

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
OCTOBER 15, 2012
MINUTES**

PRESENT: Chairman Parise, Members Cocks, DeAngelis, Syrianos, Niemotko
Attorney Levinson, Engineer O'Rourke

Chairman Parise opened the meeting at 8:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

PUBLIC HEARING:

1. Jakes Wayback Burgers – Conditional Use – (201-3-12)

Present: Don Atlas, Applicant; Steve Brown, Hudson Valley Realty

Chairman Parise read the Public Hearing notice dated 9/11/12 into the record. Chairman Parise noted for the record that the proof of mailings have been received from the applicant. Chairman Parise noted members of the public in the audience and asked if anyone was there for Jakes Wayback Burgers. Nobody was present for Jakes Wayback Burgers. Mr. Atlas stated that he will be renovating the existing Pizza Hut building and turn it into a restaurant which sells hamburgers. It will be better than fast food. Mr. Atlas stated this is a franchise and is the first of its kind in Orange County.

There was no comment from the public. On a motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously **Resolved, that there being no public comment this evening, the Public Hearing for Jakes Wayback Burgers be closed.**

2. 577 Route 17M – Site Plan – (220-5-16.1)

Present: John Loch, AFR Engineering; Shulem Brach, Applicant

Chairman Parise read the Public Hearing notice dated 9/11/12 into the record. Chairman Parise noted for the record that the proof of mailings have been received from the applicant. Engineer Loch described the project as a former auto repair facility related to an auto dealership. Once the dealership closed the property was used for vehicle storage. The applicant now proposes to partially utilize the building with two businesses at this time. One business will occupy approximately 5000 square feet for a mail order dry goods grocery business. Goods will be ordered, received at the site and shipped to customer's homes. No customers will visit the site. The other business will occupy approximately 500 square feet of office space inside the building as well as a

majority of the paved area outside for the storage of dumpsters used specifically for construction services for construction and demolition debris. There will be no garbage placed in the dumpsters. The dumpsters are typically moved from one job site to the next however during slower periods such as winter the dumpsters will be stored, clean and empty, on the site. There can be up to 30 dumpsters parked on the site during the slower time in oversized parking spaces. Improvements to the site will include fixing of potholes and pavement as well as fixing up the landscaping along the entrance way as well as the front of the property behind the shopping center. The hours of operation is proposed from 6:00 a.m. – 6:00 p.m. 6 days per week, Sunday through Friday. Chairman Parise opened the floor for public comment or questions.

Cathy Adler, 19 Orchard Terrace – Will the storage containers be stacked? Engineer Loch stated there will not be any stacking of the dumpsters. Will there be any plantings or screening? Ms. Adler is concerned with the view of the site from her house as well as the devaluation of her property. Engineer Loch stated the surrounding area is already heavily planted. There is presently a line of 40-50 foot tall evergreens along the edge of the site on the side of the tennis courts. There is no plan for additional screening on the westerly side of the property. Ms. Adler stated there was a noise ordinance in place in the Village shouldn't the applicant need to abide by the noise ordinance. Attorney Levinson stated he will look into the noise ordinance.

Eleanor Cordisco, 109 Ramapo Street – Will the dumpsters have covers? Ms. Cordisco is concerned with odors if there are no tops on the dumpsters. Even though the dumpsters are supposed to be limited to construction debris regular garbage can be mixed in. Engineer Loch stated the dumpsters will be cleaned and emptied before being stored on the site. There will be no handling of garbage on site that will all be taken care of off site.

Richard Adler, 19 Orchard Terrace – Mr. Adler commented that picking up and dropping off of dumpsters at 6:00 a.m. will make a lot of noise.

Cathy Lewis, 11 Orchard Terrace – What are the days of operation? Engineer Loch stated Sunday through Friday, closed on Saturday. Ms. Lewis questioned why open on Sunday? Attorney Levinson stated that the owner is religious and does not work on Saturday. Ms. Lewis stated she is religious too and Sundays are important to her religion.

Cathy Adler – How much traffic is anticipated in and out of the site. Engineer Loch stated there would be two vans and a few delivery vehicles several times per day. There will not be customers entering the site.

Eleanor Cordisco – The parking lot is all broken up today. Will the lot be paved and repaired? Engineer Loch stated the entrance way and portion of the main road with potholes will be repaired as well as parts of the site which will be used. The rest of the site which is not slated to be used at this time will not be repaired at this time.

Eleanor Cordisco – Will you be using the little buildings in the back? Engineer Loch stated the applicant will not be using those buildings at this time. The buildings are not occupied and are not being used but a majority of the main building is not being used at this time, and the applicant may use them in the future if a tenant is found. Any new businesses will have to come back to the Planning Board.

Cathy Adler – What can be done so she does not see the dumpsters. Engineer Loch stated there are already trees along the property line. The containers will be on the opposite side of the building.

Chairman Parise asked if there was any further public comment. There was no further comment from the public. On a motion made by Member Cocks and seconded by Member Syrianos, it was unanimously **Resolved, that there being no further public comment this evening, the Public Hearing for 577 Route 17M Site Plan be closed.**

REGULAR MEETING:

1. Jakes Wayback Burgers – Conditional Use – (201-3-12)

Present: Don Atlas, Applicant; Steve Brown, Hudson Valley Realty

Chairman Parise asked the Board if they had any other comments on the application. Member DeAngelis stated it is a difficult left turn out of the parking lot. Chairman Parise stated DOT responded and have no issues and are satisfied with the site plan. DOT requires that the applicant apply for a use and occupancy permit related to the section of blacktopping that exists within the State ROW. Engineer O'Rourke stated all issues have been addressed with the last submission. The applicant provided an updated plan to Engineer O'Rourke dated 9/21/12 with the revised Bulk Table and the sign is reflected on the plan. Engineer O'Rourke spoke with DOT and they have no issues with the existing opening. Engineer O'Rourke stated that since there are no significant on site improvements no bond will be recommended at this time.

On a Motion made by Member Niemotko and seconded by Member Syrianos it was unanimously **Resolved that the Planning Board types this application as an unlisted action, and issues a negative declaration under SEQRA.**

On a Motion made by Member Niemotko and seconded by Member Cocks, it was unanimously **Resolved, that the Planning Board grant approval for the conditional use and site plan for Jakes Wayback Burgers subject to all conditions and notes on the site plan dated 9/21/12; and all fees, bonding and administrative actions are paid.**

On a Motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously **Resolved, that the Conditional Use Permit for Jakes Wayback Burgers is issued for a period of one year or until 10/15/13. The applicant must reappear before the Planning Board prior to 10/15/13 for review.**

2. 577 Route 17M – Site Plan – (220-5-16.1)

Present: John Loch, AFR Engineering; Shulem Brach, Applicant

Chairman Parise discussed the issues raised by the public. The hours of operation are an issue. Sunday at 6:00 a.m. is not reasonable. The Village noise ordinance is 7:00 a.m. to 9:00 p.m. 7 days per week. Chairman Parise agrees that the hours for Sunday is too early and suggests 8:00 or 9:00 a.m. Engineer Loch discussed the noise issue with the applicant and the most noise will come from the dumpsters being unloaded. The applicant is okay with no dumpsters in until after 9:00 a.m. and no dumpsters will be brought in on Sunday at all. There will still be demand to operate on Sunday but will only be outgoing and will only be after 9:00 a.m. During the week the hours will be 7:00 a.m. – 9:00 p.m., Monday through Friday. Cathy Adler asked if there would be a speed limit on the entrance road. Engineer Loch stated there wasn't much room for acceleration. Attorney Levinson discussed the request for screening so the residents of Orchard don't see the site. Engineer Loch stated when looking toward Orchard from the site no houses can be seen through the existing tall evergreens. Member DeAngelis stated there are deciduous trees and when the leaves fall you can see. Engineer Loch submitted photos, Exhibit A and Exhibit B, photographs taken from the property looking towards Orchard. The only structure that can be seen is the building on the tennis court property. No houses can be seen on Orchard. Chairman Parise confirmed that the tennis club is between the property and the houses on Orchard. Engineer Loch reiterated that the dumpsters will be parked on the opposite side of the building than Orchard and the residents will not be able to see them. Any changes or additional parking area if added in the future will require a return to the Planning Board. Member Niemotko asked if the trees shown to be planted on the plan could be a minimum of 6ft tall. Member Niemotko suggested better repair of the entrance road. Member Cocks stated that large trucks will tear up any patched pot holes. Engineer Loch stated it was too costly to repair the entire parking lot at this time. Chairman Parise stated that at the least the entrance way should be paved. Engineer Loch asked if the applicant can have some time for the paving. Attorney Levinson suggested giving the applicant 1 year to complete the paving. Member Cocks suggested the empty buildings on the rear part of the lot be removed. Mr. Brach stated that although there were no plans for those buildings right now they would like to keep the buildings for possible use in the future. The buildings are in good condition. Engineer O'Rourke agreed the buildings are in good condition. Attorney Levinson stated a note should be placed on the map that the buildings in the rear of the lot are not to be used unless the applicant returns to the Planning Board. In addition Attorney Levinson would like the note regarding the dumpsters clarify the fact that the dumpsters will be returned to the site empty and clean. Chairman Parise summarized the changes to be made to the plan, specifically the hours of operation, especially on Sunday; paving; plantings; the buildings in the rear; the in perpetuity clause for landscaping.

3. **Colonial Plaza – Site Plan – (223-1-2.2)**
No appearance

On a Motion made by Member Niemotko and seconded by Member Cocks it is unanimously **Resolved that the Planning Board declare itself Lead Agency for Colonial Plaza - Site Plan.**

On a Motion made by Member Niemotko and seconded by Member Syrianos it is unanimously **Resolved that the Planning Board forward the plans to Orange County Planning for 239 referral; NY DOT and Orange County Department of Environmental Services for review.**

APPROVAL OF MINUTES

On a motion made by Member Syrianos and seconded by Member Cocks, it was Resolved **that the Minutes of the August 13, 2012 meeting be approved.**

On a motion made by Member Niemotko and seconded by Member Syrianos, it was Resolved **that the Minutes of the September 5, 2012 meeting be approved.**

On a motion made by Member DeAngelis and seconded by Member Cocks, it was Resolved **that the Minutes of the September 10, 2012 meeting be approved.**

APPROVAL OF 2012 CALENDAR

On a Motion made by Member Cocks and seconded by Member Syrianos it was unanimously **Resolved that the Village of Monroe Planning Board Calendar for the year 2013 be adopted.**

ADJOURNMENT

On a motion made by Member Niemotko and seconded by Member Cocks it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 8:50 p.m.