

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP MEETING
NOVEMBER 13, 2013
MINUTES**

PRESENT: Chairman Parise, Members Cocks, Niemotko, DeAngelis, Syrianos, 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.

1. 577 Route 17M – Amended Site Plan (220-5-16.1)

Present: John Loch, AFR Engineering; Shulem Brach

Engineer O'Rourke discussed if a building permit is required for the walls being proposed to be added which will create additional building area. Building Inspector Cocks stated that he is working with the applicant on all of the permitting necessary for this project which includes the new walls being put up as well as permitting the existing sheds on the property. All permits will be taken care of prior to site plan approval. Attorney Levinson requested that the words "permitted on site" be added to Note #14 regarding the collection drop boxes. Engineer O'Rourke referred to the Building Department regarding the installation of the proposed fuel tank. Building Inspector Cocks discussed this with Engineer Loch and it was agreed the fuel tank and the two parking spaces shown near the fuel tank would be swapped allowing the 25ft distance required between the tank and the building. Building Inspector Cocks stated that all landscaping required from the prior approved site plan has been completed. Engineer O'Rourke stated that the only item from the prior approved plan is the dumpster enclosure and recommends that a time frame be instilled during this approval to ensure the work is completed. Engineer O'Rourke stated that Conditional Use Permit is still valid and that this application is for an amended site plan only. Engineer O'Rourke feels the plans are ready to be sent to Orange County Planning for 239 review as well as DOT for review.

2. Bridges at Lake Parc – Amended Subdivision/Site Plan (211-1-1)

Present: Jim Sweeney, Esq.; Glenn McCreedy, P.E., Brooker Engineering

Chairman Parise stated that there has been no appearance on this matter since January 2011. Unfortunately Attorney Tirshwell passed away and now there is a new attorney and new engineer on the project. Attorney Sweeney agreed that he and Engineer McCreedy are now handling the project. Attorney Sweeney stated that the important changes addressed include changes with the Roscoe Smith house as well as SWPP and drainage issues. The Village Board has indicated they do not want the Roscoe Smith house, therefore the house will be demolished and two additional building lots have been added in its place. There is also some conflict with the DEC and ACOE

regarding the rebuilding of the dam and those conflicts are still being resolved. Engineer McCreedy discussed some of the changes made. Two lots which were going to be donated to the Village but now the Village Board has decided to return those two lots back to the developer in exchange for parkland fees. In addition the existing house will be removed and turned into another lot again in exchange for parkland fees. The park property which will be dedicated to the Village has been reworked with Road A now ending in a cul-de-sac instead of a T. There will also be a new detention basin design closer to the cul-de-sac and easier to access for maintenance. In addition the sanitary feed has been rerouted the feed through Lot 45 which will be less invasive to the infrastructure and surrounding area. Sidewalks have been added along the entire frontage of the property along Lakes Road. The issue of the actual dam removal is still being discussed with the ACOE and the DEC. Communication between the two agencies has been difficult and Engineer McCreedy's office is working to work all issues out between these two agencies prior to appearing formally before the Planning Board. Chairman Parise stated that the changes presented seem to indicate a new application. Member DeAngelis agreed. Attorney Levinson stated this constitutes a new application since according to Village Code the preliminary subdivision approval has expired. Attorney Sweeney does not agree nor disagree however is not averse to re-notifying outside agencies and will cooperate with the Board any what they feel the matter needs to be handled. Engineer McCreedy agrees and stated that their intent is to improve on the environmental impacts. Member Cocks commented that the addition of the sidewalk is well received; however ending the sidewalk at the end of their property line is a dangerous section as it is in a curve. Engineer McCreedy agreed to look into how to tie the end of the sidewalk in the best and safest way. Member Cocks commented that the proposed lots located where the bridges and near the Roscoe House today are going to be prone to heavy flooding as that area floods now and hopes that consideration is made to alleviating the flooding prior to any houses being built there. Engineer McCreedy will review the drainage on those lots. Chairman Parise asked for a schedule as to when the Roscoe House will be demolished. Attorney Sweeney will discuss this with the owner. Building Inspector Cocks stated that the Village is interested in keeping and restoring the bridges and water wheel currently on the property. Engineer McCreedy and Attorney Sweeney felt the property owner would have no issue at all with giving those items to the Village.

3. Smith Farm – Site Plan (203-1-1.1, 1.2)
Present: Mark Siemers, Pietrzak & Pfau

Chairman Parise stated he has been informed there is a new owner of the property and was looking for confirmation. Engineer Siemers stated there is a new owner but that the original owner still has an interest in the property. Attorney Levinson stated the correct owner information is required for application purposes as to who is responsible for payment of fees. All information needs to be current. This is an old project, approximately 12 years old, and the Board needs to be kept current on owner and applicant information. Engineer Siemers stated he will get that information. Engineer Siemers stated that preliminary approval expires this month and he is requesting a 6 month extension. A meeting was held with NYS DOT and Crystal Run. Details

regarding the drainage pipe and coordination of the infrastructure installation, along Route 17M along with the curb return for the Gilbert St/Route 17M intersection were discussed. DOT regulations require a bigger curb return in order for a tractor trailer to make the turn onto Gilbert Street. Chase Bank has agreed to an area dedication of 1,136 feet of property on the northwest corner of the Gilbert Street/Route 17M intersection to be dedicated to the Village. Engineer Siemers stated a referral is needed from the Planning Board to the Village Board for acceptance of that dedication and the dedication is needed in order for them to secure DOT approval. Engineer Siemers also requires authorization to install approximately 1700 feet of 8" water main running up Gilbert Street. This would be an improvement to the Village. DPW Superintendent Smith is in favor of this installation as it completes the loop for the Village water. This would also require a referral to the Village Board for bonding acceptance. After the water pipe is installed the next step would be to install the drainage pipe along Gilbert Street to Route 17M which would be the next infrastructure improvement required before getting into the site. In addition there is a time limitation for clearing trees between November and March due to the Indiana Bat and would like to begin clearing trees from Phase 1 of the property after the installation of the property and requested permission from the Board to do so. Engineer Siemers stated their ultimate goal is to have everything ready so they can move the project into the site come spring time to begin construction. Chairman Parise questioned how he could ask for permission to clear trees when there hasn't even been final approval granted? Nothing can be done on site until final approval is granted. Chairman Parise understands the water and drainage infrastructure requests however wanting to clear trees and proceed with construction prior to final approvals being granted is not acceptable. It is not the Planning Board's practice to allow any construction or land clearing prior to final approval being achieved. Attorney Levinson confirmed with Engineer Siemers that the Smith Farm project stands alone and is not dependent on the Crystal Run project. Engineer Siemers stated that the only outstanding approvals needed are DOT, Village and Town. Chairman Parise commented that this project has been ongoing for over 12 years and suggests that joint meetings be held with the Town, Village and applicant and consultants. The boards need to be brought up to speed and as the Village Planning Board is Lead Agency all needs to be coordinated with and through the Village Planning Board. Discussion was held regarding the Planner and the work on the Resolution of Approval. Chairman Parise stated that the Board has not heard from the Planner and the Village Planning Board will reach out to her. Even though the board gave the authorization in May for her to begin work on the draft Resolution the Village Planning Board has had no contact from her at all. Recommendations to the Village Board for infrastructure work can be done, however cutting trees, clearing land or scheduling construction for March is not going to happen. All approvals must be obtained before any tree cutting, land clearing or construction work can begin.

David Niemotko recused himself due to a conflict.

4. Talmadge Court Day Care – Amended Site Plan (201-1-9.3)

Present: David Niemotko, Architect; Michael Maroff, property owner

Architect Niemotko described the project as a day care facility to occupy the lower level of the existing barn. The barn is a two story barn previously approved for commercial purposes as part of a prior site plan approval. The egress of the barn is onto the roadway and all building requirements of egress and square footage have been met. The second story of the barn will be used for storage only. Engineer O'Rourke stated that the project requires planning board approval because day care specifically requires planning board referral per Village Code, and also because there is a variance on the property which states that any change in use of any building on the property deems the variance null and void and the applicant must return to the planning board. There was discussion held as to the wording of the variance regarding the area variances included with the use variance. It was discussed whether or not the area variance was deemed null and void with the change of the use, and it was concluded that since there was no alteration or extension to the pre existing non conforming buildings on the property, and that only the use was changing, there was no need for the applicant to return to the ZBA for an area variance as none of that has changed. Engineer O'Rourke commented that due to the properties proximity to the Town of Monroe a 239 referral is required. In addition confirmation of utilities servicing the barn should be provided to the Planning Board. Engineer O'Rourke stated that access to the property is through a private road shared by 4 lots. The Planning Board Attorney should advise if any legal ramifications may result that would restrict access or require alterations to any maintenance agreements, deed restrictions or easements for the proposed change in use. Engineer O'Rourke explained that if traffic is increased on the private road would it be detrimental to the road and at what cost to the owners of the single family properties who also use that road. The agreements regarding the road should be reviewed by the Planning Board Attorney. Attorney Levinson questioned how wide the private road is and since the property does not have access to a Village Road, emergency services should be contacted for their review. Architect Niemotko stated that the use is remaining a commercial use therefore there is no change for the emergency services. Engineer O'Rourke commented that although it may be called a commercial use, the reality is currently the building is vacant, and now there is proposed to have a facility with 25 small children running around. The likelihood of emergency services, such as an ambulance or fire truck, needing access to the site is much greater. Their input should be received as to their ability to access the site in case of emergency. Chairman Parise stated that it is a matter of public safety. Mr. Maroff commented that Orange and Rockland has a facility for a federal credit union on the lot across from him now, and as far as access the employees are frequenting the site to cash their checks and are arriving in full size utility vehicles all day long. Chairman Parise questioned where this facility was and was it part of the barn. Architect Niemotko clarified that this was not part of the barn, but that the flower shop has sectioned off a space from their old flower shop building and is leasing to Orange and Rockland for a federal credit union which is the cause of the utility truck travel Mr. Maroff is referring to. Engineer O'Rourke stated

that it appears that the flower shop has taken it upon themselves to lease part of their space to an office type use and it appears they have done so, and are operating without permission or approval from the Planning Board. Building Inspector Cocks agreed that they are operating without approval from the Planning Board, however they did receive a building permit and C.O. The permit and C.O. were issued by the Building Department, but not by Building Inspector Cocks. Chairman Parise and Member DeAngelis both commented that added large truck traffic is a safety issue, not only with emergency services but also for the safety of the children associated with the proposed day care. Mr. Maroff questioned how that facility could be functioning if they aren't allowed to be there. Chairman Parise stated they should have come to the Planning Board and all of these issues would have been addressed, but they obviously were not directed to do so by the member of the Building Department they dealt with. The question arose as to whether the credit union is even permitted to be there. Mr. Maroff questioned how this could be allowed without following procedures. Attorney Levinson stated that the building departments are ministerial officials and what they do can be set aside. Member DeAngelis stated that the influx of utility vehicles during the day is a huge safety factor with the children around. Member Cocks commented that he recalled the old florist building was supposed to be demolished per the site plan for the new florist building. Engineer O'Rourke stated that the fact they have large trucks frequenting the site does not mean that it meets emergency services regulations and the issue of if these trucks are parking and blocking the narrow private road it brings up many issues of safety for all 4 lots. That is why the questions have been raised and the Board should discuss these issues. Architect Niemotko asked that since the credit union is on the adjoining property that the issue of whether the credit union is permitted and the fact that it is suspect could be discussed by the Board separately, and to continue discussions of the application of the day care facility. Architect Niemotko discussed the flow around the property. Children will be dropped off in the morning, typically between 7 – 9 a.m. and picked up in the afternoon between 4 – 6 p.m. There will not be any busses. Drop off will be in the front of the building and the cars will travel around the building to exit to provide for good circulation. One way signs and signage for the circulation are provided. Member Cocks asked if it was full day or half day. Architect Niemotko stated he believed it was all full day. Engineer O'Rourke commented on the practice that pre schools have today of after care for school age children and that it is common practice to have the children bussed to the day care centers. Attorney Levinson stated that school busses will not travel on a private road which, if after care would be offered then the children would be dropped off at the entrance to the road at Gilbert Street and have to be walked up to the facility, which would bring up more safety concerns. Mr. Maroff stated he did not think they were having after care. Chairman Parise stated that it would be beneficial to bring the actual owner of the day care facility to the next workshop so they could discuss the specifics of their business. Architect Niemotko calculated parking based on the 1800 square feet which will be used for the day care. Engineer O'Rourke stated that exact square footage of the building, broken down by floor, should be shown on the plan. Architect Niemotko stated that a 2500 sq. ft. fenced in play area is shown on the rear property. Engineer O'Rourke commented that since children will be taken to the play area across the parking area and driveway that crosswalks and signage need to be included for

safety reasons. In addition, parking needs to be delineated. Other items to be addressed and/or included on the plan include signage including all ADA required signage, lighting, dumpster information, pavement detail, and construction details. Chairman Parise added that a barrier of some sort should be placed between the parking area and the play area to prevent a car from accidentally driving through the play area.

ADJOURNMENT

On a motion made by Member Cocks and seconded by Member Syrianos it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 8:30 p.m.