

**VILLAGE OF MONROE PLANNING BOARD  
REGULAR MEETING  
AUGUST 19, 2019  
MINUTES**

**PRESENT:** Chairman Parise, Members Cocks, DeAngelis, Karlich, Boucher, Engineer O'Rourke, Attorney Reineke, 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.

Chairman Parise read a special notice to all applicants. The Village has adopted a local law increasing the membership of the planning board from 5 to 7 and that law now controls all pending applications. A 7 member board must have 4 affirmative votes to grant an approval. Any applicant whose matter is on for approval may request that the matter be adjourned until the two vacancies for board members who have not yet been appointed by the Village Board are filled. If an applicant wishes to have their application adjourned, they must advise this board if they wish such adjournment once the matter is called on the agenda. If an adjournment is not requested the applicant will be deemed to have waived their right to an adjournment and a vote shall be deemed binding. At this time the planning board does not know when the village board will be appointing the new members.

1. **YMCA – Amended Site Plan – (201-3-1.11)**  
**Present:** Tom Olley, PE; Ross Miceli, YMCA

Chairman Parise summarized that the planning board has conducted an extensive review since April. The board visited the site, spent time on Gilbert Street Extension and Route 208 during peak traffic time and observed traffic. The board found that the bottleneck of traffic was caused by the intersection of Schunnemunk St. and North Main St. An accident report was requested from the Monroe Police Department and it was discovered that over a 5 year period at the Gilbert St. Ext intersection and also at the Route 17M/Gilbert St. intersection that there were very few incidents. The village's traffic consultant also reviewed the accident reports. There were only 2 incidents at the Gilbert St. Ext/208 intersection, and 1 on the 17M side. The traffic incidents were due to driver error, which could happen on any road, anywhere. When reviewing the initial application in 2009 the board was concerned with added traffic and safety. Looking forward now that the YMCA has been operating, the board has taken a different view of the area. While the Gilbert St. Ext /208 intersection area does have traffic issues, it stems more from the traffic light at North Main and not caused by the YMCA. Chairman Parise also contacted NYS DOT and provided them with the accident data and DOT found no significant concern with this area. The village traffic consultant agreed with the DOT. A 239 review by Orange County Planning was conducted resulting in two recommendations, one of which was to suggest an alternate means of egress by

crossing the heritage trail which did not come to fruition, but otherwise left the matter to local determination. Chairman Parise polled the board as to what direction they wanted to take and the board felt the application could move forward. Chairman Parise noted that this is a special use permit and suggested that since there will be a 25% potential increase in membership with the addition, a specific special use permit should be drafted to be approved next month which would include the Y sharing their pool schedule with the planning board, and require the Y to return to the planning board to review the traffic situation 1 year after the pool opens. Member DeAngelis asked if they were maxed out on their parking. Engineer Olley responded technically yes but the parking situation could be managed through scheduling.

On a Motion made by Member Cocks and seconded by Member DeAngelis it was unanimously **Resolved that the Planning Board types this application as an unlisted action, and issues a negative declaration under SEQRA for YMCA Amended Site Plan.**

On a Motion made by Member Cocks and seconded by Member DeAngelis it was unanimously **Resolved that the Planning Board grant approval for an Amended Site Plan for YMCA last revised 6/24/2019 subject to all conditions and notes on the plans; and all fees, bonding and administrative actions are paid.**

Chairman Parise added that personally he was disappointed that the village board couldn't make any determination on the Gilbert St. Extension. Chairman Parise stated the alternate entrance wouldn't cure all of the traffic issues in the area, but it certainly would have cured some of the bottleneck at the 208/North Main/Gilbert St Ext intersection.

Engineer Olley stated on behalf of the YMCA they thanked the board for all of their hard work since the Y submitted back in April. The planning board's efforts exemplified the process of working together to find solutions and the Y appreciates the hard work that everyone on the planning board has put in.

2. **Brixmor (Shop Rite Plaza) – Special Use Permit Renewal (203-2-5)**  
**No appearance**

On a Motion made by Member Boucher and seconded by Member Karlich it was unanimously **Resolved that the conditional use permit for Shop Rite Plaza is hereby extended for 60 days or until 10/21/19 to give the applicant time to submit an updated landscaping plan.**

3. **43 Freeland – Site Plan – (214-1-62)**  
**No appearance**

On a Motion made by Member DeAngelis and seconded by Member Cocks it was unanimously **Resolved that the 43 Freeland Street Phase 2 Site Plan application be sent to Orange County Planning for 239 review due to proximity to the Heritage Trail.**

On a Motion made by Member Karlich and seconded by Member Cocks it was unanimously **Resolved that the Planning Board declares Lead Agency for 43 Freeland Street Phase 2 Site Plan.**

**Other Business:**

**Review of proposed FAR Local Law:**

Chairman Parise noted that our consultants all wrote letters outlining issues with the law which addressed many of the issues raised in the board's last discussion. Chairman Parise noted Mr. Zuckerman's attendance at the last worksession and the ZBA's concern over the part of the law regarding variances. Member DeAngelis asked if Mr. Zuckerman came on his own to the meeting. Attorney Reineke stated Mr. Zuckerman came as a representative of the ZBA to provide the planning board with a copy of the ZBA minutes where they outlined their concern with the law as written, and Attorney Reineke included the ZBA's issue in his letter.

On a Motion made by Member Cocks and seconded by Member DeAngelis it was unanimously **Resolved that a cover letter be sent to the Village Board including the letters from Attorney Levinson, Attorney Reineke and Engineer O'Rourke as the planning board's response to the latest revision of the FAR law.**

**Alternate Engineer:**

Chairman Parise stated he spoke to Engineer Olley regarding H2M and he had positive comments on using the firm as well. Member DeAngelis stated now she would like to see the qualifications they sent. Member Boucher agrees with Member DeAngelis and would like to see their qualifications as well. Member Boucher looked up the firms which were considered and asked Chairman Parise why he chose H2M. Chairman Parise responded that he was not an engineer therefore relied on the recommendation of the village engineer; he spoke directly with Mr. Lindsay and discussed other projects he has reviewed in the area, one of them being Legoland. Chairman Parise added that Mr. Lindsay also dealt with traffic consultants who were different from the ones who have all worked near the 208 project, and the board would be needing an alternate traffic engineer who did not have a conflict, so this was a plus as well. Member DeAngelis stated the board should move forward on the issue based on Engineer O'Rourke's recommendation. Attorney Reineke added that he has been on the

applicant side of Mr. Lindsay's reviews and he could confirm that his reviews are very thorough and in depth. Member Boucher asked about the cost for these engineers. Chairman Parise reminded Member Boucher that the cost was borne by the applicant, not the village. Member Boucher recommended that the board make the recommendation to the Village Board to use H2M Engineering for the 208 Business Center.

On a Motion made by Member Boucher and seconded by Member Karlich it was unanimously **Resolved that it be requested that the Village Board appoint H2M Architects and Engineers as the alternate engineering firm for the 208 Business Center due to a conflict with Lanc &Tully.**

### **APPROVAL OF MINUTES**

Chairman Parise noted that the June 17, 2019 minutes approval were tabled due to Member Boucher having questions about what he was documented as saying, and Chairman Parise asked if Member Boucher had an opportunity listen to the recording. Member Boucher confirmed he listened to the recording and felt that the most important thing to him in minutes should be decisions made by the board. Member Boucher discussed his listening to the recording of the meeting and felt it was mammoth and would leave it to each individual board member to decide if they wanted to approve or not approve and felt the written record did not reflect the conversation he was involved in and would vote no on the 6/17/19 minutes. Chairman Parise stated that in open meetings law, Robert Freeman, the Executive Director of the Department of State sent legal opinion which states that a member of a board has no authority to compel the clerk to alter minutes. It is Member Boucher's right to vote no, but he cannot compel the minutes to be altered. Member Karlich commented that doing the minutes had to be precise and have detail. Attorney Reineke added that the minutes of the board meeting is not the same as a transcript of the meeting. Individual board members can ask for changes but they do not have the right to require changes to be made. Members can vote no on approval. Ultimately, however, the record of any public meeting is the recording. Chairman Parise added that approval of the minutes is not required. Attorney Levinson had always advised that approving minutes was beneficial in case any lawsuits come up. But approving minutes is not a requirement.

On a motion made by Member Cocks and seconded by Member Karlich, it was

**Resolved that the Minutes of the June 17, 2019 meeting be approved.**

**Ayes – 3 – Chairman Parise, Members Cocks, Karlich**

**Nays – 2 – Member Boucher, DeAngelis**

**Member DeAngelis stated didn't like some of the words but did not listen to the recording.**

On a motion made by Member Karlich and seconded by Member DeAngelis, it was unanimously **Resolved that the Minutes of the July 10, 2019 meeting be approved.**

On a motion made by Member DeAngelis and seconded by Member Karlich, it was unanimously **Resolved that the Minutes of the July 15, 2019 meeting be approved.**

### **ADJOURNMENT**

On a motion made by Member Cocks and seconded by Member DeAngelis it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 7:40 p.m.