parking there. The existing site would have three commercial uses, and there is no parking on the street. After reviewing the code he is under the impression that parking on Route 17M is prohibited. Engineer O'Rourke asked Building Inspector Cocks if the applicant leaves the area all commercial does he need approval from the board. Building Inspector Cocks stated that the applicant does not need approval from the board. The site was originally approved for office space on the second floor as well as the commercial use on the first floor. It has been that way for years. In the past someone had converted the second floor to an apartment, and that is where the violation came in. Engineer O'Rourke stated that if the applicant chooses to leave the second floor as office space he does not need approval from the board. Attorney Cassidy asked, referring to the August 4th letter, does the office space still need a CO. Building Inspector Cocks stated that there was originally an open permit for office space which was never closed

out. Eventually a CO will have to be issued for that. The permitting process will have to be continued so it can be closed out. Basically, the applicant will have to renew the permit from 1985 and there will still be parking issues on the site. An ADA spot would have to be added, but that could be designated with one of the other spots. Member DeAngelis noted that the driveway is in poor condition and blacktop may be needed. Building Inspector Cocks stated that the applicant would have to appear before the board if they wanted to add blacktop. The board can't make him add blacktop, only request minor repairs and patches. Chairman Boucher stated that the applicant is currently scheduled for a public hearing but can remove him from that if he chooses to take the project in a different direction. Mr. Stone will get back to him with his decision. Mr. Stone asked if the other issue the board needs resolved is to have the plans updated with the requested square footage. Chairman Boucher confirmed this. Mr. Stone asks why the garage cannot be considered as a parking space. If he removed the garage doors then it could be used as a space. Engineer O'Rourke stated that the garage is counted as a space on the site plan. To be considered as a space, the applicant would have to make improvements to the garage. There are still maneuverability issues. Mr. Stone asked if the six spaces proposed will be accepted by the board. Engineer O'Rourke stated that a parking count to document how many spaces are required. Mr. Stone asked if the garage will be counted as a space. Attorney Cassidy stated that the board will need the garage measurements to determine if it meets the sizing of the parking space. The minimum space is 9 x 18. This must fit in the doorway opening. Mr. Stone discussed the garbage issue. Right now, there is air conditioning in the back with some grass area. This is where the garbage cans will be. Does that have to be shown on the site plan. Engineer O'Rourke asked if the cans are taken to the front of the property for garbage pickup or if a garbage truck goes to the back and picks them up. Mr. Stone stated that the cans are brought to the front. He adds that these cans are two normal sized cans. Engineer O'Rourke stated that those details need to be noted on the plan. Mr. Stone discussed the lighting. There are motion detection lights in the back to light up parking. There are also lights on the adjacent 681 property which light up the site as well. Chairman Boucher noted that if the neighbors have comments about the lights they can bring those up at the public hearing scheduled for January 26, 2021. Mr. Stone stated that these are spotlights for residential purposes and they are aimed downward. These lights are the replacement for the previous lights with aimed straight back and lit up the whole back. Engineer O'Rourke requested that these motion detecting lights be noted on the plan. Mr. Stone asked about the ADA parking. He noted that Engineer O'Rourke's comment stated that the department should review the ADA parking. Would it be possible to have the ADA spot painted on. Engineer O'Rourke stated that ADA parking requires not only a parking stall but a loading zone and signage. It actually takes up two spaces. Building Inspector Cocks stated that he would look into the ADA parking space requirement for the applicant. Mr. Stone asked about the status of the 239 referral. Chairman Boucher stated that the 239 Referral had been mailed out and they are waiting for the County's response which will be received in 30 days, if they have any comments. Mr. Stone asked about landscaping. Member Parise stated that there is room for vegetation on the side of the driveway, where the meter box is. The brush on the side of the driveway bordering Monroe Farms can be cleaned up, which may reveal more room on the property. Mr. Stone asked

about the scale on the site plan. Engineer O'Rourke stated that the applicant's engineer confirmed that what is listed on the plan is incorrect, a revision to correct that is needed. Mr. Stone asked for clarification on the issue with the owner listed on the application and site plan. Attorney Cassidy stated that the owner listed on the application matches what is listed on the Orange County Land Records and is correct, but the owner listed on the site plan is incorrect and should be changed to reflect the current owner. Member DeAngelis asked what the deadline for the applicant is to notify the board if they decide not to continue with the public hearing. Attorney Cassidy stated that legally there is no deadline, but if the applicant decides to withdraw or request an adjournment she requests they provide a letter notifying the board. Member Hafenecker asked about the garage. If he were to visit the facility where would his car park. Mr. Stone stated that there are no assigned spaces. Once a decision is granted then spaces will be designated. If someone were to use the driveway there would be no obstructions and it is possible to make a left hand turn. He has plowed the area before and says this turn is possible. If the garage is to be used as a space then it will be possible to pull straight into it. Member Hafenecker asked how much space is there in the garage area. He notes that if the garage were to be taken down space could be freed up. Mr. Stone stated that he estimates there is 20 feet of space. Chairman Boucher stated that if the applicant cannot get the changes requested done before the public hearing then he is able to request an adjournment.

4. **Spring Hill Apartments – Site Plan Approval (207-4-11.1 &15)**

Present: Kevin Brodie, Architect; Joseph Nyitray and Brian Brooker; Brooker Engineering; Ira Emanuel, Esq.; Mike Abuladze, Owner

Engineer O'Rourke provided his comments. The public hearing was closed the previous meeting. The applicant provided a revised submission and provided a construction cost estimate. This was reviewed by their office and they provided a letter with the changes made. If the board is in agreement, then it would be recommended to the village board to be adopted and the applicant would post the bonds. A revised site plan was submitted. This was reviewed and comments were submitted to the board and the applicant last week. The SWPPP was also reviewed. Draft comments were provided to the applicant's engineer. On the site plans there were some questions, such as signage. He recommends some internal stop bars for control measures in the parking lot to prevent fender benders. Traffic Consultant Connell provided her comments. They received the updated traffic study dated January 6, 2021. This study looked at the selected access alternative. This would mean having one driveway on Spring Street to allow right turn entering only vehicles and the full movement driveway on Franklin Ave. That had never been evaluated from a traffic standpoint prior. Their review found no significant traffic impacts with the selected alternative for access. The site plan was reviewed and a markup with comments was provided. There were some changes as to what signs and where they would be. On Spring Street there should be no left turn signs facing east bound traffic placed on the right turn entering the driveway. The site plan was showing one-way signs at the Spring Street intersection, which is not needed, as a driver turning in would already be going the correct direction. Instead, there should be a

one-way sign at the end of the entering driveway in the parking lot area to stop incorrect turns out of the driveway. They had comments regarding pedestrian connectivity of the site. The site plan shows new crosswalks at Franklin Ave. and Spring St. on the east side of the intersection and across Franklin Ave. at the intersection. On the site plan it does not appear these connect to the existing sidewalks; they are off by a couple of feet. They would like to ensure a good connection so the sidewalk does not land in an unpaved or grass area. Engineer O'Rourke stated that the board had received comments from the public after the close of the public hearing. He addressed their comments. One comment was concerning the stormwater management and the existing issue with the stream in the river. As currently designed, all storm water is being infiltrated, there is no discharge directly to that stream, it goes to ground water. If the infiltration fails an overflow is provided. This will cause the water to flow to the catch basin in the storm drain system on Spring Street. This water will ultimately go to the stream, but there are no anticipated issues. The other two comments refer to the demolition asbestos abatement and air monitoring. That is deferred to the Building Department for a demolition plan and New York State Building Code has to be met. Building Inspector Cocks stated that all demolitions have to have an asbestos report filed with them prior to any demolition that takes place. Member DeAngelis asks if this asbestos removal process becomes a part of the board's record. Engineer O'Rourke stated that typically this would not be in the resolution as it is a separate building permit required by New York, so it is not in the planning board's purview. Member Parise asked for clarification on this process concerning the Building Department and the Applicant. Building Inspector Cocks stated that this is a building uniform code requirement. The Department of Labor becomes involved as well since there is asbestos. There are many guidelines that must be met. Attorney Emanuel requests that a copy of the comments submitted by the public to be sent to him. Planner Fink provided his comments regarding the asbestos concern. Since there is a health concern from the neighbors of asbestos becoming airborne he recommends that this be addressed in a negative declaration. This is so that there is a statement in the SEQRA documentation that procedures will be followed in accordance with state law and records. He adds that the part 2 EAF has a portion regarding potential for public health impacts, as well as impacts on air. Member DeAngelis notes that she is still concerned about the soil in the area, as the site was previously used by an industrial laundromat. The board is under the impression that this soil test was done during the phase 1 EAF and during the removal of a tank that was on site. Chairman Boucher stated that he had sent Member DeAngelis a copy of the phase one that was submitted to the board. Engineer Brooker stated that there was a phase 1 EAF that was done prior to purchase. Otherwise, the owners could be held liable for any contamination found on site. A mortgage company will not put their mortgage in jeopardy of being foreclosed on and having to pay environmental remediation. He did not perform this part 1 EAF so he is not sure what specifically was done. This document is available for the board to review. Engineer O'Rourke clarified this for the board. Typically in a Phase 1 an outside company will conduct this research. If they have any concerns then they recommend a phase 2 be conducted, where on site testing is done. The phase 1 indicated that the company who performed this had no concerns with contamination and so there was no further need of investigation. Member DeAngelis speculates that oil residue leaked into

the ground. The previous owners had stored and stacked oil cans on the site. Engineer O'Rourke stated that the company performing the research for the part 1 EAF should have investigated that. During the removal of a 1000-gallon tank on the property soil tests are done around the area to search for potential soil contamination. Member DeAngelis clarified she was referring to the adjacent field area which was owned by someone who had a used car dealership; oil barrels were stacked there at some point. Engineer O'Rourke stated that even if there is contamination the applicant is capping and sealing the area by building pavement and buildings. Engineer Brooker stated that there were holes dug for testing and both his and Engineer O'Rourke's engineer was there. They made no indication that there was contamination on the site. Member Parise asked if the applicant could specify on drawing six of the plans that the aluminum picket fence is black and for the cemetery. Engineer Brooker stated that will be done. Member Parise asked if there were any renderings done of the plaque for the cemetery and what the plaque would say. Engineer Brooker stated that he would add a detail on the plan to note that the plaque would say "Mape's Family Plot". Member Parise asked Attorney Cassidy if the cross easements were reviewed by the village board. Attorney Cassidy stated that the village board has not reviewed those yet. She has reviewed the cross easements and provided her comments, which she will forward to the pertinent parties. Member Parise asked Chairman Boucher about the status of the no parking signs on Spring St. Chairman Boucher shared that information with the board. There are seven no parking signs on Spring St. They were reviewed last week by Chief Sherne. A couple of the signs' position need to be reset. Member Parise asks about the signs in front of Spring Street; he does not believe there are signs in front of the street. He thought that no parking signs were going to be put along the site itself. The board had asked for the police department and the village to look into these no parking signs a while ago. Where the apartments are going to be, from Franklin Ave, and go east on that side. The concern is that people will park on the curb on Spring St. and obstruct traffic. Mr. Abuladze stated that he can have signs installed if the board wishes. Member DeAngelis stated that when the laundromat was open in the past people would park on that road even though there was traffic. Chairman Boucher stated that if the board wishes he can put a letter to Mayor Dwyer and the village board regarding the no parking signs on Spring St. Chairman Boucher asked Engineer O'Rourke about what other technical issues are still being worked through. Engineer O'Rourke stated that after the discussion tonight the applicant will revise the site plan, revise the SWPPP, and send that back to the planning board. The public hearing was closed last meeting so the board has 62 days in which to act. Once all the submitted revisions are reviewed then they may be ready for approval. Chairman Boucher asked if this would be submitted and reviewed done before the January 26, 2021 meeting. He also notes that the 62-day time limit is up on February 16th, 2021. Engineer O'Rourke did not think a submission and review will be completed by then. Attorney Emanuel stated that an extension will be given if needed. Member Parise stated that on the January 26, 2021 meeting the board will need put into motion to send production cost estimates to the village board. Chairman Boucher stated that a draft declaration of the easement was available for the board to review. Action will be taken on that during the January 26, 2021 meeting as well. Attorney Cassidy requested that the applicant provide a written letter to grant an extension. Attorney Emanuel confirmed that this will be done.

ADJOURNMENT

On a motion made by Member Parise and seconded by Member Allen it was unanimously **Resolved that the meeting there being no further business, the Meeting be adjourned.** The meeting was adjourned at 8:43 p.m.