

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
JULY 13, 2020
MINUTES**

PRESENT: Chairman Parise, Members Cocks, DeAngelis, Karlich, Allen, Hafenecker, Engineer O'Rourke, Attorney Levinson, Attorney Kimple, Building Inspector Cocks

ABSENT: Member Boucher

Chairman Parise opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the flag. Chairman Parise stated that in conformance with the Executive Order 202.10 from the Governor we are permitted to hold virtual meetings.

1. **236 High St – Site Plan & Special Use Permit (206-5-4.12) Adult Care Facility**
Present: Joseph Haspell, Esq.; Tim Mitts, Applicant

Chairman Parise stated Attorney Levinson received a letter from Attorney Haspell dated 7/9/20 and sent a response letter back on 7/10/20. Both letters were provided to the board. Attorney Levinson also prepared a draft resolution for the board to consider. Attorney Levinson stated in light of the fact the board was threatened with a lawsuit by the applicant and his counsel, it was appropriate that a resolution be prepared setting forth the board's rationale with respect to the historical architect. The resolution traced the history of the matter, traced the law, and put into a form so that the board could act with a written resolution rather than having extemporaneous comments placed upon the record. Chairman Parise read the draft resolution into the record. The board discussed the amount for the escrow and agreed that 10 hours would be adequate. The architect charges \$180/hour so a \$2,000.00 escrow amount was agreed to.

**RESOLUTION OF PLANNING BOARD
WITH REGARD TO THE REST HAVEN APPLICATION**

WHEREAS, Rest Haven has an application pending before this Board for the adaptive reuse of a building pursuant to Village Code Section 200-61.1 (hereinafter referred to as the statute); and

WHEREAS, the building is located in a zoning district where the use intended, i.e. a senior adult home facility, is not a permitted or authorized use absent the application at Section 200-61.1; and

WHEREAS, the statute specifically conditions the application of the adaptive reuse provision to a building or structure listed on the National State Registry of Historic Places and its status on the Registry must continue throughout the use of the building; and

WHEREAS, the statute also dictates that the adaptive use is subject to a site plan review by this Board and a special permit issued by this Board after a public hearing; and

WHEREAS, the historical designation afforded to this building is also conditioned on modifications to the exterior and interior of the building not affecting its historical designation; and

WHEREAS, the applicant for Rest Haven is making, has made or will make certain interior and exterior changes and their impact on the building's historic registry designation has not been determined; and

WHEREAS, pursuant to the statute, this Board is authorized

“Historic review. All special use permit applications shall be forwarded to the NYS SHPO for review and comment. The Planning Board, in its discretion, shall retain a qualified architectural historian to assist it in the review of any application under these provisions. The Planning Board shall not act on the application without having received and reviewed the comments of NYS SHPO.” (emphasis added)

WHEREAS, the statute also charges the Planning Board, in its special permit review, to protect the historic character of the building; and

WHEREAS, on information and belief, the applicant, without notice to the Planning Board, has submitted unidentified documents to SHPO for review without furnishing this Board with any of the documents in what appears to be an attempt to circumvent the statute and this Board's review authority; and

WHEREAS, the Planning Board, in its discretion and as authorized by the statute, has determined that it is critical for a historical architect to review the documents already submitted to SHPO for review or to be submitted to SHPO to insure that the

modifications to be made to the building do not impact on the continued designation of the building as a historic structure and the appointment of a historical architect is essential to assist this Board in its evaluation and to further review and advise this Board concerning further comments to be made by SHPO on its review.

Based upon the statutory authorization granted to this Board, this Board resolves to retain the firm of Lacey, Thaler, Reilly, Wilson Architecture & Preservation, LLP, qualified architectural historical architects, to assist this Board in its review process in connection with the special use permit and the SHPO review and comments.

This Board determines that pursuant to the authority granted to it by the Village Code Section 98-3 that a fee escrow in the sum of \$2,000.00 be established to be applied to the fees of Lacey, Thaler, Reilly, Wilson Architecture & Preservation LLP in furtherance of their work on behalf of this Board.

On a Motion made by Member Cocks and seconded by Member Allen it was unanimously **Resolved that the Planning Board adopt the Resolution regarding retaining the firm of Lacey, Thaler, Reilly, Wilson Architecture & Preservation LLP as a qualified architectural historian to assist in the review of the Rest Haven (236 High St) application and establish an escrow account in an amount not to exceed \$2,000.00.**

PariseAye
Cocks..... Aye
Karlich.....Aye
Allen.....Aye
Hafenecker.....Aye

DeAngelis lost connection due to technical issues.
Boucher.....Absent

Discussion was held regarding scheduling a public hearing. Attorney Levinson noted that the public hearing can be scheduled provided the escrow is posted with the understanding that all documents outstanding be furnished to the board prior to the public hearing.

Member DeAngelis logged back into the meeting.

On a Motion made by Member DeAngelis and seconded by Member Hafenecker it is unanimously **Resolved that a Public Hearing be set for 236 High Street Site Plan and Special Use Permit on Monday, August 17, 2020, on or about 7:00 p.m.**

conditioned on the applicant posting escrow with the Village in the amount of \$2,000 for an architectural historian and also conditioned on the applicant submitting all previously requested outstanding documents to the planning board by 7/29/20. Member Boucher was absent. Due to public health and safety concerns related to COVID-19, the Planning Board will not be meeting in-person, and in-person attendance shall NOT be permitted. In accordance with the Governor's Executive Order 202.1, this Public Hearing shall be held via videoconferencing and a transcript shall be provided at a later date. The public shall have an opportunity to see and hear the meeting live and provide comments.

2. **577 Route 17M – Conditional Use Renewal – (220-5-16.1)**

Present: Shulem Brach

Chairman Parise stated he visited the site and found it to be cleaned up. Chairman Parise noted the building department received a phone call complaining about truck noise. Secretary Proulx stated the complaint was unfounded and the complainer was advised to call the Police Department if there were any issues after hours. Member Cocks asked about cars and pallets stored under the overhang in the rear. Building Inspector Cocks reminded Member Cocks that this was addressed during the site plan review and it was determined that that area is actually part of the building. Anything stored under there is determined to be stored within the building. Member DeAngelis stated she knew a neighbor complained on 7/1 about noise from tractor trailers at 3 a.m. Mr. Brach stated nobody is taking any deliveries in the middle of the night. Chairman Parise asked Secretary Proulx to contact the Police Dept. for any complaints and reports made. Member Cocks asked if this was the only complaint since we last met. Secretary Proulx confirmed there were no other complaints.

On a Motion made by Member Cocks and seconded by Member Hafenecker, it was unanimously **Resolved, that the Special Use Permit for 577 Route 17M is issued for a period of 3 months or until 10/19/20 at which time the applicant must appear before the planning board for review.**

3. **681 Rt. 17M/Stone – Commercial to Residential Conversion – (212-2-7)**

Present: Patricia and Jay Stone, Owners

The board reviewed the draft prepared and were satisfied with the exception of changing the code section referenced to 200-48.

On a Motion made by Member DeAngelis and seconded by Member Allen, it was **Resolved, that the Special Use Permit for 681 Rt. 17M Commercial to Residential**

Conversion is issued for a period of one year from the date the Certificate of Occupancy is issued at which time the applicant must appear before the Planning Board for review.

Spring Hill Apartments and The Q were reversed in the meeting.

5. Spring Hill Apartments – Site Plan – (207-4-11.1 & 15)

Present: Joseph Nyitray, PE, Brooker Engineering

Engineer Nyitray stated his firm is working on 3 traffic concepts to be submitted to the board. Chairman Parise noted the plans were ready to be sent to Orange County Department of Planning for 239 review. Member DeAngelis asked if the public hearing for this application could be held in person and how could the board get the word out about this project. Member DeAngelis asked if the board could reach out to the community to notify them. Member DeAngelis felt this was something that was different being applied for in the Village and would have a huge impact to the Village and felt the planning board should reach out to the community to let them know. Attorney Levinson stated that all applications had to be treated equally. Attorney Levinson explained it is not the planning board's function to alter the requirements for notice of public hearings. If the Village Board determines that the notice given to property owners is not adequate, then they can modify the notice requirements to provide for alternatives. As the code exists now we are obligated to follow the format that exists now for all applications. The board cannot treat any application differently. Due to the number of applications currently before the board and having to use videoconferencing and requiring a public hearing it was asked if the applicant would consent to a different night for the public hearing, to alleviate very long meetings. Engineer Nyitray agreed to a different night for the public hearing as long as it was during the same month.

On a Motion made by Member Cocks and seconded by Member Allen it is unanimously Resolved that a Public Hearing be set for Spring Hill Apartments Site Plan on Wednesday, August 19, 2020, on or about 7:00 p.m. Due to public health and safety concerns related to COVID-19, the Planning Board will not be meeting in-person, and in-person attendance shall NOT be permitted. In accordance with the Governor's Executive Order 202.1, this Public Hearing shall be held via videoconferencing and a transcript shall be provided at a later date. The public shall have an opportunity to see and hear the meeting live and provide comments.

Member Boucher joined the meeting

4. **The Q – Site Plan – (222-1-13, 14, & 15)**

Present: Steve Esposito, PE

Engineer Esposito clarified that the property was over 1000 feet from Route 17M therefore 239 referral was not required.

On a Motion made by Member Cocks and seconded by Member Karlich it is unanimously **Resolved that the Planning Board declares itself Lead Agency for the application of The Q Site Plan.**

6. **McDonald's – Amended Site Plan – (222-2-1.51)**

Present: Keith Brown, Esq.

Chairman Parise noted the application requires 239 referral as well as a variance for the number of signs.

On a Motion made by Member DeAngelis and seconded by Member Karlich it is unanimously **Resolved that the Planning Board declares itself Lead Agency for the application of McDonald's Site Plan.**

On a Motion made by Member Hafenecker and seconded by Member Karlich it is unanimously **Resolved that a Public Hearing be set for McDonald's Amended Site Plan on Monday, August 17, 2020, on or about 7:00 p.m. Due to public health and safety concerns related to COVID-19, the Planning Board will not be meeting in-person, and in-person attendance shall NOT be permitted. In accordance with the Governor's Executive Order 202.1, this Public Hearing shall be held via videoconferencing and a transcript shall be provided at a later date. The public shall have an opportunity to see and hear the meeting live and provide comments.**

7. **123 Elm St. – Amended Site Plan (207-1-3)**

Present: Yoel Ekstein, Owner

On a Motion made by Member DeAngelis and seconded by Member Allen it is unanimously **Resolved that the Planning Board declares itself Lead Agency for the application of 123 Elm St. Amended Site Plan.**

Approval of Minutes

On a motion made by Member Karlich and seconded by Member DeAngelis, it was unanimously **Resolved that the Minutes of the June 10, 2020 meeting be approved.**

On a motion made by Member Karlich and seconded by Member Allen, it was **Resolved that the Minutes of the June 15, 2020 meeting be approved.**

Chairman Parise – Aye

Member Allen – Aye

Member Boucher – Abstain

Member Cocks – Aye

Member DeAngelis – Aye

Member Hafenecker – Aye

Member Karlich – Aye

ADJOURNMENT

On a motion made by Member Hafenecker and seconded by Member Allen it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 8:20 p.m.