

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP MEETING
DECEMBER 9, 2020
MINUTES**

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

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

Present for the applicant: Kevin Brodie, Architect; Joseph Nyitray and Brian Brooker; Brooker Engineering; Mike Abuladze, Owner

Engineer O'Rourke shared his comments with the board. This project is the apartment complex at Franklin Ave and Spring Street. The board had previously locked down the access way both into the site and out onto the two roads and is under the impression that the board is satisfied with the overall layout. The last Spring Hill Apartments contained information from the New York State Cemetery Board. ISO locks were not shown on the light poles drawn on the plan. The Lanc & Tully office is currently reviewing the SWPPP submitted and is waiting for the water engineer's report to confirm flows and acceptability. He also notes that there are no hydrants are proposed on the site, to which he advised that they should contact emergency services to obtain their comments. Engineer Brooker stated that they had submitted plans for the Fire Department's comment two to three months prior but have not yet received a response but will continue to work on completing the flows analysis. Engineer O'Rourke clarifies that the absence of comment probably means that Fire Department has not reviewed the site plan yet, so he advises a resubmission of the plans for their comment. He adds that the Fire Department also needs to confirm the truck turning radius and the list the truck used determine that. Engineer Brooker states that the code does not require any circulation through the building for fire access lanes because there is frontage on the two buildings within the required frontage with public streets on both sides. Engineer O'Rourke confirms that the building code does not require circulation in this instance, but that the Fire Department may put in a request. Engineer Brooker asked Engineer O'Rourke when he (O'Rourke) will have the final review of the SWWPP finished, and if it would be available for the next public hearing the following Monday, December 14th, 2020. Engineer O'Rourke responds that review will not be available for then, and even if the review were that it would most likely not impact any public comments. Planner Fink provides his comments. He notes that the board has declared itself lead agency and classified the action as Type 1 SEQRA. He believes there may be potentially uninvolved agencies. The resolution did not indicate that lead agency had been circulated and asked if the board could recall if that happened. The EAF indicates to him that the DEC

requires a permit for SPDES, and that OCSD and Village DPW approval is required. Planner Fink would like to confirm that the record is reflecting the lead agency process. Engineer O'Rourke replied that the prior Planning Board Secretary Debbie Proulx had conducted most of the mailings and circulations so she could recall to whom they were sent. He states that the DEC doesn't really have approval to SPDES as a general permit, so the DEC does not have review and approval for the project. The project has no sewer main extension and only requires a connection of a service. The Village DPW is not considered a department and not an agency. Attorney Cassidy states that agencies not involved as defined by SEQRA will be clarified in any approval to ensure that the record is accurate. Chairman Boucher roll calls the board for their comments. Member Parise asks Attorney Cassidy if she had reviewed the easements yet. Attorney Cassidy responded that she had not received those. Engineer Brooker stated that Attorney Ira Emanuel is preparing the reciprocal easement agreements but was looking for confirmation if these documents were required before final approval or before the plan is signed off on. Engineer O'Rourke states that typically the board does not give approval with outstanding conditions. Engineer Brooker will address the comments Engineer O'Rourke left and will have Attorney Emanuel begin drafting the reciprocal easement agreements, and after all is done aims to reach an approval without a condition. Member Parise asks if parkland fees are not going to be collected for this project. Attorney Cassidy states that this was discussed during the September 2020 meetings and she will speak with Attorney Emanuel about this. Member Parise what is status of the No Parking signs on Spring Street. Chairman Boucher states that he will obtain a report from the Village Board or Police Department. Member Parise asks Engineer Brooker if it is possible to get in the construction costs estimate for the December 14, 2020 meeting. Engineer Brooker states that if the board is ready for an engineering cost estimate he will be able to provide one. Owner Abuladze confirms that he has the construction budget, and he can provide that for Monday, December 14. Engineer Brooker asks if there is a standard cost associated with different improvements within the Village. Engineer O'Rourke confirms that the village does. Member Parise asks if the AC units were reconfigured. Engineer Brooker states that on the plan there are outside units by the parking lot side which are surrounded by landscaping. Architect Brodie adds that the AC units are shown on the elevations and building plans as well. There are no units at the front facing street. The latest renderings depict the AC units on the rear renderings and that they were downsized to clear the windowsills. The egress window wells and pavement take up room and there is not enough space to put the units elsewhere. Chairman Boucher asks if the AC units depicted in the rendering are the new downsized ones. Architect Brodie is not sure if all the pictures are accurate and confirm this with the renderer. Member Allen asks if the units are regular sized condensers or split units. Owner Abuladze states that the units are going to be regular sized, but the compressors outside will be the slim ones. Member Karlich says that while the units are to be located at the back of the building since they are near the front entrance doors the rear of the building will be used as an entrance point. Member Karlich asks if there is going to be screening or landscaping around the units. Engineer Brooker states that the units need adequate airflow and the amount necessary will be reviewed with the architect, maybe they can put a fence or something that offsets. Architect Brodie states that he will have the renderer put the split

condenser units on a slab and would also consider adding a PVC fence or landscaping to conceal them. Member Parise asked if anything about the cemetery's fencing had been seen yet. Chairman Boucher stated that a letter had been received from the New York State Cemeteries Division and is available for the board to review. He stated that in a previous meeting it was discussed that the fence would be a metal fence that is black in color. Engineer Brooker confirmed that the fence on the plan is a black aluminum picket fence. Engineer O'Rourke stated that he didn't see a color noted or any type or marking on the plan. Engineer Brooker asked for clarification as to what is meant by "marking". Member Parise clarified that he is referring to the marking that will define where the graves will be located. The letter from the New York State Cemeteries Division states that the letter states that fencing or some type of enclosure border and marking are needed. Chairman Parise roll called the board for any additional comments. Member DeAngelis asked if it was decided to conduct a soil test on the area stating that location had once been the site for an industrial laundromat. Engineer Brooker confirmed that a complete phase one had been completed, stating that it is an environmental assessment that is required before purchasing the site. He believes that this site was only a laundromat and not a dry cleaner, and that dry cleaners pose more of a risk for harsh chemicals leach into the surrounding environment, adding that laundries are just water and detergents. Member Parise and states that the documents on file would show if testing was done. Attorney Cassidy asks about the status of SHPO correspondence and if any files were received. Engineer Nyitray states that what they have on file from SHPO would be just be a record of a search conducted on the site, they have not received any further correspondence. Attorney Cassidy requests that they submit this record to the planning board files. Engineer O'Rourke adds that the applicant would have to get the SHPO documents since the SPDES permit would require that. Engineer Brooker confirms that they will have the relevant SHPO resubmitted if they are unable to find the existing document. Chairman Boucher states that they will see the applicant on Monday, December 14, 2020, and that it is a continued, open meeting.

2. 43 Freeland Street – Amended Site Plan (214-1-62)

Present: Larry Torro, PE, Civil Tech Engineering; Joel Mann, Brach & Mann

Engineer O'Rourke stated that at the previous meeting the board requested a rendering to show the appearance of the accessory apartment. This project was converted to a religious establishment and then an accessory apartment afterwards. At the time of the printing of his review he had not received the Orange County Planning Department review letter, the 30 days had expired, and they had never issued comments on the previous application. A letter had later come in, but the county had no comments on the project. If the 517 square feet of basement remains unfinished, that can put into the resolution and on the site plan. Member Hafenecker asked what side of the building the rendering depicting was. Mr. Mann answered that it was the front. Member Hafenecker asked how accurate the rendering was, specifically the portion that depicts the grading of the front lawn, as the steep grading may pose a falling hazard for children. He suggests adding a railing that spans from the two pillars of the house for safety. Mr.

Mann states he will check how accurate the rendering is. Engineer O'Rourke does not think the rendering accurately reflects the grading and orientation as it is drawn on the site plan. Chairman Boucher asks the applicant to provide a more accurate rendering as well as pictures of the area. Chairman Boucher states the 239 was received and that this project is a SEQRA Type 2. Chairman Boucher also requests Mr. Mann to provide his comments about garbage complaint that was received. Mr. Mann states he had a discussion with the owner and the Building Department. The Building Department didn't receive any complaints about garbage. The owner was not aware of any issue with garbage, and the owner's only explanation is that the garbage might have flown around on a windy day. Mr. Mann said that should any neighbor report an issue with garbage they can complain, and it will be taken care of. Building Inspector Cocks confirmed that they have not received any complaints. Mr. Mann says that he has updated information and reports that the rendering is in fact missing an existing railing, but the grading is accurately depicted. Member Parise asked if the footbridge was added to the site plan, which the board had asked for back in September of 2020. Engineer Torro confirmed that it was added. Member DeAngelis does not recall the board being notified as to what material and color is being used on the house step and accessory structure. Mr. Mann says that he will need to check and verify what will be used. Chairman Boucher requested that the applicant submit the color palette and the material used for the siding. Member DeAngelis asked the board to confirm that the project as she interprets it is one big structure, a single-family dwelling, an accessory structure, and a place of worship. The board confirmed this was correct. Member DeAngelis asks if they would consider adding a railing along the driveway for safety purposes as that area is steep. Engineer Torro confirms that once the parking is built there will be a guide rail installed. Member DeAngelis asks if this guide rail will be put by the entrance of the driveway. Engineer Torro states it will not and that this area has always been steep. Member DeAngelis says that after the trees were cut down it became steeper, so there should be a guard rail there. She adds that after visiting the site she doesn't believe the driveway is able to accommodate two-way traffic. Building Inspector Cocks stated that the additional construction on the driveway hasn't started yet. Member DeAngelis asked for clarification on what approvals the board gave. The board confirmed that approval for the residential and religious was given on a separate application. Member DeAngelis asked what the square footage on the accessory apartment was. Engineer O'Rourke stated that there is no restriction on the building size itself under the zone, the only thing the board has control over is the size of the accessory apartment. He stated that the size of the accessory apartment is 800 square feet. Engineer Torro says that on site plan No. 12 there is a reference to the unfinished 570 square feet. Mr. Mann stated that he will have the materials, colors, and existing pictures of the house submitted for the next meeting. Chairman Boucher called the board for any additional questions or comments. Member DeAngelis asked if it was ensured that there was sufficient sewer capacity. Engineer Torro stated that this was addressed in phase one and two of the site. Member Karlich asked if there was confirmation that there is sewer capacity and that it can connect to the services. Mr. Mann says that Harriman Sewer Treatment plant is planning to have an expansion but there is still capacity available, at least close to 1MGD. Member Parise and Member DeAngelis both agreed that clarification for the sewer capacity comment should be received from County Planning Department.

3. **85 Gilbert Street – Amended Site Plan (203-6-39)**

Present: Joel Mann, Brach & Mann; Caleb Pawelski, Pietrzak & Pfau;

Engineer O'Rourke provided context to refresh the board's memory of 85 Gilbert Street. He says that this is the house on the right as you are going into the Smith Farm; there was an existing house there then. This is a two-lot subdivision. The applicant has revised the plans with this previous admission addressing the engineering comments made. The applicant has also submitted the architectural renderings requested by the planning board. There is an access easement that they had provided, which now has some drainage improvements that had to be modified. Attorney Cassidy states that she has an initial draft of the easement and is working on getting her comments to the attorney. Engineer O'Rourke stated that the board declared intent on lead agency in October 2020 and no other SEQRA action was taken. Member DeAngelis asked how many easements in total there are. Member O'Rourke stated that there is one easement. The easement is to allow access to the driveways under the private road and is also modified for the drainage structures that are being added there as well. Attorney Cassidy states that there is a recorded easement already from the site to Smith Farm road to get there. Mr. Mann states that should any modifications to this existing easement be needed or if a new easement about the drainage between lot 1 and lot 2 is needed they will be able to do that. Member DeAngelis asked if the board would need to know the type of materials used and if a rendering is needed for the public hearing. Mr. Mann stated that they provided the renderings and a color and material list. Chairman Boucher requested the applicant to provide material samples to the board. Member DeAngelis asks if a landscape plan was provided. Engineer Pawelski states that one was provided. Member DeAngelis asked if there are parkland fees. Attorney Cassidy stated she would have the answer to that for the next meeting. Planner Fink provided his comments. There were only two open issues for SEQRA on this project, one being the SHPO confirmation from SHPO. He adds that this site is a single family site and has already been disturbed, so the process for that may be simple. The other issue was on the EAF; there was an indication that there were two bat species that use the area for foraging, so confirmation is needed that no trees on the site can be used as habitat. It appears that there are only a couple of trees on the site plan itself. In cases like this the DEC typically asks for notes on the plan that there will not be any tree cuttings during the growing season between April and October. Mr. Mann confirms he will bring the renderings, color palette, and material samples. Attorney Cassidy confirms she will draft a resolution to set the public hearing.

4. 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 provides context on the project. This is the M&T bank next to the Sunoco, which across the road from the Mill Pond. The planning board approved the original project. The applicant recently went to the ZBA for a variance to allow them to use a portion of the attic space, the third story, for an accessory use for an office. The ZBA granted the application but on the condition that the applicant implement some site improvements. These site improvements necessitate the applicant to appear before the planning board to get approval for an amended site plan. The site improvements are to make the area safer for pedestrians, sidewalks and crosswalks are proposed to be added in the parking lot. A short EAF was submitted and was found to be a Type 2 SEQR Action. This is because of the area of the site which has Long Eared Bats and Indiana Bats, except there is no tree clearing is needed. This project is essentially just putting signs up and paint on the ground. Due to the location of the project, the board will have to refer to Orange County Planning. Planner Fink added his comments. He has prepared a draft resolution for the board to declare itself that no further SEQR Action is required because this project meets the Type 2 Action thresholds. He asks what the maintenance of the existing landscaping of the area is and whether any improvements needed to be done. Chairman Boucher asked Planner Fink to explain the Type 2 SEQR being proposed for this project. Planner Fink explained that there is a new Type 2 threshold that was added when the DEC updated regulations in the previous year. This threshold involves the reuse of an existing commercial structure where it is a permitted use under the zoning, even permitted by special use permit. Planner Fink cites Number 18 under the SEQR Type 2 Action Thresholds 6 CRR-NY 617.5 NY-CRR, which he has included a reference to that within the draft resolution. Attorney Gottlieb says that he believes this should be an unlisted action because the portion that Planner Fink referenced describes the reuse of commercial space, but the applicant is proposing new commercial space, 5,700 square feet of a new part of the building. While this part has already been constructed, it is not using existing commercial space. Attorney Gottlieb requests the action to be an unlisted action, to be conservative. Planner Fink states that if there is a legal interpretation that it should be an unlisted action, he will prepare a resolution to that effect and that the board will go through the SEQR process and have that done. Member DeAngelis states that when this project was first approved there was more landscaping than there is present now. She asks if the landscaping plan for that site could be brought out and reviewed to ensure that the landscaping goals of that plan are being met. Member Parise states that the board should review the original landscaping plan. Member Parise asks if these offices are going to be used as office space or just storage. Mr. Mann responds that this space will be used to extend the office space from the

second floor to that area. There is elevator access in the building, there is a staircase, and all the area inside will be used without any outside revisions to the building needed. The elevator will go all the way up to the attic. Member Parise asks if there is any floor plan the board can see to understand what this area will look like and how everything will work. Mr. Mann states that he has a floor plan showing the configuration of the space but does not have any internal proposed layout from the inside. How the 5,700 square feet of space looks can be seen on the plan. Member Parise asks if part of this land part of the adjacent gas station as well. Building Inspector Cocks clarifies that the gas station has leased a section of the area for 100 years from that property, but the gas station area is a separate site plan. Chairman asks if on the Monday, December 14th, 2020 meeting the board can declare lead agency and send in the 239 Referral, and if Attorney Cassidy can draft a resolution for that. Attorney Cassidy says she can. She continues that if the board is satisfied with Engineer O'Rourke's comments and with the status of the plans, they (the board) might want to consider setting the public hearing. Engineer O'Rourke clarifies that since this is an amended site plan a public hearing is not officially required. The board would like a public hearing to be done. Member Parise asks if the board is satisfied with the traffic flow on the site. Member DeAngelis states that the traffic in that area and becomes bogged down but clears out quickly. Engineer O'Rourke added that when the applicant came before the ZBA the applicant submitted to them a traffic study conducted by Maser Consulting and did traffic counts, as the ZBA also had the same concerns. The engineer alleviated that so traffic should not be an issue. Member Parise and Member DeAngelis both report that on some of the occasions that they have had some traffic problems when visiting the parking lot on the site. Member Karlich asks for clarification on the ZBA's decision. She states that on one section of the ZBA's decision they agree with Building Inspector Cocks that the extra commercial space cannot be developed because it would exceed the 30,000 Square Feet, and then there is another section, which is a land determination form, that says the use is permitted which appears to contradict their original decision. Attorney Cassidy clarified the process taken by the ZBA. There were two determinations by the ZBA. The first was a determination of the village code and the applicant's presentment of that code. The applicant then submitted additional information requested by the ZBA and a subsequent decision was done granting the area variance. There was both an interpretation and an area variance. Once that area variance was granted Building Inspector Cocks wrote a revised land use determination letter which was included with the packet that the board has for their review and reference. Member Karlich asked if there was a formal decision written for the area variance like the original decision. Attorney Cassidy does not believe that was done, and that this variance was on their determination form. Member Karlich asked if there was a reason the ZBA never create a formal decision. Chairman Boucher asked for Attorney Gottlieb to provide his input on this. Attorney Gottlieb clarifies the situation. The project had first an interpretation request where they did not need an area variance. This request was denied, and this decision is

what available in the board's packets at Exhibit C. Subsequently there was an area variance with a condition that was granted, which Attorney Gottlieb stated that he will provide this to the board. This area variance was in a written form, and he believes this is the document the board is looking for. The only condition for this variance was that the applicant include the traffic mitigation measure that were on the site plans and notes that should the board wish to add additional mitigation measures they can. He continues that the ZBA did not want to see anything that was proposed subtract from the plans since the ZBA felt that those measure helped pedestrian traffic safety both in the parking lot and for pedestrians accessing the site. Attorney Gottlieb confirms that he will forward the ZBA's decision to the planning board. Mr. Mann is under the impression that this resolution wasn't available to them when the package of the ZBA's decisions was created for the planning board. Chairman Boucher roll called the board for any additional comments, and none were provided. Chairman Boucher concluded that on the December 14th, 2020 meeting the board will look to declare Lead Agency, have the 239 Referral, have the resolution drafted for those, and to set the public hearing for January.

**5. 308 Schunnemunk Street – Subdivision Plan (202-8.2-1)
Present:**

Removed from Agenda

Chairman Boucher acknowledged that this item had been removed from the Agenda because a land use determination form was not submitted.

**6. 310 Schunnemunk Street 2 Lot Subdivision Plan (202-1-7.22)
Present:**

Removed from Agenda

Chairman Boucher acknowledged that this item had been removed from the Agenda because a land use determination form was not submitted.

7. **445 Route 17M – Amended Site Plan (222-2-2.1)**
Present: Larry Torro, PE, Civil Tech Engineering;

Engineer Torro provided the context of this project for the board's reference. This site is located next to the Shop & Shop plaza. The applicant is proposing a two-story office building, each floor around 17,784 Square Feet. The lower level will have some parking and the landscaping will be developed. Engineer Torro seeks to have resolution on if this building would be classified as a two- or three-story building. Engineer O'Rourke provides his comments. In this zone there is a definition for basement. If the grading of the area is less than 50%, that basement would be considered another story of the house and not a basement. Depending on the grading of the site, this building could be considered to have three stories. Engineer Torro asks for clarification on the 50% figure and asks if this 50% refers to 50% of the elevation only. Engineer O'Rourke clarifies that this means 50% below grade. He states that the building next to this site had a similar issue with this basement, and since it did not meet the low-grade requirements a modification had to be made to their basement to cover more of it. Building Inspector Cocks confirmed that this was the case and added that the basement height in the is limited to 10 Feet, so the applicant would have to have more than 5 Feet buried below ground on this plan. Engineer Torro says that the architect was proposing the height to be 14 Feet because of the parking lot and asks if this would be an issue. Building Inspector Cocks states that this is an issue because a basement can only have a 10-foot maximum height. Engineer Torro states that what is currently being proposed in the basement may have to be altered to fit the definition, unless the applicant seeks to obtain a variance, which they may not be interested in. Planner Fink gave his comments. After reviewing the EAF provided with the application and it does not appear that any action had been taken to date under SEQR. He recommends that the applicant revise their EAF to identify all other agency approvals that would be necessary for the project and provide the planning board with a Full EAF. Once the Full EAF has been submitted, the planning board could then do a coordinated review under SEQR. The zoning shows that a tree and landscaping, lighting plan, among others, are necessary, which have not yet been presented yet. Once conceptual approval of the layout and other aspects of the project is granted then Planner Fink believes those plans will then be presented. Engineer Torro asks if written comments will be submitted. Chairman Boucher states that the board has these comments and that Secretary Doherty will send those to him for review. Engineer O'Rourke stated that Engineer Torro will have to work with the applicant to resolve the basement issue and depending on the answer reached only then can the plan move forward beyond the concept stage that it is currently at. Engineer Torro agreed and acknowledged that the other comments Engineer O'Rourke had will be dealt with as the project progresses further. Attorney Cassidy stated that Engineer O'Rourke in his comments had a portion about storage. She elaborated that the only definition of storage in Village Code is a Special Use Permit, which she believes is not the intent of this project, as it is presented more as tenant storage, and so clarification is needed. Chairman Boucher requested Building Inspector Cocks'

comments. Building Inspector Cocks stated although the plan is currently in a conceptual stage, he recommends to look at the circulation for fire. Because of the depth of the property, he advised looking into potentially making accommodations for a fire hydrant further down into the property if what is on the road is not sufficient. He also stated that there was an issue with the 30-foot setback on the property. Engineer Torro asked for clarification on the minimum setback footage. Building Inspector Cocks clarified that each side must be setback 50 feet, or a variance is required. Engineer Torro asked if that means that the minimum side yard must be 100 feet, which Building Inspector Cocks confirmed is the case. Member Parise stated that the board would like to see the stone from the stone wall would be utilized on the site, perhaps used decoratively in the front of the property and believes that the house on the site is also made of stone. Chairman Boucher states that the board had requested the applicant on a different project (310 Stage) to also repurpose the stone on site. Member Parise states that traffic will be a major issue for this project, especially since this site is on a state road, so the DOT will be involved, and he also notes that the traffic signal is close to the site. Chairman Boucher called the board for comments, and none were added.

8. McDonald's – Amended Site Plan (222-2-1.51)

Present: Jerry Lagomarsine, Esq.; Keith P. Brown, Esq.; Alex Lomei, Bohler Engineering;

Attorney Brown provided the board with an overview of the project. His office as well as Bohler had appeared before the board on the July 13th and August 17th meetings in 2020. At those hearings they had addressed the changes made to the plans as requested by the board. The public hearing was closed, and the planning board postponed the final decision pending a ZBA hearing regarding a variance for some of the signs. There were no other open issues regarding the application. The ZBA hearing was held on October 13th, 2020 and the variance was unanimously approved and the written decision submitted to Attorney Cassidy on November 30th, 2020. Unless there are any questions, Attorney Brown believes that they are ready for final approval on Monday December 14th, 2020. Chairman Boucher confirmed that the planning board did close the public meeting In August 2020. A 239 was received back from the county with no significant impact found. The planning board had also received the ZBA variance regarding the 4 signs, one for each side of the building. Planner Fink provided his comments. It did not appear that the board declared itself lead agency. He has prepared a draft resolution based on the short EAF provided which listed the action as Type 2 SEQR. Member Parise stated that the McDonald's at this location has become popular during the COVID-19 pandemic. The drive-thru is close to the entrance of the Star Wines & Liquors store in the plaza, where cars will idle at the front of the liquor store and block the left turn out of the McDonald's area. Attorney Brown said that the addition of the Pre-Browse Board will make customer's time at the drive through shorter as they can preview the menu ahead of time. Chairman Boucher asked if there is parking available for customers waiting on their order if the restaurant is backed up. Engineer Lomei described the

process for waiting customers. Customers will park in one of the two available short term parking spaces on the non drive-thru side of the restaurant so the drive-thru is not blocked. When their order is ready a Food Runner will bring them what they purchased. Attorney Brown noted that they are called "Pull Forward Stalls" and they are located next to the handicapped stall. Member Allen believes that the parking spaces being referred to are currently used for customers who are picking up Mobile Orders. In his personal experience waiting for an order, staff had instructed him to park right in front of the restaurant door and does not believe that there is a designated waiting parking space. Engineer Lomei states that with the proposed site plan improvements those spots to the east of the ADA stalls will be the relocated pull forward stalls. Attorney Brown notes that the mobile ordering parking spaces are not indicated on the site plan but the pull forward spaces are. Chairman Boucher asks if the spaces for the pull forward spots will also be used for mobile ordering. Engineer Lomei states that he expects the spaces plan left of the ADA stalls or the spaces directly opposite on the other side (north) of the pull forward will be used for mobile ordering. Chairman Boucher asks if those mobile spaces will be marked on the plan. Lomei responds that if the board wishes they can designate two spaces on the site for mobile ordering. The spaces west of the ADA stalls would make the most sense. Member Allen noted that this would be where the "9" on the site plan. Chairman Boucher asks for the mobile ordering stalls to be indicated on the site plan. Member Hafenecker approves of the addition of the Pre-Browse menu board. Chairman Boucher asked at what point does the restaurant know there is a delay or backup in orders. Engineer Lomei stated that these delays are communicated to the customer at the window, and that a delay would be determined by the team lead. If the order is not ready the customer will be asked to move to the pull forward spaces to wait. The staff know which customers to bring the orders to by identifying the license plates of the cars visible by the security cameras set up on the drive thru. Engineer O'Rourke states that if the board wishes to have mobile ordering signs added to the plan he can review these site plans over the weekend have his comments ready for the Monday, December 14th, 2020 meeting. Engineer Lomei stated that this can be prepared by the end of the week for his review.

9. 683 Route 17M – Site Plan (212-2-6)

Present: Jay and Patricia Stone, Owner;

Mr. Stone provided the board with context for his project. On the second floor of this building there is an apartment which is currently zoned as commercial and he was not aware this of until recently. This has been an apartment for at least 16 years and is currently being rented. He is looking to have the second floor changed from commercial to residential. Engineer O'Rourke offered his comments. He recalls that this floor has been used as an apartment for as long as he has been familiar with the site. He notes that under the Village Code the conversion of commercial to residential requires a special use permit. The planning board likes to see what parking is available to determine what impact it may have on the neighbors. There is

no ADA parking shown on the plan. The board may want to see one added or the building code may require one but defers to Building Inspector Cocks for the interpretation of that. The site plan shows 6 parking spaces available, which may be related to the mixes of use proposed. This location is subject to a 239 Referral and is a special use. The short EAF submitted appears to list the action as Type 2 under SEQR. He finds the boundary where residential and commercial mix confusing. He asks if the downstairs portion of the building will remain zoned as commercial, and if that is the case should be noted on the site plan along with its square footage. The building next to this one had been involved in a past planning board review where the board requested that some parking be removed and replaced with grass and landscaping in the front. The board also requested the addition of some screening in the back of the area to manage the lights that were shining on neighbors. These are potential issues for the applicant to consider as they proceed with the project. Engineer O'Rourke asks Building Inspector Cocks if he was familiar with the 683 Route 17M building. Building Inspector Cocks states that the second floor of this building has been used as an apartment for a long time, predating his employment at the Village. He states that the issue of the illegal apartment on the commercially zoned second floor was brought to light when the owners sought to sell the building. Old records were pulled for review and it was revealed that there was an old open permit to have that second floor used as office space. The owners are seeking to make this apartment legal and continue to keep the apartment there. The board needs to ensure that there is sufficient parking since this was an adjoining property to the 681 Route 17M building (The Gift Box) which was left of the 683 Route 17M building in question. The owners own both properties, so the parking was combined. Building Inspector Cocks asked the owners Mr. Stone and Mrs. Stone what use of the first floor of their 683 Route 17M building is listed as. They stated that the first floor is a salon and interior design. There are two commercial units on the first floor and the second floor is an apartment, three units total for the building. Building Inspector Cocks says that it needs to be found that there is adequate parking available for what the uses are without having parking spill into the old parking. Planner Fink added his comments. The short EAF submitted also appeared to him to be a Type 2 Action under SEQR and has prepared a draft resolution to that effect. More landscaping around the proposed parking areas may be needed. He does not see any other outstanding issues as there is no construction proposed to the site. Mr. Stone confirms that there is no construction and that there is grass in the front of the building. Chairman Boucher stated that the board needs to declare for Type 2 Action and have a 239 Referral done for this project. Engineer O'Rourke suggested that the planning board may want to conduct a public hearing on this project in January to review and address comments the public may submit. The public had in the past submitted comments on an adjacent building involved in a previous planning board review. These comments were received later in the process and requested the applicant to provide additional landscaping on the area and screening for the lights on the property, which the applicant provided. Building Inspector Cocks agreed that setting a public hearing sooner would help move the process for this project along faster, considering that there is not much work needed on the property as it already an existing site. Member Parise recommended that the board visit the

site to review the parking and landscaping there. Attorney Cassidy was also in favor of conducting the prompter public hearing. If there is an issue that arises which requires revision, the hearing can be left open so the applicant can make these changes. Chairman asks if it is possible for the declaration of lead agency, the 239 Referral, and the public hearing to be set on the Monday December 14th, 2020 meeting. Attorney Cassidy stated that she will make the preparations. Member Hafenecker asked for clarification on how many parking spaces were available. Mr. Stone stated there are six spaces, one of which is in the garage. Mr. Hafenecker asked that should there be three cars parked at one time in a certain position that make access to a side parking space on site difficult to enter. Mr. Stone clarified that this spot was the playroom. Member Hafenecker asked if there was parking on the Route 17M and if it was possible to walk up the walkway. Mrs. Stone confirmed that it is possible to walk up the walkway and that there was a white line that can hold parking, but not long-term parking. Mr. Stone confirmed that this parking has been adequate for the business and the apartment for the last 16 years. He also asks what the board requires from him for the Monday, December 14th, 2020 meeting. Engineer O'Rourke states that the board requests to see a site plan with parking and landscaping details as well as photos of the site. Mrs. Stone asks for clarification as to what on site landscaping the board is referring to, as the landscaping on the front of the property is what has been there for years. Engineer O'Rourke states that the board would like to see a site plan with landscaping details that would show the location of landscaping such as present trees, bushes, plains. Mr. Stone asks if the board would need the site plan or the pictures. Member Parise states that the board would like to see both. Mr. Stone states that he may not be able to have an amended site plan done by the Monday, December 14th, 2020 meeting. Chairman Boucher states that the board does not need the amended plan by that Monday but it will be required for the public hearing that is to be set in January. Chairman Boucher states that for the Monday, December 14th, 2020 meeting the board will seek to declare lead agency, conduct a 239 referral, and set the public hearing. Mrs. Stone asked if she and Mr. Stone need to be present for the Monday meeting and if they should submit the requested pictures. Chairman Boucher states that they do not need to be present, but they can just submit the pictures. The amended plans need to be submitted prior to the public meeting.

10. DG Realty (Town of Monroe – Notice of Intent to be Lead Agency)

Chairman Boucher provided context for this item on the agenda. 308 Schunnemunk and 310 Schunnemunk have come before the planning board in the past. These sites are located on an unimproved road, which has a dead end. The applicant sought to remove one house and leave two lots. The applicant is now looking to have another subdivision done. The Town of Monroe is also involved in work on the other side and are looking to have a road break through this area. Attorney Cassidy provided the board with her comments. She requested that Chairman Boucher to put this item on the agenda. A Notice of Intent for Lead Agency from the Town of

Monroe was received by Village Hall. This Notice of Intent was for a subdivision using the proposed cul de sac that was developed as part of the 310 Schunnemunk subdivision that was approved by the planning board this past summer. This Notice was not received right away because it was not sent to the planning board. Town of Monroe Chairman Bonnie Franson has been contacted so that the planning board is copied on this matter as the 308 and 310 Schunnemunk projects open to the board as well as related project the Town is involved with will require coordination with each other. This notice to the board's attention so that discussion can take place and because the planning board will need to send something to the Town of Monroe. The Town of Monroe may not be aware of the village proposals, as the way the plan is currently drawn there it does not treat the two lots as if they are going to be subdivided, the Notice does not reference the proposal, and the preliminary plans that arrived at Village Hall do not appear to show the proposed subdivision. She presented on her screen plans which depicts 310 Schunnemunk in its prior iteration with the tax lot. The two-lot subdivision that was approved by the planning board is not shown. The plans show the lot as it currently sits. Attorney Cassidy then displays the Notice of Intent for Lead Agency by the Town of Monroe Planning board. This is a 9 lot subdivision with a total of 15 dwelling units, which is in the Section 1, Block 1, Lot 96 of the Town tax maps. There are municipal issues; there will two sets of construction crews working on this area. Planner Fink added his comments. The Village Comprehensive Plan has a recommendation to establish no new cul-de-sacs unless there is no other viable arrangement. If the village planning board approves the proposed cul-de-sac, then the project in the Town of Monroe does not make progress, which would leave the Village with a cul-de-sac that is not consistent with its village policy. The other issues is that if the town project does go forward and the 15 dwelling units are approved then there could be an estimated 150-200 vehicle trips a day that would be funneled through the new road into the Village of Monroe. Planner Fink agreed with Attorney Cassidy that some discussion is necessary between the two municipalities. He believes that the Town needs to designate the Village as an interested agency to be aware of all actions taken by the Town and Planning Board, and vice versa. There needs to be formal notification in writing that the Village Planning Board is to be an interested agency under SEQR. Engineer O'Rourke stated that his office represents this project in the Town, so when the first two-lot subdivision came into the Village planning board his office recused themselves. The board had brought in Mike Aiello to do the review. As for his comments concerning the potential impact this would have, he would recuse himself and have Dennis Lindsay preform that review. Engineer O'Rourke has no conflict with the 308 and 310 Schunnemunk subdivision because they are not his clients and the cul-de-sac in that site has already been approved. Engineer O'Rourke provided his review of 308 and 310 Schunnemunk. These two lots are small and tight. A cul-de-sac to service two homes, with no water line present, does not make much sense. There are no hydrants present. The four single service water lines currently purposed would never be typically permitted in the village. The small triangular parcel of land along Schunnemunk is not dedicated to the subdivision, so it may not be maintained adequately. If the planning board were to request that this land be dedicated now the applicant would not have enough room to subdivide. The 308 and

310 Schunnemunk have different owners but the addresses listed on the applications are the same, so the applicant is the same person. The previous two lot subdivision now has two more two lot subdivisions proposed. He considers this a major subdivision. In the instance of a major subdivision sidewalks, street lighting, trees, water, and hydrants would be expected. Regarding the intermunicipal impact he would defer to Dennis Lindsay. Attorney Cassidy could not find in the land records and offers of dedication and is not sure if the cul-de-sac is private. Engineer O'Rourke does not believe there have been any offers for dedication. He also states that there is no frontage and so these parcels are land locked, it is not possible to do much with the subdivision until the road has been built and dedicated to the Village of Monroe. If this is extended there must be intermunicipal agreements, citing the issue of paving the road which will be in two municipalities. Attorney Cassidy states that if a second cul-de-sac is to be built further down should the existing cul-de-sac be abandoned, and a straight road constructed and could this be done in a phased manner. She displays the file map from the Orange County Land Records of 310 Schunnemunk which was filed in October 2020 and approved by the planning board. Chairman Boucher asked if a knock down was done in this area and Attorney Cassidy confirmed that there was a dwelling there to be removed. Engineer O'Rourke asked for clarification on the proposed subdivision. Attorney Cassidy displayed the proposed subdivision would take place within the Lot 2 depicted on the map. Engineer O'Rourke suggests that the board request the applicant to build streetlights, sidewalks, and street trees as the resulting total of 5 lots that would result from all the subdivisions would categorize this as a major subdivision. Attorney Cassidy says she would like to request the Town Planning Board add the Village Planning Board as an interested agency. Member Parise asked if the Village Board needs to be involved with this project as there is going to be a dedicated road. Attorney Cassidy confirms this is true and the Village Board will also be copied on correspondence. Member Parise says that a similar cul-de-sac situation like the 308 and 310 Schunnemunk projects almost occurred in Prestwick by Reynolds Rd but never came to fruition. He asks if the applicant will go through with this with the homes on the Town side of the line. Attorney Cassidy stated that she will call Chairman Franson for information. Engineer O'Rourke states that the Village of Monroe has water and sewer amenities while the Town of Monroe does not. Those lots may not function on well and septic alone, so the Village could be involved for the water. Attorney Cassidy displayed the EAF submitted to the Town for the board and reviewed the listed Government Entities under the Government Approvals section of the form which include Town Planning Board, Town Zoning board, Village of Monroe DPW, Town of Monroe DPW, OC Sewer District #1, OCDOH, NYSDEC. Building Inspector Cocks asked Engineer O'Rourke if a force main was going through that road. Engineer O'Rourke stated that there would have been gravity sewer. He states the involved agencies need to be revised since the small lot size which would require water from the Village. Building Inspector Cocks states that a sewer main will be put in up through the original subdivision that was done. Planner Fink states that on the submitted EAF the applicant answered "no" to the "will proposed action obtain water from the existing public water supply?". Engineer O'Rourke speculates that the applicant may have plans to drill wells and tie into the

sewer main that will be built. Planner Fink notes that the plan shows that there will be private site wells for each lot. Engineer O'Rourke says that he would not approve of four individual water services running down underneath the road, and there are no hydrants. Attorney Cassidy states that these projects should be under one subdivision application, even if the properties are under separate ownership, it can be a joint application, so that the nature of these subdivisions is not hidden and appropriately classified as a minor or major subdivision. She will write a letter to Chairman Franson and the Town Planning Board to put the projects on the Village Planning Board's radar and to include this board in their discussion as there will be significant intermunicipal impacts that require discussion from both municipalities. Attorney Cassidy will try to have the letter ready for the meeting on Monday December 14th, 2020 so it can be reviewed and approved for transmittal on the board's behalf. Attorney Cassidy confirms with Engineer O'Rourke that the 308 and 310 Schunnemunk will be sent to Dennis Lindsay.

11. The Q – Site Plan (222-1-13,14 &15)

Present: Steve Esposito, PE;

Engineer Esposito provided the board with an overview of the project. The layout previously was three buildings, for total of 60 units, all two-bedroom open market rentals. Work has been done with the architect in developing the buildings, building elevations, and site plans. On the original plan there were three buildings, one relatively large in length. On the current plan there are now 4 buildings with 18 units in each building, an increase of 4 units per building, for a total of 72 units. He notes that the number of units proposed, 72, is still substantially below the total of 122 possible units that was derived from constraints analysis. He believes that the code calls for at least 80 parking spaces, and 133 spaces have been proposed. A concept plan for the active recreation was provided, which will need to be further developed and coordinated with grading plans. The active recreation activities will include a pickleball court, bocce, a small ticket pavilion. There will also be a small play area which would be geared to preteens and toddlers, as well as a possible community garden. Engineer Esposito addressed Engineer O'Rourke's comments, specifically concerning the final disposition of Stephen Lane. Access to the site is through Steven Lane, which will be a private access road off Still Road. Proposed changes include improving road width to 26 feet, which is fire code. The road through there is flat and below standard. The road has a swale that runs along the southern part of Stephen Lane. Changes proposed include improving the road of the swale to the south and surface drain the road cross slope into a swale that will be in the proposed stormwater collection. The building elevations have been provided as part of the architectural review component to the application. Engineer O'Rourke provided his comments. The landscaping plan has to be coordinated with the engineering plan because they did not match up. What will happen with Stephen lane. At this point it is a dead-end dirt road with a couple of houses on it and the road is not up to village code. This will change with the proposed addition of the 72 units. The residents that

live there are used to a quiet dead-end road and may not appreciate the addition of amenities such a streetlight. This should be resolved with their traffic consultant, the people that live there, and the board members. This piece of land at the end of Stephens Lane is up against the golf course and is developable. A water report and a SWPPP was submitted but he does not have that review finished yet. He advised the applicant to review the SEQRA comments. Planner Fink shared his comments with the board. He reviewed the full EAF submitted. The board declared lead agency back in July but did not see a classification of the action, and it appears to be an unlisted action. A coordinated review that happened but the village board was not included. He believes it is a matter of updating the lead agency process and reaching out to the village board to confirm that there are no objections to the planning board acting as lead agency. If the board agrees he can draft resolution for that can be prepared for the Monday meeting on December 14th, 2020. He reviewed part 1 of the EAF. He has prepared his questions about that in a memo and will send that to Engineer Esposito. Planner Fink added his comments regarding the situation of bringing Stephen Lane up to village standards. He describes the issue of the number of units on a singular access. Many municipalities do have limitations on the number of units they permit on a single access like this, the reason being for public health and safety. Many municipalities require that when you reach a certain threshold in the number of units that two means of access are provided. Engineer O'Rourke stated that he does not believe the village have a number of units access defined in the code. Engineer O'Rourke asked what approval do the village board have for a coordinated review. Planner Fink stated that it was in the EAF. Engineer Esposito states that after SWPP is finished a maintenance agreement with the village board will have to be drafted. For water, municipal service will have to be extended into the site. An access easement can be provided. Planner Fink asks if the village board of trustees will be taking an action and voting on something, so should they be included as an involved agency. Attorney Cassidy states that a notice should go to the village; there does not need to be a recirculation. Engineer Holt added his comments. A memo was submitted October 23, a response was received today but they were not able to review that. Would Stephen's Lane be paved for the entire length, as on the plan there is a portion that is labeled to remain as gravel. Engineer Esposito states this will be paved. Engineer Holt asked if a left turn lane out on Still Road was needed. The Maser response shows that may not be needed. The parking proposed is greater than what is required by zoning, what is the technical backup that would justify this. Truck turning templates, mainly for emergency service vehicles are shown. He recommends showing how the trucks will circulate, and to obtain feedback from emergency service personnel. They might provide comment on potential secondary access. He suggests to also ask if they are fine with the two northern buildings having access only from the southern side. Building Inspector Cocks asked if the other easement area near the golf course part of that property is still and could it be used for secondary access. Engineer Esposito confirmed there is an existing easement approximately 30ft in width in the tax parcel in the back, said they could investigate that being used for secondary access. Member Parise added his comments. The parking could account for people visiting the site. On the full EAF part 1 the construction hours listed are outside of operation

hours. The hours for the Village are 8AM – 8PM on days Monday - Saturday. The dirt road that Stephen Lane is now should be paved. Member Parise and Member DeAngelis feel a corner light would be a good addition. Chairman Boucher asked how far the swale is off from the road; Engineer Esposito said approximately 4-5 feet and is also a shallow swale. Member Parise asked about potential blasting; Engineer Esposito said they do not anticipate any. Member Karlich stated that the traffic peak of 11AM - 12PM is not realistic, as there are commuters and school buses using that road. She thinks that the current one exit proposed could be problematic. Member Hafenecker where the school buses would pick up the children, the board answered that pickup is on Still Road. Engineer Esposito stated he can check with the transportation department about this. Engineer O'Rourke stated that with school bus stops children wait in their parent's cars, so there might be backup. Sometimes bus stops are built to alleviate this backup. Member Hafenecker stated that he didn't see air conditioning units on this rendering. Engineer Esposito stated that they are proposed to be roof mounted units. Member Allen stated that these roofs on the rendering looked like pitched roofs; will there be a flat portion. Engineer Esposito states that the rendering shows a small amount of the roof, probably six and twelve or maybe eight and twelve and he isn't sure what the roofing system will be. Member Allen also shared his concerns about the traffic hours, noting that the busses travel at 1:30PM for the high school and he thinks that is the peak hour. Engineer Esposito noted that Maser on the traffic report indicated that the hours listed as 11AM - 12PM were an error; the time was 7:45AM – 8:45AM for the AM hours. For the afternoon the hours were listed as somewhere from 4PM – 6PM. Engineer O'Rourke asked if these traffic counts were done pre COVID or post COVID. Engineer Esposito stated that these counts were not done, historical data was used, the backup data was not appended. They have the backup data now and will review to see if it's acceptable to use to form the baseline volumes. Chairman Boucher says that since there are residents the lighting and swale is important to consider due to safety issues. Engineer Esposito stated that he is willing to provide the board with a cross section of the road and can investigate lighting on Stephens Lane. Member Allen notes that there are no sidewalks on that side of the road; people still walk down to McDonald's without sidewalks. Engineer O'Rourke noted that discussion about a crosswalk to alleviate this concern was brought up in the past. Chairman Boucher noted that the board will be looking for color pallets of buildings and materials used. Engineer Esposito believes that colors and materials are already included at this preliminary level.

Other Business:

1. 2021 Calendar

Chairman Boucher stated that although a decision cannot be made tonight but the board should review the calendar. The proposed dates are going to be the second Monday and fourth Tuesday of every month. The Village will be doing work on the second floor of the building, so the meetings will take place on the first floor of the court

room. The board and applicants will have more time between meetings. Gary Parise offered his suggestions on some date changes. A meeting cannot be had on October 11th because the Village is closed that day; meetings are not had on holidays. Member DeAngelis suggested having only one meeting in December. Chairman Boucher will review the calendar and make the changes Member Parise suggested.

ADJOURNMENT

On a motion made by Member Parise and seconded by Member DeAngelis it was unanimously **Resolved that the meeting there being no further business, the Meeting be adjourned.** The meeting was adjourned at 10:16 p.m.