

**VILLAGE OF MONROE PLANNING BOARD  
REGULAR MEETING  
FEBRUARY 27, 2017  
MINUTES**

**PRESENT:** Chairman Parise, Members Cocks, Karlich, Graziano, Engineer O'Rourke, Attorney Levinson, Building Inspector Cocks

Chairman Parise opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

**PUBLIC HEARING:**

**1. Chabad of Orange County – Site Plan – (206-6-1.2)**

**Present:** John Petroccione, P.E.; Pete Rusillo, PE, Maser Consulting; Ken Wersted, P.E., Creighton Manning

Engineer Petroccione stated this is a continuation of the public hearing to resolve traffic issues for the site. Engineer Petroccione received Lanc & Tully's design comments and will be making future submittals with modifications regarding the ground water changes. The only outstanding issue remaining for the public hearing is the traffic issues. Engineer Rusillo discussed the outstanding traffic issues. Engineer Wersted, the Village's traffic consultant, requested Engineer Rusillo perform a supplemental analysis taking into account the Gilbert Street Extension and considering the operation of the intersection with the inclusion of the YMCA. Engineer Rusillo stated that under existing conditions, Gilbert Street warrants signalization. Modifying the Gilbert Street approach for Chabad conditions still warrants signalization but not much more than what is existing today. Adding the 4<sup>th</sup> leg to the intersection for the YMCA significantly exacerbates the situation at the intersection. The intersection operating with a signal makes significant improvement. Chairman Parise noted that DOT requires 3 warrants to be met. Engineer Rusillo stated that the intersection meets 2 out of the 3 warrants today. Engineer Wersted commented that signalization will provide additional control of the intersection, however with the YMCA, DOT has requested additional improvements to the area including left turn lanes on 17M. Engineer Wersted has developed a conceptual plan to satisfy DOT's requirements and are awaiting their approval. It is understood that the funding is in place for the traffic signal, but not for the rest of the intersection improvements. Engineer Wersted is in the process of determining the difference in costs for improvements to the entire intersection as well as just the traffic light. Engineer Rusillo added that they need to ensure there is enough space in the ROW to add turning lanes. Chairman Parise opened the hearing to the public. There were no public comments.

Engineer O'Rourke stated that traffic was the only outstanding issue for the public hearing. The rest of Lanc & Tully's comments are technical in nature. The issue of

storm water needs to be resolved but otherwise has no objection to closing the public hearing. Attorney Levinson advised the board if they are to close the public hearing the applicant will need to agree to not hold the board to the 62 day time constraint. Engineer Petroccione agreed to waive the 62 day requirement to act.

On a motion made by Member Cocks and seconded by Member Graziano, it was unanimously **Resolved, that the Public Hearing for Chabad of Orange County – Site Plan be closed.**

**2. Cumberland Farms – Site Plan – (215-1-13)**

**Present:** Richard Olson, Esq.; James Galella, P.E., Catapano Engineering

Attorney Olson stated that the traffic issues have been resolved and the only remaining issue is regarding the addition of sidewalks. Chairman Parise noted that the Village's comprehensive plan encourages sidewalks throughout the Village in order to connect downtown areas and neighborhoods together. The traffic study shows pedestrian traffic, and there are several neighborhoods in the area. Chairman Parise feels that since this will be a convenience store it is likely that people will be walking to the site. Orange County Planning also suggested sidewalks with crosswalks and ADA compliance in their 239 review. Freeland Street should definitely have sidewalks, especially with the new application across the street. Attorney Olson agreed to provide the sidewalks. The Board advised that the sidewalks will be a part of the site plan approval and not a condition for later. Chairman Parise opened the hearing to the public.

Richard Sarajian, Esq. – Attorney Sarajian stated he represents Hagopian Enterprises, a neighbor of this property and asked if the building is still going to be 4786 square feet? Engineer Galella stated the size of the building is the same. Attorney Sarajian asked if an analysis was done for the trucks which would be delivering to the site. Chairman Parise stated the turning radius for the trucks has been received, reviewed by the engineers, and accepted by the board. Engineer Galella stated the turning radius is on the site plan. Attorney Sarajian recalled the term standard prototype in a prior hearing when describing the size and design of this building and asked if 1700 square feet would be used to determine the parking calculations. Has the board received a floor plan? Chairman Parise stated a floor plan was received. Attorney Sarajian feels the size of the building is a very large storage to retail ratio. Attorney Sarajian asked if refrigeration was excluded from the determination of square footage for retail. Engineer Galella stated that the first 2 feet into the coolers are included to cover the reach. Attorney Sarajian is concerned with traffic backing up on Freeland Street and doesn't feel that the traffic study received is sufficient. Chairman Parise asked what he based this opinion on. Attorney Sarajian stated the traffic backs up in front of his client's site today and this project will only increase the traffic. Attorney Sarajian stated he looked at other Cumberland Farms in the area and submitted photos to the board, being smaller than this one. One is 2200 sq. ft, one 3600 sq. ft, and none are 35 feet high. Attorney Sarajian and his client feel the height of the building is excessive and should be reviewed. Attorney Olson responded to Attorney Sarajian's comments. Cumberland

Farms controls its own fleet of tanker trucks so timing of deliveries would be adjusted if there was a problem. The turning radius has been accepted by the engineers. The building size is the same as initially presented. Variances were obtained for the project. The traffic study has been submitted and reviewed by both the applicant's and the Village's traffic engineers as well as DOT. As for the height of the building it fits within Village code. There were no additional public comments. The applicant has addressed all of the public questions.

On a motion made by Member Cocks and seconded by Member Graziano, it was **Resolved, that the Public Hearing for Cumberland Farms – Site Plan be closed.**

**Ayes** – Chairman Parise, Members Cocks, DeAngelis, Graziano  
**No** - Member Karlich

**3. Threetel Holdings – Conditional Use/Site Plan – (203-3-3.2)**

**Present:** Larry Torro, P.E., Civil Tech Engineering

Engineer Torro stated the remaining issue regarded accessing the upper level of the building near Route 208. A loop road was developed from the main entrance; cars can travel across the front of the building, continue around the building and exit from the main entrance. Chairman Parise noted that the site has been cleaned up and that the gate has been kept clear. There were no public comments.

On a motion made by Member Cocks and seconded by Member Graziano, it was **Resolved, that the Public Hearing for Threetel Holdings – Conditional Use/Site Plan be closed.**

**4. Luke & Friends Day Care – Amended Site Plan – (201-1-9.3)**

**Present:** David Niemotko, Architect

Chairman Parise read the Public Hearing notice dated 12/22/16 into the record and acknowledged receipt of the proof of mailings from the applicant. Architect Niemotko described the project as an existing day care facility at 11 Talmadge Court and the owner is looking to expand the facility. The expansion will utilize the upper level of the building to accommodate an additional 14 children. The playground area will be increased as well as an addition of 6 parking spaces. There will be no additions to the building, all improvements will be inside. With the expansion, drop off will now be in the rear of the building which will improve traffic and flow. Chairman Parise opened the hearing to the public.

Margaret Barry, 14 Talmadge Court – Ms. Barry asked if the main entrance would be in the back. Architect Niemotko stated the rear entrance would be an additional entrance. Ms. Barry requested the main entrance be moved to the back so that traffic will not be in her parking lot. Ms. Barry's main concern is that parents are continuously parking in her lot and in the road, blocking the road. Originally when the board approved the day care center, it was told to the board that the staff would be taking the children out of the car

and brought into the building. The parents were not supposed to be parking at all. This has not happened. Every day people are parking in her parking lot. She is in a lose lose situation. If she speaks up everyone thinks she is being mean, and if she doesn't speak up then she leaves herself open to liability. Ms. Barry is not opposed to the day care center, she wishes the owner well, but she cannot allow a potential liability issue to persist on her property. Ms. Barry is also concerned for the safety of the children, as they walk up the road from Gilbert Street and there is nowhere for them to walk. Architect Niemotko stated there is no plan to install sidewalks or any other accommodations for pedestrian traffic. Ms. Barry stated that it would be much better all-around if the main entrance was moved to the rear of the building. Chairman Parise asked for clarification if there were children walking from Gilbert Street to the day care. Ms. Barry confirmed there are children being dropped off by a bus. Jennifer Lenoci, owner of Luke and Friends, confirmed that a Monroe Woodbury bus drops children off at Gilbert Street. Chairman Parise reminded Ms. Lenoci that busing of children was not allowed with this approval.

Jeremy Schuck – 27 Talmadge Court – Mr. Schuck stated the entrance to the day care is less than 6 ft off the easement. The road that runs by this day care is a private road that services 2 residences. Kids are always in the road. The guardrail they put up is bent. School buses come up the road and turn around in his driveway. Cars park in the middle of the road blocking the road. Parents walk around in the road. Parents park in the florist and carry their kids across the road. They are supposed to be parking on the day care lot. There is an O&R Credit Union and O&R trucks travel up that road. If someone gets hurt on that road, everyone connected with that road will be sued. Also, there is no stop sign at the exit and cars fly out onto the driveway with no concern that cars may be coming down the road. Mr. Schuck showed the board pictures of cars parked and blocking the road

Jennifer Lenoci stated that Gilbert and Talmadge is an approved bus stop by Monroe Woodbury. There are times that buses come but it's for special circumstances like if a child breaks a leg, or is special needs. Other vehicles come up that road that are large like Federal Express, or UPS. Ms. Lenoci admits there have been issues with parents parking in the road, and she is aware parents park at the florist at times. Ms. Lenoci has called the police several times for excessive speed. Ms. Lenoci will consider changing the entrance drop off location to the rear but she can't control the parents if they park wrong.

Lisa Trimblay – Ms. Trimblay works at Luke and Friends as is present in the morning when parents are dropping off their children. Ms. Trimblay complained that Mr. Schuck came whipping past her while parents were dropping off their children. Ms. Trimblay stated she walks children to a scheduled bus stop every morning and they are safe.

Pictures which were submitted to the board were displayed.

Lee Loftus – Ms. Loftus stated her children attend the day care. Ms. Loftus admitted to parking in the florist parking lot and was yelled at. Ms. Loftus was only parking there for

a few seconds. Ms. Barry addressed Ms. Loftus' comments and stated she has never spoken to her. Ms. Barry understands why people would want to park in her spots, its closer, people don't want to walk, and the driveway isn't always plowed. But it needs to be understood this is a liability issue for her. Ms. Barry is a businesswoman and has to look out for her business. This is a liability for her. Ms. Barry has no problem with the day care center being there. She has a problem with the parking as it has overflowed onto her property. Ms. Barry stated she cannot assume the liability of someone else's business. If someone from the day care falls or gets hurt while on her property, they will come after her. Originally an attendant was to take the children out of the cars but that has never happened. Ms. Barry voiced her concern and addressed the board about the parking and the safety of the children since day one but the fixes put in place have not been implemented.

Lisette Quinones – Ms. Quinones works at Luke & Friends and feels moving the entrance to the rear and additional parking would resolve these issues.

There were no other comments. Member Cocks commented that he heard the owner say she would try to bring the children through the back. Trying is not acceptable; the kids should always be brought through the back. The owner has to make more of an effort to inform the parents that they must go through the back and not to park on the other properties. Member DeAngelis feels this has become an over utilized site. Chairman Parise stated all property owners have to work together.

On a motion made by Member Cocks and seconded by Member Karlich, it was **Resolved, that the Public Hearing for Luke & Friends – Conditional Use/Amended Site Plan be closed.**

### **REGULAR MEETING:**

#### **1. Chabad of Orange County – Site Plan – (206-6-1.2)**

**Present:** John Petroccione, P.E.;

Chairman Parise asked if this use has an effect on an increase in traffic. Engineer Rusillo stated there is no significant impact on traffic. Only situation with an increase in traffic would be during high holy days. Chairman Parise commented that would be no different than any other church or temple in the area. Member Cocks asked if the screening in the parking area was adequate. Engineer Petroccione stated the last revision added a raised berm to avoid the lights of the cars shining on the nearby homes. Member Karlich asked if there will be any retaining walls for the slopes. Engineer Petroccione stated the plans show some retaining walls but nothing additional. Engineer O'Rourke stated there is nothing unusual being proposed concerning retaining walls. It was confirmed that sidewalks will be installed, but it still needs to be determined which side of the street they will go.

**2. Cumberland Farms – Site Plan – (215-1-13)**

**Present:** Richard Olson, Esq.; James Galella, P.E., Catapano Engineering

Attorney Olson was informed a construction cost estimate was still needed, as well as a revised plan showing the sidewalks. Regarding the building height, the board has no issue and the height is within the Village Code. Attorney Olson commented that the properties referred to at the public hearing which were not as large as the proposed one are all converted, old stations, not new builds. Member Cocks commented that the traffic lights on 17M and Half Hollow need to be synchronized.

**3. Threetel Holdings – Conditional Use/Site Plan – (203-3-3.2)**

**Present:** Larry Torro, P.E., Civil Tech Engineering

Chairman Parise visited the site and feels the new plan will work well. The turn for the YMCA is far enough away from this entrance to not be an issue, and the site has good site distance. Member DeAngelis commented that it will take a while to make a left turn. The board liked the new configuration. Engineer O'Rourke stated some minor technical issues were outstanding such as signage, painting, and a construction cost estimate. Attorney Levinson reminded the applicant about the cross easements for parking. Engineer Torro stated he received the use and occupancy permit from DOT which was forwarded to the board. Member Cocks stated the site needs to be kept clean. Attorney Levinson suggested a maintenance schedule for cleaning the parking lot.

**4. Luke & Friends Day Care – Amended Site Plan – (201-1-9.3)**

**Present:** David Niemotko, Architect

Architect Niemotko stated he spoke with Ms. Lenoci and she agrees to accommodate the neighbors with regard to parking and the entranceway. Ms. Lenoci stated she runs a reputable establishment. Attorney Levinson stated the reputation of her business is not an issue. What is an issue are the concerns voiced by the neighbors. These are legitimate issues and must be addressed. Allowing the children to be dropped off at the rear of the building, within their own parking lot won't impact the road or the neighbors. Engineer O'Rourke suggested adding signage with directional arrows. Chairman Parise suggested having someone outside during busy times to direct traffic. Attorney Levinson suggested providing a safety program showing how the site will be managed. Member DeAngelis feels the site is over utilized. Chairman Parise agreed the site is over utilized but it also exists and now needs to be managed. Attorney Levinson added that the issue of liability of the neighbors is a major issue. If something happens on your own site that is on you. When you have clients parking on someone else's property it becomes a liability. Engineer O'Rourke has no technical issues but pointed out that there is a shortage of parking and the board needs to decide if they would waive the parking requirement. Member Cocks asked if the Florist had no parking signs on her property. Ms. Barry responded she has signs up that say parking for Monroe Florist only. Engineer O'Rourke stated if the only door used for drop off is in the rear, then parents will be forced to drive around the back. The Board agreed that a site visit

was warranted to view the area and discuss the concerns. A site visit was scheduled for Sunday, March 5, 2017 at 1:00 p.m.

5. **577 Route 17M – Conditional Use Renewal – (220-5-16.1)**

**Present:** Shulem Brach

Chairman Parise stated the site does not look the way it should. Building Inspector Cocks submitted a list of issues. There are multiple unregistered vehicles stored on site. Garbage and debris is scattered throughout the property. Dumpsters are not being kept within the enclosure. Two truck bodies and overseas storage container are located on the property and are not permitted per Village code. The parking lot is in poor condition. The Board should discuss the location of a shed on the property. Mr. Brach explained that one of the tenants is a car dealer and that is why the unregistered vehicles are there. Building Inspector Cocks stated that is not part of the site plan and he will have to obtain approvals for this, show where these cars will be parked. Mr. Brach stated he cannot fix the parking lot until the spring as he cannot get blacktop until then. Engineer O'Rourke stated he could use cold patch. Chairman Parise stated the containers need to go, the garbage needs to be cleaned up, and the dumpsters need to be contained in their enclosures. The board will not renew the conditional use permit if all of the issues are not addressed, and the Village should not have to continuously police this site. It is the applicant's responsibility to maintain the site. Building Inspector Cocks stated that the shed was put up by a tenant, but the board needs to ok the location and a plan submitted showing where the shed is. Attorney Levinson informed the applicant he is on the agenda next month; he needs to submit an amended site plan with the new issues of the shed and tenant with the cars; and the site needs to be cleaned up.

On a Motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously **Resolved, that the Conditional Use Permit for 577 Route 17M is extended for a period of 30 days. The applicant must reappear before the Planning Board on 3/15/17 for review.**

6. **603 Stage Road – 4 Lot Subdivision – Informal Presentation - (219-3-7)**

**Present:** Keith Woodruff, P.E., Engineering & Surveying Properties, PC

Engineer Woodruff stated this site plan was approved and is ready to expire. The plans have been finalized and approved for signature. They are waiting on the bonds from the applicant and are requesting a 60 day extension.

On a Motion made by Member DeAngelis and seconded by Member Cocks it was unanimously **Resolved that Subdivision and Site Plan for Lanwin/603 Stage Road approval be extended for a period of 60 days or until April 17, 2017.**

## **APPROVAL OF MINUTES**

On a motion made by Member Cocks and seconded by Member Karlich, it was Resolved **that the Minutes of the December 14, 2016 meeting be approved.**

On a motion made by Member Karlich and seconded by Member DeAngelis, it was Resolved **that the Minutes of the December 19, 2016 meeting be approved.**

On a motion made by Member DeAngelis and seconded by Member Karlich, it was Resolved **that the Minutes of the January 18, 2017 meeting be approved.**

## **ADJOURNMENT**

On a motion made by Member Karlich and seconded by Member DeAngelis it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 8:45 p.m.