

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
JUNE 17, 2013
MINUTES**

PRESENT: Chairman Parise, Members Cocks, Niemotko, DeAngelis,
Engineer O'Rourke, Attorney Levinson, Building Inspector Wilkins

ABSENT: Member Syrianos

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. **Roseland Group Automotive Services –
Conditional Use/Amended Site Plan (217-2-5.2)**

Present: Jim Sweeney, Esq., John Petroccione, P.E.

Chairman Parise read the Public Hearing notice dated 5/15/13 into the record. Chairman Parise noted for the record that the proof of mailings have been received from the applicant. Engineer Petroccione presented the project to the public as an automotive repair establishment to occupy the existing building which was formerly Monroe Ford. The only site improvement will be to enclose the existing carport for customers to use as a drop-off/pick up location. Otherwise landscaping clean up and repair to the building and property are proposed but no other changes will be made to the site. The existing water and sewer utilities have been tested and found to be more than adequate for this use. Landscaping will be restored to previously approved conditions. Attorney Sweeney described that there will be multiple uses for this site which will include rental cars, auto repair, tire sales and auto body. Chairman Parise asked for any questions from the public.

Donald Sullivan, 31 Emma Lane, and speaking for his son-in-law Michael Katzman of 11 and 17 Emma Lane, whose residential properties are situated across the street from the site. Mr. Sullivan requested that the Board consider the application of the Hagopians who are local residents and who want to do something with this property which has been an eyesore for years. Mr. Sullivan acknowledges that there was an application before the Board about a year ago for an out of town person to utilize the site and he opposed it. Now that a local resident is proposing to open their business on the site Mr. Sullivan is in favor of the application. Mr. Sullivan stated he has known the Hagopian's for years and trusts them and is in favor of their application. Mr. Sullivan

submitted a letter from his son-in-law Michael Katzman which states he is in favor of the application.

Attorney Levinson confirmed that Mr. Sullivan was a litigant in an action against the Planning Board with regard to the use and questioned if his objection to the prior application was predicated upon the fact that the applicant was not a local? Mr. Sullivan stated his objection was to an auction site owned by an out of townner and bringing in out of townners and traffic issues.

John Karl, 21 Pearsall Drive, Monroe, NY. Mr. Karl also commented that he has known the Hagopian's for years and supports a local businessman filling the empty building and felt it was a good use for the site and is in support of the application.

Charles Finnerty, 125 Linden Lane, Monroe, stated he agrees with the previous comments and is also pleased to see a local businessman filling an empty building.

Chairman Parise stated the Board's intentions have always been to support commerce in the Village regardless of where the business owners are from and the Board has always been amenable to getting vacant buildings back up and running again.

Attorney Levinson again addressed Mr. Sullivan to confirm that both he and Mr. Katzman, who were litigants against the Planning Board over the prior application involving an auto use on this same site, have thoroughly reviewed this project and that the same objections raised in their lawsuit against the Village over the prior application do not apply to this one. Mr. Sullivan stated his objections from the prior application do not apply to this application at all and he is satisfied with the project as presented.

There was no additional comment from the public. On a motion made by Member DeAngelis and seconded by Member Cocks, it was unanimously **Resolved, that the Public Hearing for Roseland Group Automotive Services – Conditional Use/Amended Site Plan be closed.**

REGULAR MEETING:

1. Roseland Group Automotive Services – Conditional Use/Amended Site Plan (217-2-5.2)

Present: Jim Sweeney, Esq., John Petroccione, P.E.

Chairman Parise confirmed with Engineer O'Rourke that all technical issues have been addressed. Chairman Parise acknowledged receipt of a 239 review from Orange County as well as input from the Fire Department, Police Department and DOT. The Board has reviewed all of the landscaping. Chairman Parise and Engineer O'Rourke visited the site with Engineer Petroccione and reviewed the site plan and all outstanding issues have been addressed. Chairman Parise stated the only outstanding issue left to be addressed is the selling of used cars and deferred to Attorney Levinson for input.

Attorney Levinson discussed the matter with Attorney Sweeney and Building Inspector Wilkins. According to Building Inspector Wilkins the selling of used cars is not permitted except as an accessory use to new car sales. Since the Village Code will be updated soon and this chapter will be amended to permit the sale of used cars, Attorney Levinson felt that until the code is amended the ability to sell used cars can be permitted under a legal basis such as a mechanics lien, provided those cars are repaired in the repair shop on the site. Attorney Sweeney stated the applicant is in agreement with this opinion. Building Inspector Wilkins agrees with the opinion as well. Attorney Levinson stated that the Board has reviewed the recommendations of the Orange County Department of Planning concerning using the balance of the unused portion of the paved area for parking for outside uses however due to tremendous potential liability for the owner of the property this option is not feasible.

On a Motion made by Member Cocks and seconded by Member Niemotko 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 Cocks and seconded by Member Niemotko, it was unanimously **Resolved, that the Conditional Use Permit for Roseland Group Automotive Services is issued for a period of one year from the date the Certificate of Occupancy is issued at which time the applicant must reappear before the Planning Board for review.**

On a Motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously **Resolved, that the Planning Board grant approval for the conditional use and amended site plan for Roseland Group Automotive Services subject to all conditions and notes on the site plan dated 4/22/13; and all fees, bonding and administrative actions are paid.**

2. **Lenza – Site Plan – (223-1-4)**
No one present

Chairman Parise stated the Board was ready to declare Lead Agency and establish an escrow account for fees. Attorney Levinson commented that no further action can be taken until their bill is paid.

On a Motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously **Resolved, that an escrow account in the amount of \$5,000.00 be established for Lenza – Site Plan to cover consultants fees.**

3. **Shop Rite Plaza – Conditional Use Renewal – (203-2-5)**
No One Present

Chairman Parise stated he visited the site twice since the workshop meeting and found there are 25 post office trucks parked in the lower lot which leaves plenty of room for postal employees to park there. In addition Chairman Parise visited the site on Saturday morning when the post office trucks were out delivering mail and there were not any cars parked in the lower lot leading him to believe the employees are parking in customer parking. At the workshop Mr. Fogarty stated he would contact the post office and address the issue of parking. Member DeAngelis commented about a few dead shrubs in front of the post office.

On a Motion made by Member Niemotko and seconded by Member DeAngelis it was unanimously **Resolved that the temporary conditional use permit for Shop Rite Plaza is hereby extended until 8/19/13 to give the applicant time to comply with the items listed in the building department memo dated 6/12/13 as well as ensuring that any dead shrubs on the site are replaced; and provide proof to the Board of communication with the tenants regarding the parking issue.**

Member Niemotko recused himself from this application.

4. **167 Stage Road – Conditional Use – Conversion of Residential to Commercial (212-7-13)**

Present: David Niemotko

Chairman Parise confirmed with Engineer O'Rourke and Attorney Levinson that this matter has to be a Type 1 action under SEQRA because the application involves an historic site. Engineer O'Rourke stated he has reviewed the Long Form EAF submitted by the applicant and all is in order. In addition the application needs to be sent to Orange County for a 239 referral.

On a Motion made by Member DeAngelis and seconded by Member Cocks it was unanimously **Resolved that the Planning Board declare itself Lead Agency for 167 Stage Road – Conditional Use.**

On a Motion made by Member Cocks and seconded by Member DeAngelis it is unanimously **Resolved that a Public Hearing be set for 167 Stage Road – Conditional Use on Monday, August 19, 2013, on or about 7:00 p.m. Monroe Village Hall, 7 Stage Road, Monroe, NY.**

APPROVAL OF MINUTES

On a motion made by Member Cocks and seconded by Member DeAngelis, it was Resolved **that the Minutes of the May 8, 2013 meeting be approved.**

On a motion made by Member Niemotko and seconded by Member DeAngelis, it was Resolved **that the Minutes of the May 13, 2013 meeting be approved.**

OTHER BUSINESS

Member DeAngelis commented that McDonald's and Crystal Run in the former post office building both had trees that have been taken down and need to be replaced. Chairman Parise informed Building Inspector Wilkins to follow up on this.

ADJOURNMENT

On a motion made by Member Cocks and seconded by Member Niemotko it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 7:30 p.m.