

**VILLAGE OF MONROE
PLANNING BOARD
REGULAR MEETING MINTUES**

**Tuesday May 23, 2023
7:00 P.M.**

Present: Chairman Boucher, Members Allen, Hafenecker, Karlich, Umberto and Iannucci.
Attorney Cassidy and Engineer O'Rourke

Absent: Member Kelly

Pledge of Allegiance.

On a motion by Member Iannucci and seconded by Member Umberto it was resolved: **To open the meeting.**

Aye – 6

Nay – 0

Absent: Member Kelly

Public Hearing:

La Vida Restaurant – 30 Millpond

Present: David Espinal. Applicant

Chairman Boucher stated this was for an amended site plan and special use permit from no wait staff to wait staff. Attorney Cassidy verified mailings and publication. Attorney Cassidy read the legal letter that was published and mailed to address affected. Attorney Cassidy asked the Board Secretary if there were any written comments from the public. The Board Secretary stated no there was not any.

On a motion by Member Iannucci and seconded by Member Hafenecker it was resolved: **To open Public Hearing for LaVida restaurant.**

Aye – 6

Nay – 0

Absent: Member Kelly

Chairman Boucher asked if there was anyone from the public who would like to speak. There were no members of the public present.

On a motion by Member Allen and seconded by Member Hafenecker it was resolved: **To close the Public Hearing**

Aye – 6

Nay – 0

Absent: Member Kelly

Regular Meeting:

Chairman Boucher stated there was a resolution for LaVida Restaurant. The resolution is as follows:

VILLAGE OF MONROE
PLANNING
RESOLUTION TO APPROVE THE AMENDED SITE PLAN AND SPECIAL USE PERMIT
OF DAVID T. ESPINAL FOR LA VIDA RESTAURANT & LOUNGE
30 MILLPOND PARKWAY
SBL: 212-4-7

WHEREAS, the Village of Monroe Planning Board is in receipt of an application by David T. Espinal on behalf of La Vida Restaurant & Lounge Inc. for amended site plan approval and special use permit to convert the existing food service/sales – no wait staff to a restaurant with wait staff. The property is located in the Central Business (CB) zoning district.

WHEREAS, the Planning Board has received and considered the following:

1. Application dated, March 23, 2023 (cover letter dated March 31, 2023)
2. Short Form Environmental Assessment Form dated March 29, 2023
3. Site Plan prepared by MJS Engineering P.C., dated April 19, 2023
4. Orange County Department of Planning 239 review dated April 18, 2023 indicating local determination.

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board by resolution dated April 25, 2023 determined that the proposed project is a Type II action (see 6 NYCRR 617.5(c)(18) and no further review pursuant to the State Environmental Quality Review Act (SEQR) is required; and

WHEREAS, the Application was referred to the Orange County Department of Planning and a response was received by letter dated April 18, 2023

WHEREAS, a duly noticed public hearing was held on May 23, 2023;

NOW THEREFORE BE IT RESOLVED, the Planning Board hereby grants amended site plan approval and special use permit subject to the following conditions:

1. The terms of the special use permit annexed hereto are incorporated as if fully set forth at length.
2. The Planning Board Chairman is hereby authorized to sign the site plan after the following have occurred:
 - a. Applicant to pay all fees
 - b. Confirmation by the Village Engineer and Planning Board Attorney that the final site plan conforms to the terms of this approval resolution.
 - c. Applicant to provide payment in lieu of parking for two parking spaces. In the alternative, the applicant may submit proof that such payment was previously made by a predecessor in interest.

3. Applicant to obtain all permits including but not limited to Village of Monroe Building Department, OC Department of Health, and NYS Liquor Authority.
4. Landscaping to be maintained in perpetuity.
5. Pursuant to § 200-72 (F), this approval shall expire within one year if work is not commenced.

VILLAGE OF MONROE
PLANNING BOARD
SPECIAL PERMIT

“La Vida Restaurant and Lounge”

David T. Espinal on behalf of La Vida Restaurant & Lounge Inc. seeks amended site plan approval and special use permit to convert the existing food service/sales – no wait staff (Javajo’s) to a restaurant with wait staff. The property is located in the Central Business (CB) zoning district.

The board determines, after review of all the application materials, consultant comments and public comments, that the applicant/owner has satisfied the findings required by the Village Code § 200-48.2, in particular:

1. The location and size of the use, the nature and intensity of the operations and traffic involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
2. The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
3. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics than would be the operations of any permitted use not requiring a special use permit.
4. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum safety. The proposed use relies on existing parking that is already developed. As a condition of approval, the applicant is to provide a payment in lieu of parking for two spaces.
5. Existing municipal facilities are adequate for the proposed use.

6. The property will be suitably landscaped to protect the neighborhood and adjacent property in perpetuity.
7. The proposed application seeks only to alter the use and not the layout of the site to transition from convert the existing food service/sales – no wait staff to a restaurant with wait staff. The planning board specifically finds that the two uses are substantially similar and will not result in an increase in the intensity of use. The project proposes no exterior alterations to the building or the site.

Based upon these findings, the Planning Board approves the Special Permit subject to the following conditions:

1. All landscaping as shown on the landscaping plan shall be maintained in perpetuity.
2. This special use permit shall expire within one year of issuance of the Certificate of Occupancy pursuant to §200-48.4 of the Village of Monroe Code.
3. Pursuant to § 200-48.4 (B), Any special use permit issued hereunder shall be to the applicant and shall be terminated upon the sale, expiration of a leasehold interest of the applicant, a change to a permitted use that does not require a special permit, or abandonment of the site, unless otherwise authorized by the Planning Board. If there is noncompliance with the conditions of the resolution of special use permit, the certificate of occupancy shall be revoked.
4. The proposed use shall be subject to Chapter 145, entitled “Noise” of the Village of Monroe Code.
5. Hours of Operation shall be Monday through Friday – 8:00 A.M. to 12:00 A.M. and Saturday through Sunday, 9:00 A.M. to 12:00 A.M.

On a motion by Member Iannucci, Second by Member Allen it was resolved: **To approve as amended the above resolutions for La Vida Restaurant 30 Millpond Parkway.**

Member Keith Allen	Aye
Member Jeff Boucher	Aye
Member Paul Hafenecker	Aye
Member Barbara Iannucci	Aye
Member Marilyn Karlich	Aye
Member Fred Kelly	Absent
Member Joseph Umberto	Aye

Member Umberto asked if the landscaping plan would be discussed. Chairman Boucher stated there is no landscaping plan to review as this is only a special permit change from no wait-staff to wait-staff.

Documents are still needed to meet the condition are, three stamped paper copies of the site plan as well as a digital copy.

Chairman Boucher stated that 208 Business Center was supposed to be before us today but the applicant stated they were not ready.

Engineer O'Rourke asked about the application for Jake's Wayback. Chairman Boucher stated they did not provide the Board with the documents the Board had requested so there could not appear before the Board tonight. When they get the documents, the Board requested they will be added back to the agenda. Member Karlich asked if DOT approval was required as stated in the 239 GML County Review response. Engineer O'Rourke stated DOT approval was not needed and he stated that in his letter to the Board dated May 10, 2023.

Attorney Cassidy stated 208 Business Center did submit a revised DEIS. All the Board professionals submitted their comments. The Applicant's Attorney stated it did not make sense to appear before the Board at this time, they will appear after they have reviewed all the professional's comments.

The Board reviewed and approved the resolution below:

WHEREAS, on February 23, 2021, the Village of Monroe Planning Board, as lead agency adopted a positive declaration requiring the preparation of an Environmental Impact Statement; and

WHEREAS, the applicant submitted an initial DEIS dated April 4, 2022, as revised December 28, 2022 and April 26, 2023

WHEREAS, the Planning Board, after review by its consultants declared the DEIS incomplete by resolutions dated June 13, 2022 and February 28, 2023; and

WHEREAS, the revised DEIS, dated April 26, 2023, was reviewed by the Village's consultants including Andrea Connell of Kimley Horn (Traffic), Ted Fink, GreenPlan (Village Planner); Natalie Barber of H2M Architects and Engineers (Engineer) and Elizabeth K. Cassidy (Planning Board Attorney); and

WHEREAS, the applicant has been provided with the written comments of the consultants;

NOW THEREFORE BE IT RESOLVED, that upon review of the DEIS and the consultants' comments in connection thereto, the Planning Board finds DEIS dated December 28, 2022, as revised April 26, 2023 is incomplete at this time.

On a motion by Member Hafenecker, and seconded by Member Umberto it was resolved: **To approve the resolution stating that the 208 Business Center DEIS is not complete at this time.**

Aye – 6

Nay – 0

Absent: Member Kelly

Attorney Cassidy stated as we did not have a longer meeting as we thought we should have a discussion on the tentative comprehensive plan. We have some comments but we need to review the plan and the Historical Local Law. After speaking with the Village Attorney, the

Historical Local Law will be the first Local Law to be adopted. This Board is recommending an extension of the moratorium. Of the two applications before the Board that got a waiver from the moratorium, if something changes in the comprehensive plan the two application that were granted the waivers will have to adhere to the new comprehensive plan.

The Board had a discussion on the proposed Historical Local Law. The Local Law states what is within the Historical District and what is affected in the Historical District. The process is a less formal mediation process. The reason for this Local Law is because of the number of historic buildings are being torn down. There was a discussion on how the Local Law would work. The building does not need to be old for this process to be used. If there is an old building that is beyond repair and does not have any historical value may be able to be torn down. This Local Law also covers any dwelling that is historic in nature for example a mid-century dwelling could be covered under this process. If you have a designated building and someone wants to change something on the building the applicant would have to go to the Building Department which would refer the request to the Historic committee. Changes to the exterior for a historic building are covered by this process but not interior changes. Buildings covered under state rules have to abide by the state rules. Chairman Boucher stated if the applicant has taken money from the state, they are covered by the state guideline for changes they want to make. Attorney Cassidy prepared a red-line copy for the Board to review. The document was reviewed with the Board. All the Board comments will be presented to the Village Trustees.

Board Attorney Cassidy stated scenic landmarks could be things like bridges, or piers, these are defined in the definition section. Scenic landmarks are not buildings.

Board Attorney Cassidy stated that in Section 3 pages 23 and 24 the language should be clearer. There could be some confusion in the language as you can have a more modern house between two historic houses in a historic district. Just because they are in the historic district does not mean the modern house has to keep to the historic character. There are two different standards, one for the historic district and one for individual houses.

Board Attorney Cassidy will draft a letter to the Trustees. The letter will suggest that the moratorium be extended and will contain the Board's comments and concerns. We should have the Board's comments for the Comprehensive Plan and the Historic Local Law ready before the June 6th Trustees meeting.

Board Attorney Cassidy stated there was a table/document with the statuses for projects in front of the Board. She would like that document updated.

On a motion by Member Hafenecker, and seconded by Member Allen it was resolved: **To adjourn the meeting.**

Aye – 6

Nay – 0

Absent: Member Kelly