

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP SESSION
FEBRUARY 7, 2007
MINUTES**



PRESENT: Chairman Woods
Members Cocks, DeAngelis, Niemotko, Parise
Engineer Higgins
Attorney Levinson

Chairman Woods opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

SHAHLA GOROVY SUBDIVISION (228-1-48, 49)

Present: John Loch, AFR Engineering, Alan Lipman, Esq.

Chairman Woods reviewed for Attorney Lipman the violation on this property. He asked if the accessory apartment had separate services from the other dwelling. Engineer Loch submitted a sketch of the accessory apartment in the garage. Member Parise stated that there was no talk of incorporating the apartment into the new dwelling until the public hearing. Chairman Woods agreed and said he doesn't approve of having the accessory apartment on this site plan. There is no application for an accessory apartment. Attorney Levinson stated that he doesn't like the duplicity that has been used throughout this project.

Attorney Lipman asked the Planning Board to just subdivide the property and not to include the accessory apartment of new dwelling. Attorney Levinson replied that the violation had to be cleared up first. He suggested that the garage be vacated. Member Niemotko agreed that that would be the first step in clearing up the violation. Attorney Lipman said he can't clear the violation until the property is subdivided. Member Cocks asked if the drainage issues had been resolved. Engineer Higgins replied that a site visit was planned with Mark Sandor of MJS Engineering.

This project will be on the February 26 agenda for the continuation of the public hearing.

856 ROUTE 17M - SITE PLAN (201-3-17)

Present: Jerry Zimmerman, Zimmerman Engineering

Engineer Zimmerman reviewed the revised site plan and stated that the applicant wanted to make a minor change to the entrance/exit to the property. He further went on to explain that the number of parking spaces was calculated for both the retail stores on the first floor and the offices on the second floor. Member DeAngelis asked what the new façade of the building was going to look like. The response was that it would be stucco. Member Cocks remarked that the space allotted for the dumpster was probably too small and that the three islands needed to be the same size for appearance sake. He also said additional lighting will be needed for the stores on the first level. The square footage of the upper level will be 1760 sq. ft. and the first floor is 200 ft. The minimum requirement for landscaping is ten percent of the square footage (the upper level will be 1760 sq. ft. and the first floor will be 2800 sq. ft.) Attorney Levinson stated that an elevator might be needed for access to the second floor. Member Niemotko offered the elevator would be needed if the offices on that level needed to be accessible to the public. Attorney Levinson also stated that the code for a neighborhood shopping center (200-65) requires a written analysis evaluating the trade area, existing and potential future competition, tenant commitments, total retail space and an evaluation justifying the site for a shopping center.

Engineer Higgins reviewed his report dated February 7, 2007, which detailed the items that need to be addressed. Some of the issues mentioned were the need to address the drainage issues the New York State Department of Transportation intervened in; landscaping, including the addition of plantings in the back near the Heritage Trail; curbing; sidewalks; handicap access; catch basins and piping; correction of parking spaces calculation and turning radius information; trench details, dumpster details, etc.

MUSEUM VILLAGE PLAZA - SITE PLAN (238-1-1)

Present: Alan Lipman, Esquire

Attorney Lipman clarified that the Museum Village Plaza parcel is completely in the village. It is listed in the tax codes as Section 238, Block 1, Lot 1. The applicant has resubmitted its application because they changed the size of the project. In addition, instead of three restaurants, there will be two and one bank. Engineer Ziegler said they are waiting to hear if the scope of the traffic survey they submitted is approved by the Planning Board's traffic consultant. He also remarked that the property also includes a small triangular piece across Route 17M. They are considering making the Heritage Trail a pedestrian route to the shopping center. Also at present they are considering three signs for the shopping center. Chairman Woods asked if a tenant had been found for the anchor store. The owner stated that they are in negotiations and aren't at liberty to discuss anything yet. Member Cocks asked if any of the buildings were going to have second floors. The answer was no. Attorney Levinson asked if they were going to need a variance for lot coverage because the maximum is 30% and they are proposing 35%. Attorney Lipman stated that he would go to the ZBA with this issue. Attorney Levinson also stated that they must submit a written analysis evaluating the trade area, existing and potential future competition, tenant commitments, total retail space and an evaluation justifying the site for a shopping center. Engineer Ziegler replied that they

are in the process of writing the report. Engineer Higgins distributed his report dated February 7, 2007, which contained several comments. It states that the applicant is proposing several retaining walls greater than 20 ft. He suggests that the Planning Board may want to consider this in further detail especially as to their potential impact on SEQRA determination. The report also states that extensive cuts in access of 20 ft. are proposed in areas along the rear portion of the development. And in addition, extensive fill are also proposed. The drainage analysis should consider off-site drainage to ensure the project doesn't cause additional impacts to existing proposed infrastructure.

HUMMEL'S LAUNDROMAT - SITE PLAN (201-3-15 & 18.12)

Present: Okhwa Sohn

Mrs. Sohn explained that she had appeared before the Planning Board several years ago because she wanted to expand the laundromat building. At that time the Planning Board denied her application because she did not have enough property for the building addition. She has now bought the property behind the building so there is sufficient space for the expansion. The property abuts the Heritage Trail. She is proposing a 3500 sq. ft. expansion. Engineer Higgins reviewed the comments in his report dated February 7, 2007. There are several items that need to be addressed. Because there are planned modifications to the entrance on Route 17M, Mrs. Sohn needs to coordinate with the New York State Dept. of Transportation to ensure compliance with all regulations. Drainage calculations will be needed. Grading, lighting, utility and landscaping plans need to be provided. The number of parking spaces needed has to be calculated and turning radii should also be provided. The dumpster location needs to be shown on the site plan. The Planning Board attorney needs to reviews the side yard setback from the property line in the center of Gilbert Street. Also a demolition and construction timetable needs to be provided. The project will need to be sent to the Orange County Planning Dept.

BRIDGES AT LAKE PARC (211-1-1) - PRELIMINARY DISCUSSION

Present: David Ziegler, Atzl, Scatassa & Ziegler, Donald Tirschwell, Esq.

Engineer Ziegler and Attorney Tirschwell displayed a color coded site plan which outlined what they would like to do with this property. The front section which contains the lake, bridge and house will be deeded to the village for a park. Two lots on the north side of the property belong to the village. These lots can be sold for houses. There is evidence that there is water on the village property and the village plans to dig a well to increase its water supply. The rest of the property is proposed to be subdivided into 40 lots for houses. At Lakes Road and Hill Street a bridge needs to be constructed. Since this is not a DEC stream it will be under the supervision of the village engineers. Member DeAngelis suggested that the bridge should be made of stone for aesthetic purposes. No road will be constructed to exit onto Lakes Road. The two proposed residential roads will terminate in cul de sacs. Member Cocks stated that traffic will be a major concern and that at some point a traffic light will be probably be needed. Mr. Tirschwell conferred with the applicant and then stated that the applicant would be willing to pay for half of the traffic light. Chairman Woods asked Attorney Levinson if the Planning Board was doing a full review of the site plan. Attorney Levinson replied that since there is still litigation pending, he would like the Planning Board to discuss this with the Village Board to determine how much of the project the Planning Board can work on before the legal issues are resolved. Since the Planning Board is scheduled to meet with the Village Trustees on February 26th on another matter, they will bring this issue up if there is sufficient time. In the mean time Engineer Ziegler will provide copies of the site plan for the board members.

ADJOURNMENT

On a motion made by Member Parise and seconded by Chairman Woods, it was unanimously, Resolved, that there being no further business, the Meeting be adjourned. The meeting was adjourned at 9:05 pm.

Respectfully submitted,

Bernadette Marasco

Bernadette Marasco
Secretary

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP SESSION
MARCH 14, 2007
MINUTES**

PRESENT: Members DeAngelis, Niemotko, Parise
Engineer Higgins

ABSENT: Chairman Woods, Member Cocks

Member Parise opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

SHAHLA GOROVOY SUBDIVISION (228-1-48, 49)

Present: John Loch, AFR Engineering, Alan Lipman, Esq., Mel Ferrer, Boneim

Engineer Loch discussed the revised site plan that was submitted. He stated that the swale on the northeastern border of the site has been made approximately 30 ft. longer. Mr. Ferrer requested that the report from MJS Engineering that was done and submitted by the Davis family on Seals Drive be removed from the official record. He stated that Engineer Sandor included items that were not a part of the approval. He was told that the report cannot be removed from the record. He cited an issue with a tree that is on the border of the Gorovoy and Davis properties. The MJS report states that Mrs. Gorovoy agreed to remove the tree and that the removal of the tree is a condition of the approval of the subdivision. Mr. Ferrer said there is no necessity to take the tree down. It is in good shape. He also stated the report mentions the developers of the Davis' house. The developer tied into the footing drain and that has no bearing on this subdivision plan.

The tree will be discussed at the next meeting on March 19, 2007.

ORCHARD DEVELOPMENT/CHABAD - SITE PLAN (206-6-1-21)

Present: John Loch, AFR Engineering, George Lithco, Esq., Jacobowitz & Gubits, Robert G/ Torgersen Landscaping Architecture & Environmental Sciences, Rabbi Burston

Engineer Loch reported that no substantial changes have been made to the site plan. A copy of Engineer Higgins' report was given to him at this meeting and he briefly discussed the issues listed in the report. He said that most of it covers the details of the SWPPP which they will address. He reported that they were able to move the Chabad driveway over 10 ft. to move it further away from the neighbor's driveway and landscaping of this area is also being addressed. Mr. Torgersen reported that there would be Norway Spruce and other street trees along the driveway. He also stated that white birch would be planted along the shopping center property line. Engineer Loch said they have been trying to set up a meeting with the neighbor to see if he agrees to the changes they've made, but have not been able to set a date for that meeting as yet. Engineer Loch also reported that they had probably planned more parking spaces than are needed at present and intend to reduce it. They will put grass and some landscaping in the areas that are removed from the parking lot, but will grade them appropriately so that the areas can be later made into parking if needed. Member Parise reminded them that they will have to come back before the Planning Board with an amended site plan if they decide to add to the parking lots. With regard to developing the two lots near Orchard Street, they looked into the drainage in the area. It is a separate drainage issue than what the Board has been reviewing now. They have found that there is no existing drainage of any substance until you get to Route 17M. They have put in a call for utility markouts.

Engineer Higgins stated that that Lanc & Tully did a quick analysis of the grading and the cut fill on the site. In their estimation there is a tremendous amount of materials that would have to be removed from the site. He asked for updated cut fill data. Engineer Higgins then stated that the applicant used the parking calculations based on an institution, but that there is one for churches and synagogues. Engineer Loch said they would look at that. Engineer Loch said they were going to begin working on signage and asked if the Board wanted any traffic control signs. Engineer Higgins said a stop sign would be needed at the end of the driveway. Member Parise asked if there was a blasting plan. Engineer Loch responded that currently they don't believe they will need to blast. They terraced everything so that they wouldn't hit any rock. What they would encounter they think they can rip it out. They will put a note on the site plan stating that if any blasting is required on the site, they will follow the requirements of the Village for blasting. Engineer Higgins suggested that the applicant may want to have information on how much debris would need to be removed from the site for the public hearing.

This project is on the March 19th agenda which will be the continuation of the public hearing.

MUSEUM VILLAGE PLAZA - SITE PLAN (238-1-1)

Present: Peter Manouvelos, LAN Associates

Mr. Manouvelos reported that the 30,000 sq. ft. box store has been removed from the site plan leaving 44,142 sq. ft. of developed buildings. This includes two restaurants, a bank and retail stores. In order for the project to be economically feasible, they need 55,000 sq. ft. They plan on increasing the retail store space and will resubmit the site plan. Engineer Higgins asked about the written marketing analysis that is required for this project. Mr. Manouvelos said they are still working on it and now the proposed changes will have to be included in the report. Mr. Manouvelos asked about the traffic survey proposal he submitted earlier. Secretary Marasco responded that a copy had been submitted to the Planning Board's

traffic consultant and the Board is waiting to here if he approves the proposal. Mr. Manouvelos also stated that he will revise the EAF because of the changes and the impact on drainage. He also stated that there will be no problems with stormwater drainage.

This project will be on the April 11th and April 16th agendas.

BRIDGES AT LAKE PARC – AMENDED SITE PLAN (211-1-1)

Present: David Ziegler, Atzl, Scatassa & Ziegler, Donald Tirschwell, Esq.

Attorney Tirschwell reported that for purposes of the amended site plan only the roads were redesigned. There will be no cul de sacs. Member Parise stated that lots 19 and 20 are very steep and asked how they proposed to build on those lots. Attorney Tirschwell replied that lot 19 will be serviced by the interior road and that lot 20 is not really that steep. Engineer Ziegler will add grade markings to the site plan for those lots and a note will be included stating that they will restrict the type of home to be built on these lots. Engineer Higgins asked for clarification as to what lots the amended site plan includes. Attorney Tirschwell indicated the lots to him and during the discussion it was also noted that lot 66 belongs to the Village. Because it is too small for a home, they took some property from two adjacent lots to make it buildable.

Attorney Tirschwell asked if the Planning Board would declare its intent to be lead agency for this project. Member Parise said the Board will do that at the next meeting on March 19th.

MONROE FREE LIBRARY – SITE PLAN (212-4-18,19)

Present: Irving Zuckerman, Verticon, Mike Sandor, MJS Engineering, Bill Thiells, Monroe Free Library Board Member

Mike Sandor stated that the library will be going back to the Town of Monroe Board on March 19th to ask them to revise its resolution. The library's attorney has stated that there is no requirement to have site plan approval in order to hold the referendum. The library does not want to spend additional money for all the work a site plan requires if the referendum does not pass. They feel that the site plan that they have submitted to the Planning Board is sufficient for the Board to issue a negative declaration for SEQR. They are aware that they will need a variance for the height of the building. Member Parise reminded them that the Planning Board cannot move forward until they get the variance. Engineer Higgins reported that there is no generator in the Village Code to determine the number of parking spaces that will be needed. He said the Planning Board will have to make some determinations as to how much parking needs to be allotted. The architect stated that usually there is an increase of 20% in use of the library when it is enlarged and that could help in determining the parking. He also said that the EAF will have to be revised to include more information. One additional item is the need for more detail in the demolition plan.

This project will be on the March 19th for the Planning Board to deny the application due to the need of the variance.

THE GALLERY – CHANGE OF USE (207-1-16)

Present: Joe Grossman, John Maroney

Mr. Grossman described the kind of business that he and Mr. Maroney are proposing for the old Smith and Strebel Hardware Store at 11 Lakes Road. They propose a café/ coffee shop, Internet café. It will also be an art gallery with art from well known artists displayed, which will be available for purchase. The art will be rotated. They plan on holding various events such as fashion shows, line dancing, ballroom dancing, etc. There is seating for 60-80 customers and this seating is movable to accommodate the different events they are planning. The kitchen will be all electric including a convection oven. They will be serving prepared foods, sandwiches, wraps and desserts. The Planning Board tried to locate a classification for this type of business in the Zoning Code and could find nothing comparable. Because there will be waiters/waitresses, they classified it as a restaurant which is an accessory use in the Central Business district.

This project will be on the March 19th meeting agenda.

SELF-STORAGE UNITS – STEPHEN LANE –PRELIMINARY DISCUSSION

Present: Joe Dierna, George Lithco, Esq., Jacobowitz & Gubits

Attorney Lithco reviewed the history of the site stating that senior housing was turned down by the Village because of the noise in the area. He said Mr. Dierna has been looking for another use since he cannot find any retail stores that are interested in the site. Self-storage units would not create much traffic and can be sized appropriately for the site. They can be dressed up and they showed pictures of various self-storage unit office buildings in the area. Brick pillars could be put in at the entrance with a gate. The office building would be two stories with an office downstairs and an apartment for the caretaker on the second level. Since self-storage units are not currently in the Village Code, the Village is holding a public hearing on April 17th to propose the addition of these units to the Code. Attorney Lithco said the Village Board is looking for input from the Planning Board. Member Parise stated that he would like to discuss this further when all the Board members are present.

This item will be on the March 19th meeting agenda.

ADJOURNMENT

On a motion made by Member Parise and seconded by Member Niemotko, it was unanimously, Resolved, that there being no further business, the Meeting be adjourned. The meeting was adjourned at 9:50 pm.

Respectfully submitted,

Bernadette Marasco

Bernadette Marasco
Secretary

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
MARCH 19, 2007
MINUTES**

PRESENT: Chairman Woods
Members Cocks, DeAngelis, Niemotko, Parise
Attorney Levinson

Chairman Woods opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

PUBLIC HEARING – ORCHARD DEVELOPMENT/CHABAD – SITE PLAN(206-6-1-21)

Present: John Loch, AFR Engineering; Arthur Gellman; George Lithco, Esq., Jacobowitz & Gubits; Rabbi Burston

Chairman Woods opened the public hearing by stating that there was a significant public comment on Orchard Development at the public hearing last month. Since then the Planning Board has received a report from its planning consultant, Greenplan, and has made a decision to retain Creighton Manning as its traffic consultant. He then opened the floor for additional comments.

Patrick A. Rafferty of 96 Gilbert Street stated that he understood that there was supposed to be a through street to Orchard Street and only recently found out that the applicant had decided not to put in the street. He is very concerned because the parking lot entrance to the Chabad is ten feet from his driveway. He has no objections to the Chabad being constructed there, but he has little children and is concerned for their safety with the parking lot entrance so close to his property. He asked if the parking lot entrance could be moved away from his driveway toward ShopRite. He also suggested a buffer to separate the properties.

Mary Kay Tosi of Orchard Street requested that the public hearing remain open until the results of the Planning Board's traffic consultant is available. She also asked if a reputable contractor was going to be used to ensure that surrounding residents are protected during construction. She also asked if copies of the documents concerning this project could be made available in the Village Hall so that she doesn't have to contact the Planning Board secretary. Secretary Marasco stated that she would update the file that is already present in the Village Hall.

Donald Weeks of 99 Gilbert Street stated that he was deeply concerned about the lack of a through street for this project. He said that he heard that it was too expensive to put in a road and suggested that the applicant should have looked at the property more carefully before purchasing it. He also said that he had never heard of leaving only 10 ft. between driveways. The Smith Farm development is leaving 50-60 ft. He has no problem with the project, but he said a project of this magnitude should not have only one way in and out. He said they should look at the spot that is just before the property as you go north on Gilbert Street. There is a little curve there that is very dangerous. Attorney Levinson stated that the Planning Board understands the concerns of both the public and the applicant. We have to wait for the Board's traffic consultant's report before any decisions can be made. Mr. Weeks suggested that perhaps the applicant could get grant money to help construct the road. He then asked who would be responsible for the maintenance of the retention pond. The response was the synagogue would be responsible.

Chairman Woods then asked for a resolution to select Creighton Manning Engineering as the Planning Board's traffic consultant.

On a motion made by Member Parise and seconded by Member Niemotko, it was unanimously Resolved that the Planning Board retain Creighton Manning Engineering as the traffic consultant for the Village of Monroe Planning Board.

Chairman Woods asked Secretary Marasco to send all the necessary documents related to the Orchard Development project to Creighton Manning for their review. He stated that the Planning Board would request Creighton Manning to be present at next month's meeting for the continuation of the public hearing.

Chairman Woods then recommended that the public hearing be left open until next month.

On a motion made by Chairman Woods and seconded by Member Cocks, it was unanimously Resolved that the public hearing on Orchard Development/Chabad be held open until the March 19, 2007 meeting.

PUBLIC HEARING – SHAHLA GOROVY - SUBDIVISION (228-1-48, 49)

Present: Mel Ferrer, Shahla Gorovoy; Shahla Gorovoy; John Loch, AFR Engineering

Chairman Woods opened the public hearing and stated at the public hearing in January the engineers were going to work together to resolve the drainage issues. Mel Ferrer stated that since then he has met with the neighbors and that Engineers Loch, Higgins and Sandor met on the property and spoke to the residents also.

Chairman Woods then opened the floor for additional comments..

Rob Davis of 29 Seals Drive stated that his engineer, Mike Sandor of MJS Engineering, met with the village engineer and the AFR engineer. He submitted the report that Mike Sandor submitted to him after the meeting which proposes what needs to be done. Attorney Levinson asked Mr. Davis if he was satisfied with the proposal.

Chairman Woods then recommended that the public hearing be closed.

On a motion made by Chairman Woods and seconded by Member Parise, it was unanimously **Resolved** that the public hearing on the Shahla Gorovoy subdivision be closed.

SHAHLA GOROVY - SUBDIVISION (228-1-48, 49)

Present: Mel Ferrer; Shahla Gorovoy

Chairman Woods stated for the record that the Planning Board is not endorsing any use of an accessory apartment. There are separate rules in the village for accessory apartments and that the applicant would have to come back to the Planning Board and prove that they are in compliance with those rules. The applicant would be required to get a conditional use permit for the accessory apartment. At this time the Board will only be voting on the subdivision itself. Mr. Ferrer asked who would issue the conditional use permit. Chairman Woods replied that the Planning Board would issue the conditional use permit. Member Cocks asked if the final set of plans was submitted to Lanc & Tully. Mr. Ferrer replied that he spoke to Engineer Higgins and said that Engineer Higgins said he had everything he needed; there is nothing left to be submitted. Member Cocks replied that according to Engineer Higgins report dated February 26, 2007 he had not received the final plans for review. A copy of Engineer Higgins report was given to Mr. Ferrer. Chairman Woods stated that once the final plans are submitted, the Board can put the project to a vote.

ORCHARD DEVELOPMENT/CHABAD - SITE PLAN (206-6-1-21)

Present: John Loch, AFR Engineering; Arthur Gellman; Rabbi Burston; Robert G/ Torgersen Landscaping Architecture & Environmental Sciences

Arthur Gellman reviewed again the structure of the building. He stated that the building on the ground level there is the sanctuary, a social hall, a lobby area, offices, classroom and a library. On the lower level there are classrooms, a creative development area, bathrooms and storage area. Attorney Levinson asked what the shaded area was. Mr. Gellman replied it was undeveloped area, which is unexcavated. He then showed an artist's rendering of the building. They are now looking at using a flat roof with the utilities on the roof. He then stated that the programs they will be holding will have almost zero impact on traffic on Gilbert Street. They don't think there will be any blasting. Mr. Gellman then stated that they had submitted their traffic study on October 5, 2006 and wanted to know if a village traffic consultant had been selected, could this project have priority.

Engineer Loch then reviewed his meeting with Engineer Higgins concerning drainage. Some water drains towards Gilbert Street and some towards Orchard Street. He feels that they can assist the Orchard Street residents with some of their drainage problems by providing catch basins on Gilbert Street. However, the individual homeowners would have to hook into this system themselves. Engineer Loch said he had also contacted John Meyer (Smith Farm) for their drainage data and got no response.

Mr. Gellman then submitted responses that Attorney Lithco developed to all the comments made at the public hearing.

Member Cocks stated that so far there is a total of 7,000 sq. ft. of classroom space with a potential for 2,000 more. He wanted to know what it all was going to be used for. Mr. Gellman stated that he didn't think it was too much classroom space. He said the upper classrooms would be used for Hebrew School which meets once or twice a week. The other classrooms will be used for pre-school, which will meet three times a week. Some of the room is indoor playground space. Attorney Levinson added that it is not an unrealistic amount of classroom space and that most temples have similar amounts of space. Member Cocks asked if there would be other kinds of classes. Would there be a day school? Mr. Gellman replied they are not going to run a day school there. Member Parise asked about the unfinished area and were there future plans to develop those areas. Mr. Gellman responded that one section will only be used for storage. Member Parise then asked about the sanctuary which has 48 seats for women and 56 for men with a total sq. footage of 2100 sq. ft. Member DeAngelis asked if 120 was the maximum seating in the sanctuary. Mr. Gellman replied they could conceivably get more people in there, but they are anticipating 120. He then stated that they visited 30-40 other synagogues for ideas and that this building is consistent with what they saw. In fact, it is smaller than most. Attorney Levinson said the building is not straight and asked if that was due to the contour of the land. Mr. Gellman stated that it was.

Engineer Loch responded that he had no problem with the requests listed in Engineer Higgins report dated February 26, 2007. With regard to the Orange County Planning Dept. report they will put the sidewalks on the plan they will review the lighting plan, and they will review with the landscape architect which trees will be staying and which will be removed. They are still evaluating things for the grading. The Greenplan report is a bit more extensive, but that it recommends waiting for the result of the Planning Board's traffic consultant's analysis. The extensive construction cost estimates were submitted to the village engineer and they would be happy to send the same to Greenplan. He also commented that they had not thought about a pedestrian way but that they will consider it.

Landscape architect Torgerson then reviewed the landscaping plans. There will be flowering shrubs in the parking lot islands and ornamental trees in front the synagogue. There will be trees along Gilbert Street and the parking lot. Chairman Woods stated that Mr. Rafferty's concerns about his driveway are legitimate and asked what they will do to address that issue. Engineer Loch replied that they can't move their driveway further away because Gilbert Street slopes down. Chairman Woods stated that the Planning Board is always sensitive to the concerns of the residents in areas that are being developed and would hope

they would do everything they could to address his concerns. Mr. Gellman stated they would look at it carefully and that they would do maximum buffering. Attorney Levinson asked that the site plan include the statement about caring for the plantings in perpetuity. He also asked the applicant clarify the actual name of the project. Some documents say "Chabad", while others refer to "Orchard Development".

BIG M CENTER LLC (SITE PLAN 202-4-7)

Present: John Coladonato, Henry Lust Real Estate Co., Joe Foti, Zimmerman Engineering

Attorney Levinson reported that there is no problem with Big M having outdoor seating for patrons. It does not conflict with the "outdoor cafe" listed in the Zoning Code. Secretary Marasco gave Engineer Foti the Department of Transportation report dated February 14, 2007 in which they requested more information. The report states that the current site plan lacks engineering details; i.e., sight distance measurements, existing pavement markings and other access drives in the vicinity. Chairman Woods suggested that since the items were minor that the Board could approve the project.

On a motion made by Member Parise and seconded by Member Cocks, it was unanimously, **Resolved that the Planning Board approves the Big M Center LLC site plan dated January 18, 2007 subject to resolving the open issues reflected in Engineer Higgins' report dated February 26, 2007 and the applicant submitting to the Village cost estimates for the appropriate bonding amounts. In addition, the applicant must resubmit revised plans to the Department of Transportation which include all items it requested in its report dated February 16, 2007.**

MONROE FREE LIBRARY - SITE PLAN (212-4-18,19)

Present: James Clearwater, MJS Engineering; Irving Zuckerman, Verticon; Ben Gailey, Esq., Jacobowitz & Gubits

Attorney Levinson stated that the Village Engineer sent a report stating that the plans submitted were inadequate. A copy of the report was given to the applicant. Mr. Zuckerman stated that the Town of Monroe requested the applicant to come to the Village of Monroe Planning Board for a negative declaration so that they can hold the referendum. Attorney Levinson asked how the Planning Board could declare a negative declaration when a variance is needed because of a height variance. Mr. Zuckerman replied that no variance was needed because they are in compliance. He further stated that the details have not been worked out for the project. He said that unless the Board works with the Monroe Free Library a referendum cannot be held and the project will never start. The negative declaration is required by the bond counsel for the IDA. Member DeAngelis asked if this was for bonding purposes. Attorney Gailey responded that the Town Board will not pass a resolution to authorize the referendum until the Planning Board issues the negative declaration and perhaps even the site plan approval. Chairman Woods stated that a significant amount of pressure has now been put upon the Planning Board to review a fairly large project in the center of the village and to issue some declarations and possibly approve the site plan in a short period of time. Attorney Gailey replied that he didn't believe they should be seeking the site plan approval at this time. But he stated they did need the negative declaration under SEQR. The plan is conceptual by nature with little detail. If they do need a height variance, however, it would be a type 2 action, which would have no environmental impact. So therefore, the Board could issue the negative declaration. Chairman Woods asked why they have to go for bonding before the referendum. Attorney Gailey replied that they don't, but that the bond counsel for the IDA wants everything to be right before they sell bonds. They won't sell any until after the referendum, but that the negative declaration should be issued before the referendum. Chairman Woods stated that the Board feels comfortable declaring itself lead agency, but cannot issue the negative declaration since the report from Lanc & Tully states there is insufficient information. He suggested that within the next month the applicant's engineer contact Lanc & Tully to provide the information needed.

On a motion made by Member Parise and seconded by Member Cocks, it was unanimously, **Resolved, that the Planning Board designates itself lead agency for the Monroe Free Library site plan.**

Secretary Marasco will contact all involved and interested agencies that the Planning Board has designated itself lead agency.

This project will be on the March 14, 2007 workshop agenda.

MUSEUM VILLAGE PLAZA - SITE PLAN (3-1-5.1 & 2.01-1.1)

Present: Peter Manouvelos, LAN Associates; Attorney Pascione, Fabricant and Lipman

Mr. Manouvelos stated that they wanted to clear up some confusion that occurred at the workshop session LAN Associates' interpretation is that there are two different use groups - L and R. The R use group is the bank and two restaurants. The L use group is the retail stores. The L group is a conditional use and the R group is a permitted use. He asked if two use groups were permitted on one lot. Chairman Woods responded that the ZBA has recognized that there are lots in the Village where two uses existed prior to the zoning and they have grandfathered those lots in. However, on a new property, it means only one use is allowable. One way to handle this would be to subdivide the property into three lots with rights of way between them. If you want it to be one lot with different uses, that's a shopping center. He asked why the applicant does not want not develop this as a shopping center. Mr. Manouvelos replied that the setbacks in the R group are much more severe and the L group is much more flexible. Chairman Woods then related that at a recent meeting with a representative of the county they discussed land use and that the county feels that along the Route 17M corridor the setbacks are inappropriate and that they should be closer to the street

to create a more pedestrian environment. Mr. Manouvelos stated that for the project to be economically viable they need to be around 56,000 sq. ft. and that at the moment they are at 72,000 sq. ft. If they keep it as one lot the stores are an R use group and the bank and two restaurants are an R use group also. He asked if that would be acceptable. They would abandon the large box store (30,000 sq. ft.) because there are other construction issues at that part of the site. The Board liked that idea.

The project will be on the workshop for the April meeting.

OTHER BUSINESS

BRIDGES AT LAKE PARC

Present: David Zigler, Atlz, Scatassa & Zigler; Donald Tirschwell, Esq.

Attorney Tirschwell stated he would like to present this project as an amended eight lot subdivision. Chairman Woods replied that he would like to look at the whole site to which Attorney Tirschwell agreed. Chairman Woods further stated that he would prefer to see all the roads interconnected. Attorney Tirschwell stated that they did not recommend the original plan. It was requested by a couple of the Village Trustees. Chairman Woods said he discussed it with the Trustees and they said that it is under the jurisdiction of the Planning Board. Attorney Tirschwell said they would redesign the roads. Chairman Woods also requested that sidewalks on both sides of the road be included.

APPROVAL OF MINUTES

On a motion made by Member Parise and seconded by Member Cocks, it was, **Resolved that the minutes of the January 10, 2007 workshop be approved.** Member Niemotko abstained from the vote since he was not present at the meeting.

On a motion made by Member Parise and seconded by Chairman Woods, it was unanimously, **Resolved that the minutes of the January 22, 2007 meeting be approved.**

ADJOURNMENT

On a motion made by Chairman Woods and seconded by Member Parise, it was unanimously, **Resolved that there being no further business, the meeting be adjourned.** The meeting was adjourned at 9:50 pm.

Respectfully submitted,

Bernadette Marasco

Bernadette Marasco
Secretary

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP SESSION
MAY 9, 2007
MINUTES**

PRESENT: Chairman Parise
Members Cocks, DeAngelis, Niemotko, Woods
Attorney Levinson

Chairman Parise opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

CHIROPRACTOR'S OFFICE – CHANGE OF USE (213-1-3)

Present: Dr. Columbia Miller, Joe Morello

In a discussion with the Building Inspector the applicant found out that he entered the wrong zoning district on his application. The Planning Board secretary requested Lanc & Tully to verify this information and in fact the property is in the CB district, not GB as originally stated. Therefore, this business is a permitted use. No changes will be done to the exterior of the building. There are 7 parking spaces with 2 others at the garage and one for the apartment upstairs. None of the spaces are marked. The doctor's office will only be open 2-3 days a week.

This project will be on the May 21, 2007 agenda for approval.

VENICE REAL ESTATE CORP. – SITE PLAN (202-1-3)

Present: Joe Foti, Zimmerman Engineering; Ed Montillano

Member Niemotko recused himself for this project.

Engineer Foti stated that the applicant had received a variance from the Zoning Board of Appeals (ZBA). Engineer Higgins reviewed the issues outlined in his May 9 2007 report. There is some confusion with regard to the side yard footage necessary when consulting the Zoning Data Table. Engineer Foti needs to clarify this with the ZBA. The proposed office building may require an elevator to meet ADA requirements. However, Engineer Higgins will check requirements. It may not be necessary if the building is less than 3,000 sq. ft. A drainage collection system and the location of the water service connection and sanitary sewer connection should be included on the site plan. Erosion control measures should also be shown on the plan. The handicap parking appears to be in an area where the slope is in excess of the allowable 2%. Construction details need to be provided including details for pavement, curb, striping, signage, dumpster enclosure and utility connections. Note 4 of the variance indicates that several of the trees are to be preserved. However, the location and grading of the parking may cause the loss of some of those trees. The applicant stated that if any of the trees died, they would replace them. This project needs to be submitted to the Orange County Planning Dept. and the New York State Dept. of Transportation.

BUILDER'S CHOICE – SITE PLAN (207-1-1)

Present: Ben Gailey, Esq., Jacobowitz & Gubits; Mr. Berish, President, Builder's Choice; Joel Steinberg, Asst. to President, Builder's Choice; Joe Foti, Zimmerman Engineering

Attorney Gailey handed out a newer site plan dated May 3, 2007 which Engineer Higgins had already received from the applicant. The change on this plan shows basement storage in the one story framed office building and it also shows additional parking spaces to accommodate the extra storage. It also notes that they will be removing the red building. Member Cocks stated that the property is beginning to look good. The applicant could not give a time schedule for the removal of the building, but said they would get back to the Board at the regular meeting. He also said that when he passed by the other day the parking areas were completely occupied and that the building needs to be removed for those additional spaces. Engineer Higgins commented that asked if there was enough room to maneuver cars in and out of the parking spaces. The applicant replied that they think there is sufficient space. Member DeAngelis asked that they not refer to the cement platform as a loading platform since you can't get to it. It is in fact an emergency exit with a regular door and a light over it. Member DeAngelis asked if the trees and shrubs were already on the property. Attorney Gailey replied they already exist and are blue spruces. Chairman Parise asked that a covenant be written which states that there will be no further subdivision without Planning Board approval. Attorney Gailey agreed to the request. Attorney Levinson said that when you look at the amended site plan it reflects revisions that dealt with the original site plan. Engineer Foti said they would remove the revision dates since they have no bearing to the amended plan. This project needs to be sent to Orange County Dept. of Planning, Village DPW, the Police Department, Fire Department and Monroe Volunteer Ambulance.

MONROE MOVIE COMPANY LLC (212-741-1111)
Present: Larry Torro, JLC

MONROE MOVIE COMPANY LLC (212-7-1)

Present: Larry Torro, JLC

Engineer Torro explained that he had met with the Building Inspector and Art Tully of Lanc & Tully to discuss the movie theater project. The original architect had four different types of siding on the building. It has been changed to all brick. Engineer Torro was asked to go back to the Planning Board to show the members the new façade. Member DeAngelis asked the clock tower will have a real clock and if the windows are real. Engineer Torro said the clock will be real and so will the windows. Chairman Parise asked if there was going to be a café in the theater. Engineer Torro responded that there will be food, but that nothing has changed from the original plan. When asked about the condition of the steel, Engineer Torro said that the bolts are being tested and the rust is being treated. Attorney Levinson asked about the legal problems that have developed with the neighboring property. Engineer Torro said the attorney is handling that situation. Member Cocks said that the car parts store in the neighboring building flooded years ago, prior to the excavation for the theater. Chairman Parise told Engineer Torro that he has to show the new façade to the Architectural Review Board.

EAGLE WATER - CONDITIONAL USE (212-6-11.1)

Present: Bill Brownlee, Eagle Water

Attorney Levinson asked the applicant what type of business Eagle Water is. Mr. Brownlee responded that he sells and services water treatment systems. No customers will come to the office and the service trucks are not kept at this location. The applicant has a warehouse in Harriman. There will be three people in the office and the hours of operation will be from 9:00 am to 9:00 pm. The applicant is renting the house. The office will be on the first floor and the second floor will continue to be residential. There is a three car garage and a driveway in the rear. Engineer Higgins informed the applicant that he will need to provide a site plan that will show more details including parking. Mr. Brownlee was advised to speak to the landlord to see if a survey map or site plan may already exist. He also needs to complete his applications. This project is a conditional use and will require a public hearing.

OTHER BUSINESS**BRIDGES AT LAKE PARC**

Member Cocks suggested that this project be sent to the Orange County Dept. of Planning with a note written by him concerning the need for a traffic light in order to start the process with the county. Secretary Marasco will send the site plan.

HIDDEN CREEK

Member Woods stated that the legal dispute over the parkland fees has been settled in favor of the applicant and that the Village has reimbursed the applicant for the parkland fees. He further stated that the Planning Board had issued a positive declaration for SEQRA. According to our findings in weighing the pros and cons of the project we allowed them to pay parkland fees instead of setting aside a significant amount of space for parkland. He asked if the Planning Board should now reopen this project and require them to set aside property for parklands. Attorney Levinson asked Secretary Marasco to find the SEQRA documents so that he can review them.

ADJOURNMENT

On a motion made by Member Woods and seconded by Member Cocks, it was unanimously, Resolved, that there being no further business, the Meeting be adjourned. The meeting was adjourned at 9:10 pm.

Respectfully submitted,

Bernadette Marasco

Bernadette Marasco
Secretary

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP SESSION
JUNE 13, 2007
MINUTES**

PRESENT: Chairman Parise
Members Cocks, DeAngelis, Woods
Engineer Higgins
ABSENT: Member Niemotko

Chairman Parise opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

CHABAD OF ORANGE COUNTY – SITE PLAN (206-6-1-21)

Present: John Loch, AFR Engineering, George Lithco, Esq., Jacobowitz & Gubits, Rabbi Burston, Arthur Gellman

Engineer Higgins stated that since he received the revised site plans yesterday, he did not have time to review them. Chairman Parise asked the applicant what the correct name of this project is. Attorney Lithco responded it is the Chabad of Orange County. Chairman Parise asked that name be used on all documents and plans. Attorney Lithco asked if Attorney Sweeney was contacted to get copies of the Smith Farm Gilbert Street drainage study. Secretary Marasco said he was and had sent a letter stating he would obtain a copy for them. Attorney Lithco said they haven't received anything yet and that they have to continue with their project. He said that there is no guarantee that the Smith Farm project will ever be developed and that they have to continue with that in mind. Engineer Higgins remarked that the Chabad's drainage plan is incomplete. It doesn't demonstrate that there is no impact on drainage. He also said he has an old copy of the Stormwater Drainage Study. Engineer Loch said there was a revision in May. The Planning Board does not have a copy of that revision. Engineer Loch will provide a copy. Engineer Loch reported that the architect has reduced the size of the building a little but spread it out a little more. A copy of Part 2 and the Comments of the EAF were distributed at the meeting. Engineer Higgins commented that changes the applicant made to the water services on Orchard Street will affect the EAF. Michele Greig said that she and Engineer Higgins will have to review the EAF in detail. Chairman Parise agreed that the board's planner and engineer have to be given the chance to review everything to ensure that all issues have been resolved. He stated that they will make their best effort to have it done by June 18th. Member Woods asked to see the architectural rendering and also asked for it to be made a part of the site plan. The applicant agreed to this.

MONROE FREE LIBRARY – SITE PLAN (212-4-18,19)

Present: Mike Sandor, MJS Engineering, Ben Gailey, Jacobowitz & Gubits

Engineer Sandor presented the revised site plan stating that very few changes were made. He researched the Monroe Theater parking and found the parking on Smithfield Court to be planned for ninety degree parking instead of angled. He changed the library site plan to conform, which then required a slight modification to the sidewalk. Landscaping was added to the rounded portion of the building. A revised long EAF was submitted. Member Woods asked what the applicant's expectations were from the Planning Board. He wanted to know if they wanted a completed, signed site plan. Attorney Gailey replied that by law the only requirement from the Planning Board is a negative declaration. However, the Town Board is requiring a signed site plan. Attorney Gailey said he would be attending the next Town Board meeting to ask them to reconsider their requirement and accept a negative declaration. Attorney Gailey also said he would like the Planning Board to consider setting a public hearing for this project in July. Engineer Higgins said the applicant has to be sure there is enough water pressure for their sprinkler system. Also, since the expansion of the building will probably increase sewage flow, the project needs to be sent to the Orange County Sewer Dept. Engineer Higgins stated that a dumpster enclosure will have to be included in the plan and landscaping should be added. The plan also needs to show water and sewer connections to the mains. Engineer Sandor will provide sufficient copies of the site plan so that they can be sent to the Orange County Planning Dept, Orange County Sewer Dept., the Monroe Police Dept., the Mombasha Fire Dept., the Monroe Ambulance and the Village Dept. of Public Works.

This project will be on the June 18, 2007 agenda.

BUILDER'S CHOICE – AMENDED SITE PLAN (207-1-1 GB)

Present: Ben Gailey, Jacobowitz & Gubits; Joe Foti, Zimmerman Engineering

Engineer Higgins reported that all the required changes have been made to the site plan. Member Cocks asked when the brick building would be removed. Attorney Gailey replied within six months. A note will be added to the site plan to that effect. Attorney Gailey asked if any responses had come in from agencies. Secretary Marasco replied that none had been received yet. Attorney Gailey asked if Secretary Marasco would request a report from the Orange County Planning Department for the next meeting on June 18, 2007. Secretary Marasco will contact the county Planning Department with that request.

This project will be on the June 18, 2007 meeting agenda.

BRIDGES AT LAKE PARC – AMENDED SITE PLAN (211-1-1)

Present: David Ziegler, Atzl, Scatassa & Ziegler, Donald Tirschwell, Esq.

Attorney Tirschwell asked if responses had been received from any of the agencies. Chairman Parise responded that he heard from the Orange County Planning Department and that they had some concerns about the project. The planner was going to write an interim report listing the concerns. No other agency comments have been received. Attorney Tirschwell reported that a tentative settlement has been reached with the Village and he would like to have a public hearing for this

project in July so that they can begin to get feedback from the neighbors. There are rumors that the neighbors will not approve the roads. Member Cocks showed the applicant pictures of lots 20 and 21 after a heavy rain. The property was flooded.

This project will be on the June 18, 2007 meeting agenda.

ZUCKERMAN - VERTICON - SITE PLAN (102-3-11.1)

Present: Alan Zuckerman, Verticon; Mike Sandor, MJS Engineering

Alan Zuckerman explained the site plan to the Board. Verticon would like to put an addition on their building on Gilbert Street so that they can store shipments, equipment, etc. indoors. There will be no repair of equipment done. A bathroom will be relocated in this warehouse and the new section will have a rollup door. Member Woods asked if the building materials will be consistent with the current building. Mr. Zuckerman responded that it will be as similar as possible. Engineer Sandor said there is room for seven additional parking spaces. Mr. Zuckerman said he didn't want to put the parking spaces in now, but might want to at a later date. It was suggested that the site plan have the parking spaces on it, but that they should be labeled as reserved. There is a dumpster on the site, but it will have to be enclosed. Engineer Higgins discussed the items on his report dated June 13, 2007. He stated that the areas where the slope exceeds one vertical on three horizontals should be stabilized with erosion control matting. Since the project is within 500 ft. of Route 208, the site plan must be sent to the Orange County Department of Planning and since the project is close to the Heritage Trail, the site plan will have to be sent to Orange County Parks Commission.

This project will be on the June 18th agenda for the Planning Board to declare itself lead agency.

OTHER BUSINESS

MONROE REAL ESTATE LLC

Chairman Parise informed the Board members that this project's site plans will be expiring on June 18, 2007. Right after they were signed, New York State Department of Transportation (DOT) sent another list of items they wanted done to the site. Those items were to be incorporated into an amended site plan. Secretary Marasco was in contact with Engineer Holmes of TRC Raymond Keyes and found out that the amended plans have been done for quite a while, but they were being held up in the DOT office because of a high workload. DOT sent an approval letter on June 12. Engineer Holmes has been in touch with Engineer MacDonald, the alternate engineer for this project. Engineer Holmes will send the amended site plans for signature as soon as Engineer MacDonald approves them. Secretary Marasco will contact Engineer MacDonald to request a report from him.

Hersh Indig, the general contractor for the project, was present at the meeting and reported that the building has been changed slightly on the second floor. He was asked when the building would be completed and he estimated some time next summer. Secretary Marasco will ask Engineer MacDonald about the building changes.

ADJOURNMENT

On a motion made by Member Woods and seconded by Member Cocks, it was unanimously, **Resolved**, that there being no further business, the Meeting be adjourned. The meeting was adjourned at 10:20 pm.

Respectfully submitted,

Bernadette Marasco

Bernadette Marasco
Secretary

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
June 18, 2007
MINUTES**

PRESENT: Chairman Parise
Members Cocks, DeAngelis, Niemotko, Woods
Attorney Levinson

Chairman Parise opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

BUILDER'S CHOICE - SITE PLAN (207-1-1)

Present: Ben Gailey, Esq. Jacobowitz & Gubits

Attorney Gailey reported that they added the note that the one building will be taken down within six months. Chairman Parise remarked that there were some preliminary comments from the Orange County Planning Dept., but that there is not written report yet. The applicant will get the most recently revised site plan to the Planning Dept.

Since the Orange County Planning Dept. has not yet responded in writing concerning this project, nothing further can be done. Secretary Marasco will let Attorney Gailey know when she receives the Planning Dept. report.

ZUCKERMAN-VERTICON - SITE PLAN (102-3-11.1)

Present: Mike Sandor, MJS Engineering; Irving Zuckerman, Alan Zuckerman, Verticon

Member Niemotko recused himself from this project.

Chairman Parise asked the Planning Board members to take some time to walk the Verticon property. Attorney Levinson requested that if a board member plans to walk the property that he or she should let the applicant know. Engineer Sandor will provide additional copies of the revised site plan so that Secretary Marasco can send them to the Orange County Planning Dept., the Orange County Parks Commission, the Monroe Police Dept. and the Mombasha Fire Dept.

On a motion made by Member Woods and seconded by Member Cocks it was unanimously, **Resolved**, that the Planning Board declares itself lead agency for the Verticon-Zuckerman project.

MONROE FREE LIBRARY - SITE PLAN (212-4-18,19)

Present: Mike Sandor, MJS Engineering; Ben Gailey, Jacobowitz & Gubits; Irving Zuckerman, Verticon

Chairman Parise asked for an update on the discussions with the Town of Monroe. Attorney Gailey replied that he was planning on attending the next Town Board meeting to try again to get them to change the requirement for a completed site plan. He said he would like to have the negative declaration from the Planning Board before that meeting. Member Woods remarked that he thought the Planning Board should issue the negative declaration since there will be very little environmental impact involved with this project. The GreenPlan report for the library was distributed at the meeting and Attorney Gailey remarked that the majority of the comments were site plan issues.

On a motion made by Member Woods and seconded by Member Cocks, it was unanimously, **Resolved** that the Planning Board issues a negative declaration with the understanding that the EAF will be amended to comply with the requirements of paragraph one of the GreenPlan memo authored by J. Theodore Fink dated June 18, 2007, and the Board's consideration of the site as it is co-represented to us and reviewing the site in the context of its location and the impacts on the environment and the citizens of the Village of Monroe, the Board hereby finds that this project will create no significant adverse impact.

On a motion made by Member Woods and seconded by Member Cocks, it was unanimously, **Resolved** that a public hearing for the Monroe Free Library will be held on July 16, 2007 at 8:00 pm or as soon thereafter.

CHABAD OF ORANGE COUNTY - SITE PLAN (206-6-1-210)

Present: John Loch, AFR Engineering; Arthur Gellman; George Lithco, Esq., Jacobowitz & Gubits; Rabbi Burston; Irving Zuckerman and Alan Zuckerman, Verticon

Engineer Loch distributed architectural elevations which were presented to the Architectural Review Board (ARB) last week. The ARB unanimously approved the elevations. There was a change of architects. The new architects are from Westchester County and have created a look that is more consistent with this area. Chairman Parise asked for the two-page rendering dated June 18, 2007 which shows the front elevation and side elevation be made part of the record. Chairman Parise signed the rendering and asked that the elevations be made a part of the final site plan. Engineer Higgins did not get a chance to review the revised site plan dated June 9, 2007 since it was submitted late. However, he commented that the stormwater

drainage pond will require a ten ft. wide safety bench around the perimeter which will change the configuration of the pond. Mr. Irving Zuckerman asked if a fence around the pond would suffice. Engineer Higgins replied that it was a possibility as long as there was access for maintenance of the pond. Also, Engineer Higgins remarked that there is a one on one slope on lot 3 that goes down to a swale three ft. from the building. Engineer Loch said that that would probably be rock and that scaling rock is appropriate. But he said he would investigate that further. Engineer Higgins then said that some of the standards listed come from the DEC list and are not applicable to this plan. He suggested the applicant clean this up. Engineer Loch said the landscaping plans were being reworked and they are looking at some different species that are drought resistant.

There was a brief discussion about whether the property once had an apple orchard on it. There were some differing opinions as to whether there was one there. If the applicant will test for pesticides if they cannot ascertain that it was an orchard. There is an environmental phase one report that did not show any pesticides. The applicant will provide a copy of that report to the board.

Attorney Lithco asked if Attorney Sweeney had been contacted for a copy of the Smith Farm drainage study. Secretary Marasco replied he had been contacted by letter and in a return letter he stated he would get a copy of the report. Secretary Marasco will contact Attorney Sweeney again to follow up.

Both Members Cocks and Woods said the lighting is very poor in the entrance area. There will be a sign at the entrance and they can incorporate some lighting with it.

Attorney Lithco then reported that Raymond Keyes has drafted the construction traffic report and that they would like to sit down with the police dept., and DPW to discuss it to make sure everything runs smoothly. A copy of the report will be submitted to the board. Mr. Irving Zuckerman added that it is their intention to move the materials off the site as quickly as possible and they will clean up the area every day. Engineer Loch said at the request of the police dept. they provided copies of the traffic studies and draft construction traffic report. Lt. Melchiorre is concerned about the security lighting to protect the building and he promised to write a report outlining those concerns. With regard to the security, the applicant may investigate putting in a security system that will put the lights on if there is any activity in the back of the building. Attorney Lithco will summarize their discussions with the local agencies.

The GreenPlan report suggested a five ft. vegetation strip by moving the sidewalk. Though all agreed that would be nice, due to the contour of the land it is not practical and the suggestion was dismissed.

Chairman Parise stated that this project has been and is being addressed in bits and pieces and needs to be moved along. He asked by way of suggestion if Engineer Higgins could have a complete review done by June 22nd. Engineer Higgins responded that he could. The review report will be forwarded to the applicant immediately. Engineer Higgins also asked for a copy of a complete package of everything, i.e., site plan including landscaping sheets, subdivision sheets, the blasting plan, stormwater drainage plan, all parts of the EAF, the traffic maintenance plan. Engineer Loch agreed to provide all outstanding items to Engineer Higgins. Attorney Lithco said he would circulate a list of all the documents with dates so that everyone can be sure they've seen everything.

Chairman Parise asked for another extension. Arthur Gellman agreed to the extension.

THE BRIDGES AT LAKE PARC - AMENDED SITE PLAN (211-1-1)

Present: John Atzl, Atzl, Scatassa & Ziegler; Donald Tirschwell, Esq.

Chairman Parise reported that he heard from the Orange County Planning Dept. and that they have some concerns about this project. The Planning Dept. will be sending a preliminary report first. Chairman Woods also recommended that the Planning Board request the applicant to set up a \$5,000 escrow account for this project. The applicant agreed to the escrow and said a check would be sent to the Village office. Attorney Tirschwell asked if the Planning Board would agree to setting up a public hearing for the July 16, 2007 meeting so that they can get some feedback from the neighbors. The Planning Board agreed to the request for a public hearing.

On a motion made by Member Cocks and seconded by Member Niemotko, it was unanimously, **Resolved, that a \$5,000 escrow account be set up for The Bridges at Lake Parc.**

On a motion made by Member Woods and seconded by Member Niemotko, it was unanimously, **Resolved that a public hearing for The Bridges at Lake Parc Subdivision will be held on July 16, 2007 at 8:00 pm or as soon thereafter.**

MONROE RENTALS - SITE PLAN (223-1-4)

Present: Bruce Mapes, Jerry Zimmerman, Zimmerman Engineering & Surveying

Engineer Zimmerman reviewed the project stating the applicant is proposing to remove a portion of the storage area of the existing building and remove all the sheds behind the existing building and replace it with a 28x80 ft. pole barn for the purpose of storing all equipment. There are no water, sewage or heat requirements for this building. Engineer Higgins reported that all the changes requested at the applicant's last appearance were made to the site plan, i.e., parking, dumpster, types of materials stored. Secretary Marasco will send the site plan to the Orange County Planning Dept. and the New York State Dept. of Transportation.

MOMBASHA FIRE DEPARTMENT - SITE PLAN (214-1-59)

Present: Mike Sandor, MJS Engineering

Engineer Sandor explained that the application is for a lot line change and a site plan modification. The lot line on the side of the parking area is being moved out because the property line is almost against the building. This will make room for the firefighters to park. Pushing out the lot line in the back of the building will provide parking for visitors. Total parking will be 67 spaces. Later on the fire department

might put a small addition on the back of the building which would be behind the fire trucks and could provide room for another fire truck. Member Woods asked why the road jogged out in the back. Engineer Sandor replied that there are wetlands back there. Member DeAngelis asked about the house in the back and if it would be affected. Engineer Sandor said that nothing was being done on the garage side of the lot and that Angel Road would remain as it is. Engineer Sandor asked if a public hearing was needed for this project. Attorney Levinson said because it is a minor lot line change, a public hearing isn't necessary. Attorney Levinson stated that a small escrow account of \$1500 would be needed, but that the fire department could request the Village Board to waive village fees. Secretary Marasco will send the site plan to the Orange County Planning Dept. and the New York State Dept. of Transportation.

On a motion made by Member Woods and seconded by Member Niemotko it was unanimously, **Resolved**, that the **Planning Board declares itself lead agency for the Mombasha Fire Department project**

On a motion made by Member Niemotko and seconded by Member Cocks, it was unanimously, **Resolved**, that a **\$1,500 escrow account be set up Mombasha Fire Department subject to waiver by the Village Board.**

HUMMEL'S LAUNDROMAT – SITE PLAN (201-3-15 & 18.12)

Present: John Loch, AFR Engineering, Okhwa Sohn, Hummel's Laundromat

Engineer Loch asked what items were outstanding for this project that the Board needs. With regard to the paper road and Gilbert Street, Mrs. Sohn will provide the Board with a copy of the deed. Engineer Loch said that he submitted the project to the New York State Dept. of Transportation and the Orange County Planning Dept. and has not gotten a response yet. Engineer Loch will provide copies of those letters to the Board.

Engineer Higgins asked how the applicant plans to build the retaining wall since it is right on the property line. Engineer Loch said there is a steep drop off there. Engineer Higgins asked if they foresaw any encroachment of the neighboring property and if so he recommended they get a letter from the owner stating they have no objection to the wall. He also stated that drainage calculations are still needed and that since they are consolidating two lots they must file it with the county.

On a motion made by Member Woods and seconded by Member Niemotko was unanimously, **Resolved**, that the **Planning Board declares itself lead agency for the Hummel's Laundromat project.**

OTHER BUSINESS

Self-Storage Units

Chairman Parise asked if everyone had a chance to review the proposed law for the self-storage units. He commented that he would prefer requiring asphalt pavement instead of oil and chip. The board members agreed with this. Member Woods commented that this is now approved storage units anywhere in the GB district. He asked if there would be some way that the Planning Board could have right to use some discretion in the placement of these self-storage units because they are not acceptable in all areas of the GB district. Attorney Levinson agreed saying the way it is worded now the Planning Board has no way of limiting the location of these units. One way to put some limitations on the location is to make it a conditional use subject to approval after a public hearing. A letter will be sent to the Village Board outlining all the issues mentioned above.

APPROVAL OF MINUTES

On a motion made by Member Cocks and seconded by Member Woods, it was **Resolved** that the **minutes of the April 11, 2007 workshop be approved.** Member Niemotko abstained from the vote since he was not present at the meeting.

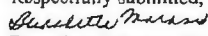
On a motion made by Member Cocks and seconded by Member Woods, it was unanimously, **Resolved** that the **minutes of the April 16, 2007 meeting be approved.**

On a motion made by Member Niemotko and seconded by Member Woods, it was unanimously, **Resolved** that the **minutes of the May 9, 2007 workshop be approved.**

On a motion made by Member Niemotko and seconded by Member Woods, it was unanimously, **Resolved** that the **minutes of the May 21, 2007 meeting be approved with the correction of Chairman Woods changed to Chairman Parise on page 1, second item, line 14.**

ADJOURNMENT

On a motion made by Member Woods and seconded by Member Cocks, it was unanimously, **Resolved**, that **there being no further business, the Meeting be adjourned.** The meeting was adjourned at 9:40 pm.

Respectfully submitted,

 Bernadette Marasco, Sec'y

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
JULY 16, 2007
MINUTES**

PRESENT: Chairman Parise, Members Cocks, DeAngelis, Niemotko, Attorney Levinson

ABSENT: Member Woods

Chairman Woods opened the meeting at 8:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

PUBLIC HEARING:

THE BRIDGES AT LAKE PARC - AMENDED SUBDIVISION SITE PLAN (211-1-1)

Present: Donald Tirschwell, Esq.; David Ziegler, Atzl Scatassa & Ziegler

Chairman Parise opened the public hearing to those in attendance. He stated for the record that the applicant handed the Planning Board Secretary the certified mail receipts from the mailing.

Attorney Tirschwell reviewed the applicant's proposed subdivision in detail for the attendees. Chairman Parise then opened the floor for public comments.

Susan Tamzi of 98 High Street stated that the emergency route is right behind her house. She wanted to know how the applicant was going to control that route so that it isn't used by people who want to take short cuts. Attorney Tirschwell said it is up to the Village to decide what measures would be put in place. She also asked where the public road stops. Attorney Tirschwell pointed out the location on the map.

Emily Convers of 22 Sunset Heights stated that she and her husband will be closing on their house at 22 Sunset Heights on August 15th. She didn't have a question at the moment but asked for permission to speak later on if she had a question.

Viera Muzithras of 10 Sunset Heights is concerned that the road that currently exists is not adequate for the through traffic that will occur with the connection it will have. She said that people speed excessively on this road. It is very narrow; two cars cannot fit on it at the same time. So how will the public understand the necessity of speed control and prevent its usage as a cutoff to avoid the traffic light on Stage Road and Route 17M. The road is now excessively traveled by speeding teenagers. In the winter the snow and ice causes problems for drivers trying to get up and down the road. Attorney Tirschwell responded that originally the Village Board asked that Hill Street terminate in a cul de sac and that Sunset terminate in a cul de sac with emergency access. The Planning Board requested that the streets be changed to through streets. So at the moment it is not clear whether these streets are through streets or whether they will terminate with cul de sacs.

Ed Hunt of 24 Sunset Heights had the same question as Viera Muzithras. He said currently there are only three ways to get out of the neighborhood. Right now it is all surrounded by property in the back. You have to leave by Bridge Street, High Street which is a deathtrap; there was an accident there the other day; or Hill Street. It's nearly impossible to get out of there now. Connecting to Sunset Heights would be a very bad idea. He also stated that he has lived on Sunset Heights for 24 years and has never had problems with water pressure. Attorney Tirschwell responded that the water pressure problems were brought to their attention by the village water department and that they also had communications from the fire department indicating that there were no fire hydrants there. Mr. Hunt said there is one right across the street from him.

Inda Stora of 9 Crescent Place said she had spoken to Attorney Tirschwell a while ago and in turn wrote him a letter after their conversation. Mrs. Stora read the letter she sent Attorney Tirschwell on June 23, 2007 into the record. It read as follows:

Dear Mr. Tirschwell,

Once again I am asking you to make a proposal to the Lincoln Corporation to consider building a fifty-five and over, active adult community on the Smith Estate in Monroe, NY. The Lincoln Corp. project will go before the Village of Monroe Planning Board in the near future, and this would be a perfect project to propose.

Active adult communities cater to a financially secure demographic, so I am in no way suggesting that Lincoln Corp. consider building a low income or government funded community. There is an activity adult community in Middletown made up of single family homes, but were designated as condominiums, therefore reducing the tax burden on residents, yet the value in the structure is considerable.

I am enclosing newspaper articles that have recently been in our local newspaper, and as one states "construction slows" except for active adult communities. Monroe does not have one such community. This is a perfect way to keep lifelong residents in the community – at no added burden to the school systems – because so many have left the area due to the high tax burden. When an active adult community is built, it allows more homes to be built per acre, while also enhancing open space.

My husband and I have resided in Monroe for over 40 years and we love our village. We love our town and wish to stay here, but as we near retirement, we need to downsize. We no reside close to our adult children and grandchildren and would like to continue to live here. A community of single level one family homes would enable us and many other couples and widowed friends to remain in Monroe.

I urge you to reconsider your position and present this to the members of Lincoln Corp. This investment would be a wise and profitable once for the corporation as well as creating good will within our community.

Thank you for your time on the phone, and for forwarding this letter to the Lincoln Corp. I would appreciate it if you could notify me after you speak to Lincoln Corp. My email is xxxxxxxxxxxx

Sincerely yours,
Inda Stora

Attorney Levinson asked if she had received a reply. Mrs. Stora said she did not.

Mrs. Stora further added that less traffic during commuter time with an active adult community would be less traffic and usually in an active adult community the residents have two cars. Where she lives now there are homes with two teenagers and four cars. In an active adult community hopefully there wouldn't be teenage speeders on Sunset Heights. There also would be no impact on the school system. She also thanked Lincoln Corp. for their dedication of the front piece of property to the village. She offered to work with them on an adult community.

Bonnie Franson of 20 Bridge Street wanted to know where the project is in the actual review process. She wanted to know if this is a preliminary subdivision plat and how does it specifically relate to the DEQR process. Attorney Tirschwell stated that this is the SEQRA proceedings here tonight. Attorney Levinson gave the history of the property to explain the problems the Planning Board is facing with this project. He said that the subdivision was approved in 1909 for 65 lots. There are no records as to how the subdivision was approved; whether any scrutiny was given and he doubted that anyone back in 1909 considered the impacts of the development. Prior village boards commenced condemnation proceedings against Lincoln Corp. and on three separate occasions they were unsuccessful. There is a claim outstanding for millions of dollars against the village brought by Lincoln Corp. for the latest occasion. The Village Board and Lincoln Corp. sat down and devised a method of settlement to resolve the significant damage claim that they have in connection with the subdivision approval process. This Board was involved tangentially with those discussions but the litigation is against the Village Board. When the Planning Board saw this project they realized the impact knowing that things have changed substantially since 1909. The Board sent

the project to the county and recently received a letter back from the Orange County Dept. of Planning which outlines the problems they envision, e.g. drainage, topography, water, sewer pipes and the inadequacy of some of the plans for their review. This project is being handled in a different fashion since we technically have an approved 65 lot subdivision that goes back to 1909. We are considering it as a new application keeping in mind that years ago some agency of this village approved 65 lots and it has appeared on the tax rolls since that time. Ms. Franson continued that assuming this is a new application her concerns are with the environmental review of the project. She went through a list of questions she had with regard to what has been submitted for SEQRA. One is has there been any cultural resource said and done of the historic buildings and the site itself. Attorney Tirschwell responded that the only historic building is the Smith house and that the house is being dedicated to the village. Ms. Franson feels there may be other artifacts there are located on the site, so has there been a survey of what is there. Secondly, since the Planning Board is contemplating alternative means of accesses for the road layout, was a traffic study done in terms of what the potential implications are for linking Lakes Road to the neighborhood below. She sees a lot of traffic cut through High Street that doesn't obey the stop sign. It's dangerous. There are substandard roads. She also stated that she doesn't see topography or drainage shown on the plan, but she wanted to know what the clear-cut was going to be on the property. These are small lots. What's the relationship of the buildings to the lots? She stated further that she didn't think anyone would want to see the clear-cutting down at the end of High Street done again. There is a vegetative ridge line and she hopes that some of that will be retained. She also wanted to know what the DEC classification for the headwater of the Ramapo River and whether a permit is required if any of the improvements would be within 50 ft. area of the stream. Also, have tree surveys been done. She also said she thought there was gas pipeline that goes through the site and how would that affect the lot layouts. It looks like some of the lots have shared driveway access and she wanted to know what the regulations are for shared driveways in the village or in fact if they are allowed. She then asked that the Planning Board keep the public hearing open so that this information can be gathered.

Inda Stora of 9 Crescent Place asked if this application is for 65 homes. The reply was 46. Attorney Levinson read from the comments in the Orange County Planning Dept. report dated June 28, 2007 written to the Village of Monroe Planning Board. "The project was approved for approximately 65 lots in 1909. Currently the applicant intends to construct 46 single family homes. However, amended plans submitted to this office do not reflect that. Drainage, water and sewage pipes were not indicated. Sidewalks and street trees were absent on submitted drawings. Several new curb cuts appear to be planned for County Route 5 yet are not indicated. Part two of the full Environmental Assessment Form is not completed. This office fully supports the sidewalk through lot 14 so that residents can easily access the village. However the emergency gate located on the same lot that is not repeatedly secure may result in wayward vehicles using it as a shortcut to the village center. Such behavior will cause further future conflict and safety issues as a terminus at Lakes Road does not provide ample site distance to the west. Moreover this terminus of County Route 5 would be very close to an already congested intersection resulting in additional traffic burdens and delays." The agency was not prepared to make any recommendations due to the inadequacy of the paperwork submitted to them. Attorney Tirschwell added that if the county agreed to a traffic light at the corner of Center Hill, the applicant would be willing to pay for half the cost of the light.

Susan Tamzi of 98 High Street asked if the water wheel was going to the village. Attorney Tirschwell replied yes.

Emily Convers of 22 Sunset Heights asked what the time line was for the project and if there was a timeframe for a resolution. Chairman Parise replied no. If the board members want to keep the public hearing open for further comment either in writing or in person at the meeting next month. Ms. Convers also asked if it was possible to have plans available for the public to see. Chairman Parise stated copies would be available in the Village Hall.

Barbara Singer of 17 Oak Drive said she understood that the applicant was giving the village the Roscoe house, but wanted to know about the carriage house and the barn. She asked if they would be destroyed. She and Ms. Franson believe there are old millstones there and a small cemetery. Someone else commented that the cemetery is a pet cemetery that the Roscoe family used for their dogs.

On a motion made by Member DeAngelis and seconded by Member Cocks, it was unanimously **Resolved that the public hearing on The Bridges of Lake Parc be held open until the August 20, 2007 meeting.**

PUBLIC HEARING

MONROE FREE LIBRARY – SITE PLAN (212-4-18.19)

Present: Mike Sandor, MJS Engineering; Ben Gailey, Jacobowitz & Gubits

Chairman Parise opened the public hearing to those in attendance. He stated for the record that the applicant handed the Planning Board Secretary the certified mail receipts from the mailing.

Engineer Sandor briefly described the project for the attendees. Chairman Parise asked if a rendering was available for the public to see. A small rendering was showed and entered into the public record as public exhibit A. It was signed and dated by the chairman.

Chairman Parise asked if there were any comments from the public. There were none.

On a motion made by Chairman Parise and seconded by Member Cocks, it was unanimously **Resolved that the public hearing on the Monroe Free Library be closed.**

THE BRIDGES AT LAKE PARC – AMENDED SUBDIVISION SITE PLAN (211-1-1)

Present: Donald Tirschwell, Esq.; David Ziegler, Atzl Scatassa & Ziegler

Engineer Higgins stated that no revised plans had been received by his office since April, which Engineer Ziegler confirmed. Chairman Parise said one of his concerns was the size of the houses that would be built on the lots because the lots are small. He further stated that the board should make sure the houses are not too big. Attorney Tirschwell said that the bulk requirements for each lot have been on the map. Engineer Ziegler said they meet the rear setbacks would be requesting variances for the front on some of the lots. They are requesting a side yard reduction. Chairman Parise reported that both Green Plan and CME, out traffic consulting firm, are in receipt of all materials for this project and will be receiving the comments from the public hearing. Attorney Levinson asked that the comments from the public hearing also be given to the Village Board. Attorney Tirschwell asked if there was some decision on the road pattern so that they could proceed further with the project. Attorney Levinson said we won't know until the traffic consultant reports to the board. His report should be available for the next meeting. The Chairman stated the county is still reviewing the project. Attorney Tirschwell asked if they could get copies of the reports prior to the meeting. Chairman Parise asked Secretary Marasco to forward them to the applicant as soon as they are received.

MONROE FREE LIBRARY – SITE PLAN (212-4-18.19)

Present: Mike Sandor, MJS Engineering; Ben Gailey, Jacobowitz & Gubits

Engineer Higgins stated that he received revised plans. He reviewed the items that need to be addressed. The applicant has indicated that in order for fire protection to be provided, the installation of a 10 in. water main proposed as part of the Monroe Theater will be required. The Village should be holding a bond for the approved theater project that would include the installation of the water main and the striping of parking facilities along Smithfield Court. Engineer Higgins suggested the board confirm that the village has the bond. Secretary Marasco will get a copy for the next meeting. Since the expansion of the library will increase sewage flow, approval is required from Orange County Sewer District No. 1. This agency needs to be added to Part B, Question 25 of the EAF and included in the SEQRA review. Detail for the dumpster needs to be included in the plan. The applicant's engineer needs to review the pipe inverts and the slopes shown since there seems to be an inconsistency. The site plan also needs to show water and sewer connections to existing mains. Since the applicant states that the connections to the water and sewer mains are to be coordinated with the Water Dept. and the Dept. of Public Works, both agencies should receive copies of the plans. Signage needs to be added to the plans. Landscaping needs to be provided around the parking areas and trees need to be 2.5 inch caliper or larger. Engineer Higgins also noted that when the site plan is approved, performance bond letters of credit or cash deposits sufficient to cover the full cost of the improvements and 5 percent of the

construction cost must be filed with the Village. The cost estimates need to be submitted for the board's review. Secretary Marasco reported that the Orange County Sewer District called and said they would not review the project until the applicant had filled out their application which is available on their web site. She gave a copy to Engineer Sandor and asked for a copy when he sent it in. Chairman Parise reported that the applicant had submitted a revised EAF dated July 2, 2007. Secretary Marasco also reported that the Orange County Planning Dept. sent their report. She was asked to read the report. It stated as follows, "The proposed action will not have any major impact upon state or county facilities nor does it have any inter-municipal concerns". Engineer Sandor asked if it was possible for the Planning Board to consider this project for a conditional approval at this point. The Board responded it was not possible at this time.

VENICE REAL ESTATE CORP. – SITE PLAN (202-1-3)

Present: Joe Foti, Zimmerman Engineering; Ed Montillano, Michelle Montillano

Member Niemotko recused himself from this project. Also, Attorney Levinson wanted the applicant to know that now there were only three board members since one member was absent. He stated that any action by this board pursuant to Section 41 of the General Construction Law of the State of New York requires a majority vote of the fully constituted membership of the board. This means if this board takes action on the applicant's project tonight, all remaining members must vote or else it's not approved. The applicant was given the choice of asking for a vote or asking to be placed on next month's agenda. The applicant asked for a vote this evening.

On a motion made by Member DeAngelis and seconded by Member Cocks, it was unanimously, **Resolved, that the Planning Board declares itself lead agency for the Venice Real Estate Corp. project.**

BIG M CENTER LLC – SITE PLAN (202-4-7)

Present: John Coladanato, Henry Lust, Joe Foti, Zimmerman Engineering

Member DeAngelis asked if there were any fees associated with applying for an amended site plan. The answer is yes.

Attorney Levinson asked the board to consider that the amended site plan constitutes an unlisted action and the extension of the roof line approved by the Zoning Board of Appeals and accepted on the amended site plan has no significant impact.

On a motion made by Member Cocks and seconded by Member Niemotko, it was unanimously, **Resolved, that the Planning Board approves the Big M Center LLC amended site plan with the conditions that all fees must be paid and the Village Engineer has approved the building cost estimate.**

BUILDER'S CHOICE – SITE PLAN (207-1-1)

Present: Ben Gailey, Esq., Jacobowitz & Gubits; Joe Foti, Zimmerman Engineering

Engineer Foti reported that a note no. 11 was added to the site plan which concerns the maintenance plan requested at the last meeting. Attorney Levinson stated that prior to the signing of the site plan, the applicant shall be required to provide a covenant in recordable form to be reviewed by the Village Planning Board Attorney for filing with the Orange County Clerk at the applicant's expense with a certified copy of the filed covenant to be submitted to the Planning Board for its files. Chairman Parise mentioned that the Mombasha Fire Dept. sent a letter asking that sprinklers be installed during the renovation. Attorney Gailey replied that he wrote a letter in reply stating that the building has already been renovated. Chairman Parise also reviewed the Orange County Planning Dept.'s report. All conditions were met.

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, declares itself lead agency for the application, issues a negative declaration under SEQRA and approves the Builder's Choice of New York's amended site plan dated July 16, 2007.**

MONROE WOODBURY JEWISH COMMUNITY CENTER CONGREGATION EITZ CHAIM – SITE PLAN (231-1-4)

Present: Joe Hallock, JL Consulting; Steve Pine, Eitz Chaim

Attorney Levinson reported that there was a problem with the underground utilities. They are putting in a pole instead of the underground service. Mr. Pine added that Orange and Rockland needs to be put one pole in the right of way 150 ft. from the property on the west end on the Reynolds Road-side. The pole currently there with switches on it cannot be used because you cannot have switches and a transformer on the same pole. Member Cocks wanted to know why service couldn't be run underground to the transformer pad. Mr. Pine replied that an underground transformer is not available and it takes six months to get one. He also stated that they would be willing to add to the originally proposed landscaping to further buffer the neighboring property. Member DeAngelis asked if this would be permanent. Mr. Pine replied it would. Member Cocks said the only other alternative would be to high voltage transmission underground, then up the pole. Mr. Pine replied that Orange & Rockland said the primary cannot be underground, only the secondary can. Chairman Parise asked what the target date for occupancy is. Mr. Pine answered they would like to be in for the high holidays. Member Cocks asked what took so long for this to get done. Mr. Pine replied that the application was submitted to Orange and Rockland but the engineer did not have the load units. Member Cocks said he would speak to Orange and Rockland about this problem. Attorney Levinson stated that we have never encountered this kind of problem before; the site plan requires underground service and now there is a problem with getting underground service. He said the Planning Board needs to consider what impact this change will have on the neighbor. He further said the Board doesn't want to hold the applicant back, but whatever the Board does now will exist in perpetuity. It is an unfortunate circumstance for everyone involved. Chairman Parise suggested Mr. Pine let the neighbor what is going on. He suggested that the Board give the applicant temporary approval to erect the pole, with the applicant's understanding that they are not being given vested rights to have that pole there.

On a motion made by Member Niemotko and seconded by Member Cocks was unanimously, **Resolved that the Planning Board types this application as an unlisted action, declares itself lead agency for the application and gives Monroe Woodbury Jewish Community Center Congregation Eitz Chaim the temporary right to erect a pole on their site as reflected on their amended site plan.**

This project will be on the August 20, 2007 agenda.

CHABAD OF ORANGE COUNTY – SITE PLAN (206-6-1-21)

Present: John Loch, AFR Engineering; Arthur Gellman; George Lithco, Esq., Jacobowitz & Gubits; Rabbi Burston

Engineer Higgins stated that he did not have time to review the new submissions. Chairman Parise asked the board what they wanted to do. They each want time to be able to review all the documents. They also want to wait for responses from Orange County Planning Dept. and the Village Dept. of Public Works. Engineer Loch stated that he had submitted updated plans to Orange County Planning Dept. but never got a response. He said they also never got a response from the Village Dept. of Public Works. Secretary Marasco will contact DPW for a response and she will send the latest set of plans to the Orange County Planning Dept. asking for a response date of July 25th from both. Engineer Loch will drop off extra copies for board members. Attorney Levinson suggested that no other items should be on the August 8th workshop agenda except the Chabad of Orange County. He said the Board needs to come to a resolution at the August 20th meeting. He also suggested that both engineers go over the project checklist and make sure that every item is covered. Attorney Levinson also asked that Engineer Higgins will revise the resolutions for the site plan and subdivision and SWQ and Attorney Lithco will write a covenant that will include all the items that need to be on file with the Orange County Clerk. The board members will forward all their comments to Attorney Levinson by the beginning of August.

ANDREW LOZA – SUBDIVISION (220-5-16.1)

Present: Andrew Loza; Mike Murphy, HDR

Engineer Murphy reviewed the applicant's submission for the board stating that initially Mr. Loza submitted a plan for a subdivision and a site plan for an indoor recreational facility. That required the applicant to be required to apply to the Zoning Board of Appeals (ZBA) for setback variances. The initial site plan included some hotel rooms on the third floor, which the ZBA didn't care for. Mr. Loza has changed his approach and has decided to first get approval for the subdivision. He has a contract to purchase the

property which expires September 15, 2007. He would like to own the property before he submits plans for the sports facility. Engineer Higgins reviewed the comments from his report dated July 11, 2007. He commented that there are some wetlands which need to be shown on the plans. Also traffic movement looks like it will be cumbersome. Drainage, water and sewer information must be included on the plans. With regard to the separation of the subdivision and the site plan, Engineer Higgins stated that the variance granted is based on the original submission - subdivision and site plan. The applicant may not be able to separate his submission. Attorney Levinson agreed stating that if the applicant continues to approach both separately, after the subdivision is granted, the property can only be used for an indoor recreational facility. Mr. Loza understood the situation and said he would like to continue to approach the project in two phases. Attorney Levinson asked the applicant to write a letter stating his agreement to this.

On a motion made by Member Cocks and seconded by Member Niemotko it was unanimously **Resolved that the Planning Board declares its intent to be designated lead agency for the application for a two lot subdivision by Andrew Loza.**

The Planning Board will review the EAF before the applicant's next appearance. This project will be on the August 20, 2007 meeting agenda.

MONROE REAL ESTATE PROPERTIES LLC - AMENDED SITE PLAN (206-2-1.1)

Present: Gerald MacDonald, MacDonald Engineering

On a motion made by Member DeAngelis and seconded by Member Cocks, it was unanimously **Resolved that the Planning Board types this application of the Monroe Real Estate Properties LLC as an unlisted action, declares itself lead agency for the application, and issues a negative declaration under SEQRA. Further, the Planning Board approves the amended site plan and authorizes the chairman to sign the amended plans provided all fees and bonding are in place and all Planning Board fees have been paid.**

ADJOURNMENT

On a motion made by Member Niemotko and seconded by Member Cocks, it was unanimously **Resolved that there being no further business the Meeting be adjourned.** The meeting was adjourned at 10:40 p.m.

Respectfully Submitted,

Bernadette Marasco
Secretary

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
August 20, 2007
MINUTES**

PRESENT: Chairman Parise
Members Cocks, DeAngelis, Niemotko, Woods
Attorney Reineke
Engineer Higgins
Consultants Greig, Wersted

Chairman Parise opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

CONTINUATION OF PUBLIC HEARING

THE BRIDGES AT LAKE PARC – AMENDED SUBDIVISION SITE PLAN (211-1-1)

Present: Donald Tirschwell, Esq; David Ziegler, Atzl Scatassa & Ziegler

Chairman Parise opened the public hearing to those in attendance and opened the floor for public comments.

Frank Corrigan of 2 Sunset Heights Road wanted clarification as to whether there were two through streets to Sunset Heights. Attorney Tirschwell replied that the Planning Board wanted the through street. Mr. Corrigan said that the current road is very narrow. It cannot handle two-way traffic. By putting in the through streets you will be adding to the traffic and he sees this as a problem.

Emily Convers of 22 Sunset Heights Road asked why there couldn't be a large cul de sac so that traffic doesn't affect Sunset Heights. She said it also might cut down on drivers cutting through to avoid certain roads.

Chairman Parise asked if there were any comments from the public. There were none.

On a motion made by Member Cocks and seconded by Member Niemotko, it was unanimously **Resolved that the public hearing on The Bridges of Lake Parc be closed.**

MEETING

THE BRIDGES AT LAKE PARC – AMENDED SUBDIVISION SITE PLAN (211-1-1)

Present: Donald Tirschwell, Esq; David Ziegler, Atzl Scatassa & Ziegler

Chairman Parise asked the Planning Board's traffic consultant, Ken Wersted of CME Engineering, to review his report. Consultant Wersted stated that he had reviewed all of the documents for this project and also made a field visit to the area. Based on the information he offered the following comments: (1) the project will probably generate 50 new trips during the AM peak hours and 70 new trips during the PM peak hours; (2) the proposed connection of Sunset Heights Road with Hillside Road may result in an increase in traffic through the Sunset Heights neighborhood by Center Hill Road residents, but not to a degree that will result in residents having difficulty accessing their properties; (3) the site distance at the Hill Road/Lakes Road intersection appears to be adequate looking to the left on Lakes Road, but the site distance looking north is limited by overgrown vegetation and potentially the stone wall; (4) access to Lakes Road may be difficult during the peak commuter hours, but a traffic light is probably not warranted; (5) considering the connection of Hillside Road and Sunset Heights, and the width and condition of Brook Drive and Brookside Drive, it is not critical to extend these roads to intersect Hill Street, but it is suggested that the Village consider pedestrian connections from Hill Street to these existing roads; (6) pedestrian access along "Road A" and the emergency access road would afford additional pedestrian amenities through the Village and along the adjacent pond; and (7) the field visit surfaced an area of concern at the intersection of High Street and Lakes Road. The westbound approach of High Street has significantly restricted sight distance looking to the left. The sight distance at this location is restricted by a stone wall to only a few car lengths. It is recommended that the Village consider making this approach of High Street one-way eastbound away from Lakes Road.

Member Cocks commented that there is a tremendous amount of construction above this area on Lakes Road which he feels warrants the installation of a traffic light at Center Hill Road to calm the traffic approaching Route 17M. Changing the speed limit will not be a sufficient remedy.

Chairman Parise said the next step would be for the applicant to answer all the questions that were raised at the public hearings. Attorney Tirschwell didn't see the need for that. Chairman Parise said there were some very valid concerns from the neighbors with regard to traffic and the suggestion that senior housing be considered. Attorney Tirschwell said the applicant has already agreed to pay for half the cost of a traffic light. He further stated that zoning restricts the building of senior housing on the property. Attorney Reineke stated that the Board needed a summary for SEQR. The summary should contain information about the property being donated to the Village, the applicant's ongoing commitment to the reducing the traffic problems, the applicant's plans for the upgrading of the waterlines, etc. This information can then be incorporated into the negative declaration.

Consultant Greig said she wasn't sure if average lot subdivisions are covered in the zoning. Average lot subdivisions would allow the applicant to average out the lot requirements. Attorney Tirschwell replied that if you use average lots you would have to take into consideration the land the applicant is donating to the Village. Consultant Greig said the Planning Board is only authorized to approve an average density subdivision. Some additions have been made to the zoning, but she wasn't sure if average lot subdivisions and clustering were now a part of the zoning. There has to be something in the zoning that authorizes the Board to accept that type of subdivision. Attorney Tirschwell replied that Village law provides that it is the Village Board that has to give the authority and if the Village Board doesn't give the authority, then they have to go to the Village Board. They have already been to the Village Board with the formal resolution and the Village Board was in favor of all of these proposals. He went on the say that he will make application to the Village Board to give the Planning Board to approve this subdivision. If the Village Board maintains the right, then they can do whatever they want.

It can be done on an individual basis each time there is an application for a subdivision. Consultant Greig then went on the talk about the flag lots requirements stating that an area variance might be needed. Pedestrian access through this area would be very beneficial to limiting the traffic. Attorney Tirschwell said they would object to the pedestrian access. Member Cocks then brought up the issue of lots 19 and 20 ago and the possibility of water problems because of the flood plain. Engineer Ziegler said there will be no problem because it's been graded. The homes they are proposing are very small. Attorney Tirschwell stated the only thing they cannot comment on is the configuration of the roadways. The Planning Board needs to tell them how they want the roadways designed. Chairman Parise stated that the Planning Board did what the applicant had requested bringing this to the public to get its comments and that now the Planning Board needs the summary report for SEQR and the negative declaration.

This project will be on the September 5, 2007 workshop agenda.

CHABAD OF ORANGE COUNTY – SITE PLAN (206-6-1-210)

Present: John Loch, AFR Engineering; Arthur Gellman; George Lithco, Esq., Jacobowitz & Gubits; Irving Zuckerman, Verticon; Rabbi Burston

Chairman Parise stated that the Planning Board had received reports from Lanc & Tully and GreenPlan this afternoon and that there still were some outstanding issues that needed to be addressed. Engineer Higgins reviewed the comments in his report dated August 20, 2007. Engineer Loch discussed the drainage issues that were raised. The applicant has no problem with changing the pipe structure and directing the drainage towards Gilbert Street. With regard to the monuments he looked at the specifications. There are six on Orchard Street and two on Gilbert Street. The Village asks for copper weld monuments which aren't used very much anymore because they are easy to pull out. He would prefer to use another type which he has used in other places. They sit flush to the ground and once they are in place they are almost impossible to move. The applicant would like the Highway Superintendent look at them. The Board and Engineer Higgins agreed to this. One of the items in Engineer Higgins report was that offers of dedication should be provided for the extended area of Orchard Street. Engineer Loch said that some easements had been dedicated in the past when the project was subdivided. Secretary Marasco will look for the easement information in the old files. Item 2d discusses the stormwater runoff if the system overflows. Engineers Higgins and Loch will discuss item 2d offline. Attorney Lithco questioned the curbing in the turnaround area. Engineer Loch said there is no curbing there; it is just a blacktop berm. Item 2h requires the applicant to note on the plans the location of the New York State right-of-way in the vicinity of the connection to determine whether permits are needed from the Dept. of Transportation (FOT). Engineer Loch stated that they have submitted plans to the DOT about a week ago for their assessment as to whether permits are needed. The slope is excessively steep in the area of lots 2 and 3. Engineer Higgins recommended that the area should be stabilized with erosion control matting. Engineer Loch said they don't expect to find dirt in that area. It probably will be rock, but they will stabilize it if dirt is found. Engineer Loch then reviewed the Orange County Planning Dept.'s latest comments. The applicant believes that the plantings they have proposed are appropriate. Though rain gardens are a nice concept, he doesn't feel that they would work on this property. Engineer Loch mentioned that the lighting plan has been extensively reworked to include more fixtures and lower pole heights. Member Cocks said the lighting plan looked much better.

Consultant Greig then reviewed the comments in GreenPlan's report. She said two small changes needed to be made to the EAF. In Part II on page 11, it should state that if the construction is to take more than a year, it would be a large impact. That doesn't mean that it would be a significant impact, but it should be stated correctly. In Part III the blasting plan should have a greater discussion of the plan. It should say that the blasting will occur only during construction noise and is a temporary impact. Signage should only be 36 sq. ft. in total according to the Village Code. Otherwise a variance will be needed. Internally illuminated signs need to be included in the findings. The applicant agreed to make the signs smaller and if they find later on that they need larger ones, they will apply for a variance. Consultant Greig said the plans should include the average light load and the uniformity ratio. The uniformity is important so that there are no bright light spots which makes it difficult for drivers to negotiate around the parking lot. An average one ft. candle is recommended by the Illuminating Engineering Society of North America. Consultant Greig also stated that a note needs to be added to the plan stating that the lights would be turned off at night.

Chairman Parise then asked for comments from the Planning Board members. Member DeAngelis asked why the resolution states that it is a preliminary approval instead of a final. Attorney Reineke agreed with her. She also requested that Item 14 should state that the chairman also would review the plans if they were revised. The applicant agreed to that. She also stated that the resolution drafted by Engineer Higgins needs to include the conditional use.

Attorney Reineke remarked that in the resolution of approval the applicant gives temporary authority for the building inspector to issue permits for proposed site grading activities. He asked how long it would take to get the final plans completed and approved. It isn't a good idea to leave this responsibility with the building inspector. Attorney Lithco replied that the Village Code requires the building inspector to issue grading permits. This gives the applicant the right to start doing some work before the final plans are approved. Attorney Reineke recommended that Attorney Lithco work this issue out with Attorney Levinson when he returns from vacation. This gives the applicant the right to start doing some work before the final plans are approved. Mr. Gellman stated that he didn't think it was going to take too long to make the minor changes that had just been discussed in the meeting. Chairman Parise asked the board members how they felt about granting approval. Members Cocks and DeAngelis said there are loose ends that need to be tied up. Member Woods stated that although he is concerned that all these issues still not have been resolved over the last few months, he would be comfortable with approving the project conditionally if all the conditions were written in to the resolution. Member Niemotko agreed with Member Woods.

Attorney Reineke stated that essentially it shouldn't take a lot of effort on the part of the applicant to finish off these minor details. However, he remembers that these same issues were being discussed when he was at a meeting months ago. He doesn't feel that the Board is being overly difficult in asking for information. This is a significant construction activity being undertaken. He suggested that the Board could vote approval at this meeting subject to the applicant getting everything outstanding in by the next workshop, September 5th.

On a motion made by Member Woods and seconded by Member Cocks, it was unanimously Resolved, that the Planning Board types this application as an unlisted action and issues a negative declaration under SEQRA with the condition that Engineer Higgins revise the resolution to include the conditional use.

On a motion made by Member Niemotko and seconded by Member Cocks, it was unanimously **Resolved, that the Planning Board grants final approval of the subdivision and site plan of the Chabad of Orange County conditioned upon the applicant providing the finalized plans, calculations, and other information required by the consultants for the Planning Board in their reports dated August 20, 2007. The applicant will provide that information to the consultants for confirmation of compliance and ultimately to the Planning Board at or prior to the workshop session on September 5, 2007, and if the applicant meets those requirements the Chairman is authorized to sign the site plans.**

Chairman Parise thanked everyone for working diligently on the final details of this project and expressed hope that everything can be achieved by the workshop.

This project will be on the September 5th workshop agenda.

Member Woods excused himself from the meeting. There are only three Board members and the Chairman now present for the rest of the meeting.

MONROE FREE LIBRARY-- SITE PLAN (212-4-18,19)

Present: Mike Sandor, MJS Engineering; Ben Gailey, Jacobowitz & Gubits, Michael Esme, Architect

Mike Sandor reviewed the changes made to the site plans. He handed out a copy of the building—mounted sign that is proposed. Architect Esme explained that they used the library's symbol of two swans and will incorporate them into stained glass above the doorway. To the left of the doorway they will mount the individual letters of the Monroe Free Library and mount them to the wall. He estimated that cumulatively the sign will be about 25 sq. ft. Chairman Woods signed and dated the picture and entered it into the record. Consultant Greig asked that the details of the sign should be on the site plan. Engineer Higgins reviewed the comments in his August 20, 2007 report. Engineer Higgins discussed parking in the GB district. If insufficient parking is provided on site, the Village can require the applicant to pay for additional parking on the street. However, the Village has no calculator for a library, so it is difficult to ascertain how much parking will be needed. Engineer Sandor responded that the existing library has 6 parking spaces which will be combined with the new parking behind the new building for a total of 17 parking spaces. This parking will continue to handle the current staff population. ITE's trip generation information has a correlation coefficient of about 5. The applicant has sent to the Board and the ZBA as much parking as they can. Architect Esme added that the staff will not increase in proportion to the size of the library, so additional staff parking will probably not be needed. Member Cocks commented that the Village Board had just changed Smithfield Court to a one-way street which adds 38 parking spaces. Chairman Parise said that the parking issue will have to be handled by the Village Trustees. Attorney Gailey said that there is no requirements for parking and that if there is a concern that there isn't enough parking it is beyond the applicant's and the Planning Board's control. The Village would have to provide the extra parking for the whole downtown area. Consultant Greig suggested comparing the library to something similar to arrive at a number of spaces or the recommendations of the American Parking Association can be reviewed. Attorney Gailey quoted from the negative declaration of the Board which accepts the parking as it is. Attorney Reineke said the Board could reopen the resolution if they weren't satisfied with the parking. The Board decided not to reopen the resolution because the parking problem is not solvable. Attorney Reineke then spoke about the Monroe Theater's bond documents which Secretary Marasco had forwarded to him for his review. He stated that you couldn't really tell much from the documents. Engineer Sandor responded that if the Monroe Theater doesn't put the water line in, the library would have to put it in. Attorney Reineke recommended that the applicant follow up with the village attorney to get more detailed information on the bond. Neither the library nor the theater will be able to get a certificate of occupancy if there is no water main to provide fire protection. Engineer Higgins then stated that a response had been received from the Orange County Planning Dept. which contained one recommendation that the applicant incorporate as much "green" construction as possible in the library. Consultant Greig agreed with this recommendation and encouraged the applicant to look into it. Architect Esme said they were planning to do that. In particular they will look into geothermal energy. Consultant Greig and Engineer Sandor then discussed the comments in GreenPlan's report of June 16, 2007. The issues of lighting, landscaping, parking, signage, etc have been addressed. The applicant will verify if they have provided landscaping over 10% of the area of the parking lot. Consultant Greig recommended that trees be planted along the front sidewalk for shade. She recommended hawthorns which are good to plant below overhead wiring. She feels that the area in front of the library has the potential to be a very inviting area. Even though the property belongs to the Village, permission can be obtained to create a shaded area with seating. This would encourage street life. Attorney Gailey said they would investigate the possibilities and discuss it with the Board of Trustees. Engineer Sandor asked for a resolution for approval conditioned upon the bond estimate. He stated that they had addressed all the issues of the Orange County Planning Dept. and had submitted the application for sewers to Orange County Sewer District No. 1. Attorney Gailey added that they need a resolution from the Monroe Town Board to schedule the referendum. According to the County Board of Elections, if that referendum is to be held before the November general election, it must be held October 6th. Because there has to be a 30 day quarantine on the voting machines before the next election. Therefore, the applicant would need an approval at this meeting so that they can go to the Monroe Town Board's next meeting.

On a motion made by Member Niemotko and seconded by Member Cocks, it was unanimously **Resolved, that the Planning Board grants final approval to the Monroe Free Library conditioned upon adding the details of the signage to the site plan, resolving the issue of the bond with the Village Board, verifying that there is 10% of landscaping in the parking area, and determining whether landscaping and seating can be placed in the right-of-way in the front of the library.**

MONROE RENTALS -- SITE PLAN (223-1-4)

Present: Bruce Mapes, Jerry Zimmerman, Zimmerman Engineering

Engineer Zimmerman contacted the New York State Dept. of Transportation (DOT) and will be upgrading the curb and driveway. Access will be in conformity with the DOT. He will send DOT a copy of the revised plans. Member DeAngelis asked if stone planters could be used instead of planting barrels. Mr. Mapes replied that it was his understanding that the state doesn't want them to be used. If it is permissible, he will use stone planters.

On a motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously Resolved, that the Planning Board grants final approval to Monroe Rentals conditioned on stone planters be used instead of wooden barrel planters, that the applicant receives final approval from the New York State Dept. of Transportation and that all necessary fees be paid.

MOMBASHA FIRE DEPT. - SITE PLAN (214-1-59)

Present: Mike Sandor, MJS Engineering

Engineer Sandor reviewed the project for the Planning Board. Mr. DePaulis is granting 18 ft. with an additional 24 ft. as a permanent easement to access the parking spaces. He is also granting 71 ft. in the back for parking also. There will be a total of approximately 67 parking spaces. Two plans were submitted: a lot line change and a site plan. Engineer Higgins reminded the applicant that the lot line change is a subdivision and will have to be filed with the County. He also asked that the permanent easement be shown on the plan and clarified as to whose the easement is in favor of. With regard to the site plan Engineer Higgins commented that topography should be provided in the area of the proposed improvements. Pipe inverts and pipe materials should be provided and details for the catch basins and pipe trench should be provided. Landscaping and lighting, if any, needs to shown on the plan. The applicant should also discuss the nature of the building addition. Engineer Sandor replied that the fire dept. wants to extend the area in the back so that they can park another vehicle inside.

On a motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously Resolved, that the Planning Board types this application of the Mombasha Fire Department as an unlisted action, issues a negative declaration under SEQR for a lot line change based on the map submitted dated March 15, 2006.

On a motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously Resolved, that the Planning Board grants final approval to the Mombasha Fire Department for a lot line change based on the map submitted dated March 15, 2006 conditioned on items one through four listed in the Lanc and Tully report dated August 20, 2007 be addressed and that all outstanding fees be paid before the chairman signs the plan.

The applicant will come back at a later date for the approval of the site plan.

856 ROUTE 17 M - SITE PLAN (201-3-17)

Present: Jerry Zimmerman, Zimmerman Engineering; Alan Moslim

Engineer Higgins reviewed the comments in his report dated August 20, 2007. Several items are still needed. A tree planting detail should be included on the site plan. "Do Not Enter" signs should be added at the entrance and exit. There are several drainage pipes on the site plan that cross through the property. The applicant needs to identify who owns and maintains the pipes and show the easements that may exist. Engineer Zimmerman replied that they don't know who owns the pipes and to their knowledge there is no easement. It was suggested that the applicant speak to the Zuckermans, the former owners, who may know. Secretary Marasco will look for the original file to see if the owners are indicated on the site plan. The Mombasha Fire Dept.'s report recommends installing suppression sprinklers to enhance safety. The applicant replied that he will be installing sprinklers. The report from the Orange County Dept. of Planning recommended the addition of sidewalks and additional landscaping along the Heritage Trail. Member Cocks remarked that there is no place to add them and there would be a loss of parking spaces. There will be sidewalks on the other side of Route 17M, so they really aren't necessary. Engineer Zimmerman also stated that the area along the Heritage Trail is already quite wooded. Member DeAngelis added that the applicant should clean out the area to make it neater. No response has been received from the New York State Dept. of Transportation yet. Secretary Marasco will call the DOT to find out when a report may be available.

VENICE REAL ESTATE CORP. - SITE PLAN (202-1-3)

Present: Jerry Zimmerman, Zimmerman Engineering; Ed Montillano, Michelle Montillano

Member Niemotko recused himself for this project.

Engineer Higgins reviewed the comments in his report dated August 20, 2007. Most of the items requested in the past have been completed. He requested that details for the seepage pits and the connection to the proposed catch basin be provided. He also requested erosion control measures that will be employed during construction and their associated details. No response has been received from New York State Dept. of Transportation yet. Secretary Marasco will call to determine when their report will be completed. An application and copy of the plans have been submitted to Orange Country Sewer District No. 1, but there has been no response from them yet. Member Cocks asked about lighting. Engineer Zimmerman replied that lighting will be on the building. Member Cocks suggested that staggered lights be placed along the driveway. This project will be on the September 5, 2007 workshop agenda.

ADJOURNMENT

On a motion made by Member Niemotko and seconded by Member Cocks, it was unanimously, Resolved, that there being no further business, the Meeting be adjourned. The meeting was adjourned at 11:30 pm.

Respectfully submitted,

Bernadette Marasco

Bernadette Marasco
Secretary

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP SESSION
September 5, 2007
MINUTES**

PRESENT: Chairman Parise
Members Cocks, Niemotko
Attorney Levinson
Engineer Higgins

Chairman Parise opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

CHABAD OF ORANGE COUNTY – SITE PLAN (206-6-1-210)

Present: John Loch, AFR Engineering; Irving Zuckerman, Verticon, Rabbi Burston

Engineer Loch reported that substantial changes have been made to the plans and copies were delivered to Engineer Higgins and Consultant Greig. Attorney Levinson asked Engineer Higgins if he was satisfied with the changes. He said the plans address all the issues. Engineer Loch will be delivering updates covering a couple of minor issues to Engineer Higgins shortly. The applicant has drafted a letter for what they think is appropriate for a restoration bond for the site. They have also submitted a construction cost estimate to Engineer Higgins, which he revised slightly. Chairman Parise informed the applicant that they would be responsible for proving the existing of the easements to which they agreed. Attorney Levinson said that he wants Chairman Parise, Engineer Higgins and himself to review the easements.

The project will be on the September 17, 2007 agenda for final approval.

THE BRIDGES AT LAKE PARC – AMENDED SUBDIVISION (211-1-1)

Present: Donald Tirschwell, Esq; David Zigler, Atzl Scatassa & Ziegler

Mr. Zigler distributed copies of a document entitled "The Bridges at Lake Parc, Part 2 – Project Impacts" which contains Parts 2 and 3 of SEQR. It addresses the issues of water and traffic and also contains answers to all of the questions raised at the public hearing. Responses to the CME traffic report and GreenPlan's report are also included. As mitigation to the traffic issue, Mr. Zigler said he suggests that instead of opening the road to Lakes Rd., they could make a curve ending a cul-de-sac. Attorney Tirschwell stated that he believes that the Planning Board has jurisdiction with regard to the clustering of the project. However, he isn't sure about the criteria. He asked if all the criteria in the Code have to be met. The open space is being provided by the donation of the land to the Village. Attorney Levinson recommended that Attorney Tirschwell write to the Village Board to confirm that they are taking over the ownership of the land satisfying the conservation requirements of Section 200-47 of the Village Code. Attorney Tirschwell said he would like to get a negative declaration at the next meeting so that they can go ahead with further engineering of the project.

This project will be on the September 17, 2007 agenda.

HIDDEN CREEK – SITE PLAN (214-1-7, 8, 9 & 11.1, URM)

Present: James Sweeney, Esq.; James Petroccinne, Pietrzak and Pfau

Attorney Sweeney began to explain why the site plan is being amended. Attorney Levinson told him that the site plan had expired and no application had been submitted to renew it. The site plan was signed on March 1, 2007 and therefore expired on August 31, 2007. Because of the expiration Attorney Levinson said there was no sense in the applicant explaining the changes to the plan. Attorney Levinson quoted the section of the Village Code (200-86, H12) that covers the expiration of a site plan, "Site plan approval shall

become null and void if a building permit to effectuate such use or development is not obtained within a six months after approval. An extension may be granted by the Planning Board for a period not to exceed six months." Attorney Sweeney said the applicant would submit an application for renewal.

This project will be on the September 17, 2007 agenda if an application is submitted.

URM ZONING

Present: James Sweeney, Esq.

Attorney Sweeney explained that this request comes out of the Smith Farm/Gilbert Street project. The project was jointly reviewed by the Town and Village Planning Boards. The boulevard entrance on Gilbert Street would be going through the Duarte property and the arrangement made the applicant with the Duarte's was to switch property. They would give the applicant the land for the boulevard and the applicant would give the Duartes an equal amount of land to enhance their property and allow them to build an extension on their house. When they looked at the building permit for the extension, they became aware that the property is in the URM Zone and the building law as it is now structured prevents the expansion of a nonconforming use. Single-family dwelling are not permitted in the URM Zone. Attorney Sweeney suggested to the Village Board that they reinstate single-family dwellings into the URM Zone not just for the Duartes, but for the other fifteen single-family homes in the zone. Attorney Sweeney said that when the URM Zone was created single-family dwellings were not continued from the previous zone. This means that those fifteen homes are now nonconforming and they cannot be expanded or replaced should the house be destroyed. He asked the Planning Board to recommend this change to the Village Board. The Planning Board is in favor of this change to the Village Code.

This topic will be on the September 17, 2007 agenda.

MONROE AUTO CLINIC (PRIDE CUSTOM AND PERFORMANCE) – SITE PLAN

Present: Mitchell Ames

Chairman Parise asked for a clarification of the name of the application since there were various names on the application. Mr. Ames answered that it was Pride Custom and Performance, not Monroe Auto Clinic. The building on the site plan labeled Monroe Auto Clinic is not the building Mr. Ames is renting. It is another building on the property. Mr. Ames said he does not know about any of the other businesses on the property. He said his shop would only customize twelve cars a year. The shop will have an approved, closed paint booth which will use water-based paint. It will be filtered twice coming in and twice going out. There will be no car repair, oil changes, etc. Chairman Parise asked what the hours of operation will be. Mr. Ames replied Monday through Friday from 8:00 am to 6:00 pm and maybe Saturday afternoons. Member Cocks said the building he will be renting was previously part of Monroe Tube and probably had extrusion equipment in it. Engineer Higgins said that since it is an auto body shop and not a repair shop, it is a conditional use. Attorney Levinson told the applicant he had to comply with all this issues raised in Engineer Higgins' report dated September 5, 2007 and that he would need to have a new map done by either an engineer or licensed surveyor. All of the buildings on the map need to be identified. Attorney Levinson suggested that since the original plan he submitted was done by AFR Engineering, he could contact them to redraw the map. Secretary Marasco was asked to ask Building Inspector Wilkins to review the property and let the Board know what other businesses are there.

OTHER BUSINESS

PRELIMINARY DISCUSSION ON SENIOR HOUSING FOR NORTH MAIN STREET

Present: Mr. Weinberger; Charles King

Chairman Parise told the Board that although this topic is not on the agenda, Trustee Purcell had asked if Mr. Weinberger could brief the Planning Board about a possible project for North Main Street. Mr. Weinberger is interested in purchasing Charles Lang's property to construct senior housing for those 55 of

age and over. Mr. Weinberger is involved in senior housing projects in other municipalities. He is proposing a two-story building with one-floor 900-1,000 sq. ft. condominiums which would cost approximately \$300,000. They would have one bedroom with a den. He showed a rendering which has an old-fashioned village/Main Street look to it. The building would face North Main Street. The building would have windows in the front and back to afford a view of the Mill Pond. Parking would be in the back with perhaps carports. There would be a lobby with an elevator. Member Cocks recommended that he purchase the house on the corner too. The Planning Board is interested in this type of project and told the applicant he should attend a Village Board meeting and present the concept to them.

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 9:00 pm.

Respectfully submitted,

Bernadette Marasco

Bernadette Marasco
Secretary

203

VILLAGE OF MONROE PLANNING BOARD
MEETING
SEPTEMBER 17, 2007
MINUTES

PRESENT: Chairman Parise
Members Cocks, DeAngelis, Niemotko
Engineer Higgins
Attorney Levinson
Consultant Johnson

Chairman Parise opened the meeting at 8:00 PM with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

Chairman Parise announced that Mary Ann Johnson will be the Planning Board's new consultant from GreenPlan for all future projects.

CHABAD OF ORANGE COUNTY – SITE PLAN (206-6-1-32)

Present: John Loch, AFR Engineering; Irving Zuckerman, Verticon, Rabbi Burston

Engineer Loch stated that he submitted revised plans to Engineer Higgins. A minor issue regarding seepage columns was resolved with Engineer Higgins and the changes have been made to the plans. Engineer Loch stated that he hasn't heard from the Highway Dept. as to whether the surface markers are acceptable to them. He said they also called the New York State Dept. of Transportation again, but hasn't received any information yet. Lanc & Tully sent a revised estimate of building costs to the applicant and Engineer Loch said they have no objection to the estimate. Parkland fees will have to be paid for the residential lots. Consultant Johnson asked if everything was going to be done before winter sets in. Engineer Loch responded that they will be working through the winter and that it would only be reasonable to decide if any restoration fees would be required of the applicant next winter. Attorney Levinson stated that he has reviewed and agreed to the restoration bond resolution. The bond is set at \$37,500.

On a motion made by Member DeAngelis and seconded by Member Cocks, it was unanimously **Resolved, that the Planning Board approves a restoration bond of \$37,500 for the Chabad of Orange County.**

Attorney Levinson stated that the language of the other resolutions needs to be finalized by Attorney Lithco, and himself. A covenant will also be required for the notes on the subdivision map.

THE BRIDGES AT LAKE PARC – AMENDED SITE PLAN (211-1-1)

Present: Donald Tirschwell, Esq; David Zigler, Atzl Scatassa & Ziegler

Consultant Johnson stated that she spoke to Attorney Levinson today and found that it is not clear what agreement was reached with the Village Board. Because of this she requested that this be discussed further with the Planning Board. She also stated that there are too many outstanding issues to act on SEQR tonight. Attorney Tirschwell was dissatisfied with this decision and suggested that the Village go forward with their plans to condemn the property. He said that the only lots that require modification are before the Planning Board, not the others. Chairman Parise responded that the Planning Board wasn't present at that meeting between the applicant and the Village Board so therefore has no knowledge of what was discussed at that time. Because of the confusion, it was mutually decided that a joint meeting be set up for the Planning Board, Village Board and the applicant. Secretary Marasco will contact the Village Clerk to see if Thursday, October 11, 2007 at 7:00 pm is agreeable to the Village Board members.

This project will be on the October 17, 2007 agenda.

ZUCKERMAN VERTICON – SITE PLAN (102-3-11.1)

Present: Jim Clearwater, MJS Engineering, Irving Zuckerman, Verticon

Member Niemotko recused himself for this project.

Chairman Parise explained that the only thing that was outstanding was an approval from the Orange County Parks Commission. Mr. Zuckerman stated that he met with a member of the Park Commission on site. A letter from the Parks Commission was then sent to the Planning Board. Mr. Zuckerman commented that there is a six-foot green, chain link fence along the property. On Verticon's side of the fence the grass is mowed and kept neatly. The tall grass is on county property. Continued maintenance of the property is mentioned as a requirement in the Parks Commission letter. Mr. Zuckerman said they are happy to keep up the property. Attorney Levinson said a covenant would have to be written covering all the notes on the site plan.

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 3Z LLC.**

This project will be on the October 17, 2007 meeting. Before the meeting the applicant will submit a revised plan which reflects the changes discussed tonight and the correct name of the company. A revised application with the correct name will also be submitted along with the required covenant.

HIDDEN CREEK – SITE PLAN (214-1-7, 8, 9, & 11.1)

Present: James Sweeney, Esq; James Petroccinne, Pietrzak and Pfau

Chairman Parise explained that the applicant is appearing to request an extension of the site plan since it has expired. Attorney Sweeney said that they have received the permits for a sewer line extension, stormwater drainage work and are putting the finishing touches on the curb cuts. The only outstanding permit needed is from the Orange

County Parks Commission who would not give approval for the Heritage Trail connection. They did agree verbally this week and there will activity on the site shortly. There are some minor plan changes that are needed. Attorney Levinson said that the board would first have to decide on whether they want to grant the extension before the changes to the plan are discussed. Chairman Parise asked the board members if they wanted to grant a six-month extension for this project. Attorney Levinson stated that he thought the board should grant the extension. However, this will be the first time an extension will have been granted to an applicant whose approval has expired with no request for extension filed. With regard to the parkland fees which had to be returned to the applicant, the board members will look at the plans again to see if there is adequate space set aside for recreational activities.

On a motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously **Resolved**, that the **Planning Board grants a six-month extension of the site plan for Hidden Creek, which will expire on February 29, 2008.**

The revised site plans will be given to Lane & Tully and GreenPlan for their review and this project will be on the October 17, 2007 agenda.

URM ZONING

Present: James Sweeney, Esq.

On a motion made by Member Niemotko and seconded by Member DeAngelis, it was unanimously **Resolved**, that the **Planning Board recommends to the Village Board that the proposed change to the URM Zoning be accepted to allow single-family dwellings in that zone.**

Secretary Marasco will write a letter to the Village Board to advise them of this decision.

SMITH FARM (GILBERT STREET) – SITE PLAN (203-1-1.1 & 1.2)

Present: James Sweeney, Esq.

Attorney Sweeney explained that he is seeking an extension of the preliminary subdivision approval of the Smith Farm (Gilbert Street) project. The Town of Monroe Planning Board has already granted a nine-month extension. Attorney Sweeney asked for the same nine-month extension from the Village Planning Board. Attorney Levinson said that the Village Planning Board is limited to granting a six-month extension.

On a motion made by Member Cocks and seconded by Member Niemotko, it was unanimously **Resolved**, that the **Planning Board grants a six-month extension to the preliminary subdivision approval for Smith Farm (Gilbert Street), which will expire February 21, 2008.**

OTHER BUSINESS

Because the Planning Board members are attending the Land Use course on Monday evenings, it was decided to move the Monday, October 15th meeting date to Wednesday, October 17th.

On a motion made by Member Niemotko and seconded by Member DeAngelis, it was unanimously **Resolved**, that the **Planning Board cancels the Monday, October 15, 2007 meeting and moves it to Wednesday, October 17, 2007.**

APPROVAL OF MINUTES

On a motion made by Member DeAngelis and seconded by Member Woods, it was unanimously, **Resolved that the minutes of the June 13, 2007 workshop be approved.**

On a motion made by Member DeAngelis and seconded by Member Woods, it was unanimously, **Resolved that the minutes of the June 18, 2007 meeting be approved.**

On a motion made by Member DeAngelis and seconded by Member Woods, it was unanimously, **Resolved that the minutes of the July 11, 2007 workshop be approved.**

On a motion made by Member DeAngelis and seconded by Member Woods, it was unanimously, **Resolved that the minutes of the July 16, 2007 meeting be approved.**

On a motion made by Member DeAngelis and seconded by Member Woods, it was unanimously, **Resolved that the minutes of the June 13, 2007 workshop be approved.**

On a motion made by Member DeAngelis and seconded by Member Woods, it was unanimously, **Resolved that the minutes of the August 8, 2007 workshop be approved.**

On a motion made by Member DeAngelis and seconded by Member Woods, it was unanimously, **Resolved that the minutes of the August 20, 2007 meeting be approved.**

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 9:35 pm.

Respectfully submitted,

Bernadette Marasco

Bernadette Marasco
Secretary, Planning Board

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP SESSION
JANUARY 9, 2008
MINUTES**

PRESENT: Members Cocks, DeAngelis, Syrianos
Engineer O'Rourke
Consultant Johnson

ABSENT: Chairman Parise, Member Niemotko

Member Cocks opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

CAPTAIN'S TABLE - SITE PLAN (220-5-23.2, 24.2)

Present: Jack Watson, Architect, Ray Hafenecker, Captain's Table

Engineer O'Rourke discussed the issues in his report dated January 7, 2008. According to the Bulk Tables it appears the building coverage exceeds that allowed by the code. This needs to be confirmed and if so, it will be necessary to apply to the ZBA. Mr. Watson said he will have a surveyor look at the plans. Signage may also need a variance. Mr. Watson replied that the property line is actually in the middle of Route 17M so technically they are 50 ft. from the front of the sign. Engineer O'Rourke said there needs to be clarification on this. The NY State Dept. of Transportation and Orange County Planning Dept. will need to review this project. Mr. Watson will provide copies to Secretary Marasco to send to each of the agencies. Member DeAngelis asked about the outdoor tent. Mr. Hafenecker said it would be expanded 18 ft. and will be inside with a garage door. The covered area will extend toward the stage. Member Cocks asked about the parking calculations. Engineer O'Rourke said for a quality restaurant it would require 102 spaces. They have 86 spaces. If the tent area is removed it will reduce the number of parking spaces needed. He said that the Board can waive the requirement. He also asked for architectural renderings. Member Cocks also asked that the dumpster be enclosed in textured block. The HVAC will probably be located on the roof. Member Cocks then asked about parking lot lighting. There presently is one pole in the front and one on the pole near Palermo. There already is a pole towards the back that lights up the tent area. If responses are in from the DOT and Orange County Planning, this project will be on the February 13, 2008 workshop.

HUMMEL'S LAUNDROMAT - SITE PLAN (201-3-15 & 18.12)

Present: John Loch, AFR Engineering

Member DeAngelis asked what the correct name of this project is. Engineer Loch said everything he has done is under the name Okwa Sohn. However Secretary Marasco thinks the application is under Hummel's Laundromat. Secretary Marasco will check the application. Engineer Loch stated that his client needs to work out certain issues with her neighbors with regard to the retaining walls. Mrs. Sohn has written to Tri-Star Management and has not received any response. Engineer Loch said he fully understands that the Planning Board might deny the project because of these issues and that he will speak to Mrs. Sohn again. Engineer Loch then addressed the issues listed in Engineer O'Rourke's report dated January 34, 2008. He said he has no problems with the consolidation of the two lots. He will check with Mrs. Sohn about the deeds. There are flooding problems in the area, but Engineer Loch feels that the construction they are proposing is small and shouldn't negatively impact the water issues in the area. They have looked at the piping under Route 17M and are working with the NY State Dept. of Transportation. The dry well will be designed in accordance with NYSDEC regulations. With regard to the turning radii required for trucks, Engineer Loch will provide the information of the site plan, but does not think a garbage truck will have a problem navigating on the property. Engineer Loch does not agree that underground utilities should be required. Engineer O'Rourke said it would only be required if there was new service being installed. The service will have to be relocated since it will be going over the new addition if it is kept where it currently is. If the board requires underground service because of the relocation, he agrees it will have to be done. Engineer Loch said he will look into report item nine, which refers to the retaining walls. He agreed that curbing should be installed along the striped area designated in the northeast corner of the parking area to prevent parking in that area. With regard to the paper road, the applicant has the deed to the middle of the paper road. If the Village wants to take the road or condemn it, he doesn't believe they have the right to do that. He will provide the deeds so that Attorney Levinson can review this issue. The signage will be investigated a bit more. Snow could be removed by bucket and moved to another area. Engineer O'Rourke asked that this information be added to the site plan. The applicant will provide a guide rail system along the north parking area. The lighting can be adjusted to prevent spillage onto the neighboring properties. Landscaping will be difficult since there is so little room. Engineer Loch suggested a fence along the south side. Member DeAngelis would like a tree line. Engineer Loch replied that the NY State Dept. of Transportation may not want a tree line because it could impede the site distance. He stated that he would meet with the Orange County Parks Dept. to discuss planting along the Heritage Trail. Engineer Loch will provide copies of the plans to Secretary Marasco so that she can send them to the Orange County Planning Dept. and the Orange County Parks Dept. Engineer O'Rourke said the board can probably waive the requirement for trees around the perimeter of the parking. Engineer Loch then commented that someone had said the project might require variances because of setbacks. The existing building is in the front setback. Engineer O'Rourke said by adding to the building, they could be making it more non-conforming and suggested that Attorney Levinson needs to review it.

THE BRIDGES AT LAKE PARC – AMENDED SUBDIVISION (211-1-1)

Present: David Tirschwell, Esq., David Zigler, Atzl, Scatassa & Zigler

Engineer Zigler reported that there now is a bridge design and culvert design. There are details on the maps for water, sewer, grading of lots. A drainage report has been done. Additional pages were given to Engineer O'Rourke and Consultant Johnson for their review. Secretary Marasco will send copies of the plans to the Town of Monroe Planning Board for comments. Other copies will go to Orange County Planning Dept., the Village Highway Dept., and the Orange County DPW. Member Cocks stated that he knew that the County DPW had done a traffic study recently and wanted to know if we could get a copy of the study. Engineer O'Rourke said he would call them to get a copy. Engineer Zigler would like to meet with the County DPW after they make their comments. Attorney Tirschwell asked if they would be on the agenda to set the public hearing. Engineer O'Rourke suggested that it could be scheduled for the February meeting. Consultant Johnson asked about the archeological issues that were brought up at the public hearing. Engineer Zigler said he had contacted the state and never got a response. The only building that might be in question is the barn. The cemetery that was mentioned was for the family pets. Engineer Zigler will send a copy of the letter. Secretary Marasco also stated that she had a phone message from one of the neighbors saying they were getting a petition together about the planned roads.

This project will be on the February 13, 2008 workshop agenda.

CHABAD OF ORANGE COUNTY – AMENDED SITE PLAN (206-6-1-21)

Present: George Lithco, Jacobowitz & Gubits; John Lock, AFR Engineering

Attorney Lithco explained that he was appearing before the board because they were requesting an extension of their approval which were granted in August 2007. The approval will expire on February 20, 2008 and they are asking for an extension to May 20, 2008. They have submitted an amended site plan. The applicant is taking the site up a little bit, extending the driveway into the property further and modifying the building a bit. Attorney Lithco did comment that the originally approved plans were never sent to the Board for signature. The applicant submitted a new application which will be given out at the next meeting. Attorney Lithco explained what some of the changes in the amended site plan. They have significantly reduced the amount of fill that will have to be removed from the site, thus reducing the number of truck trips required. Member DeAngelis asked why this hadn't been looked at when the applicant originally appeared before the board. Attorney Lithco wasn't sure why. The building is not changing significantly. One of the basements will be brought up to grade. Engineer O'Rourke stated that the changes in the building work better with the revised grading plan. It's a better layout to work with the topography. Attorney Lithco said they will be revising the lighting plan by changing the light poles. They will be putting the lights on the wall. There will be sidewalk coming up from Gilbert Street, which the consultant Greig had asked for originally. Engineer O'Rourke said it will have to be checked for ADA compliance since they are putting in stairs. Consultant Johnson asked about the visual impact from the road now, since the building will be higher. It was raised somewhere between eight and ten feet. Member Cocks would like to see the elevations in comparison to the shopping center and the neighbors. Consultant Johnson also mentioned that if there is a daycare center there may need to be a fenced in area.

ADJOURNMENT

On a motion made by Member DeAngelis and seconded by Member Syrianos, it was unanimously, Resolved, that there being no further business, the Meeting be adjourned. The meeting was adjourned at 9:10 pm.

Respectfully submitted,

Bernadette Marasco
Secretary

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
JANUARY 14, 2008
MINUTES**

PRESENT: Chairman Parise
Members Cocks, DeAngelis, Niemotko, Syrianos
Attorney Levinson

Chairman Parise opened the meeting at 8:00 pm with the Pledge of Allegiance. An announcement was made regarding the location of fire exits.

CHABAD OF ORANGE COUNTY – AMENDED SITE PLAN (206-6-1-21)

On a motion made by Member DeAngelis and seconded by Member Cocks, it was unanimously; **Resolved** that the site plan approval for the Chabad of Orange County is extended to May 20, 2008 on the condition that all outstanding fees are paid to the Village of Monroe on or before February 20, 2008.

THE BRIDGES AT LAKE PARC – AMENDED SUBDIVISION (211-1-1)

On a motion made by Member Cocks and seconded by Member Niemotko, it was unanimously, **Resolved** that a public hearing for The Bridges of Lake Parc subdivision will be held on February 25, 2008 at 8:00 pm.

ADJOURNMENT

On a motion made by Member DeAngelis and seconded by member Cocks, it was unanimously, **Resolved**, that there being no further business, the Meeting be adjourned. The meeting was adjourned at 8:10 pm.

Respectfully submitted,

Bernadette Marasco
Secretary

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
FEBRUARY 25, 2008
MINUTES**

PRESENT: Chairman Parise
Members Cocks, Niemothko, Syrianos
Engineer Higgins
Attorney Levinson
Consultant Johnson

ABSENT: Member DeAngelis

Chairman Parise opened the meeting at 8:00 PM with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

PUBLIC HEARING

THE BRIDGES AT LAKE PARC – AMENDED SITE PLAN (211-1-1)

Present: David Zigler, Atzl, Scatassa & Zigler, Donald Tirschwell, Esq.

Attorney Tirschwell submitted the mail receipts for the public hearing notices. He then explained the project.

Chairman Parise opened the floor for questions and comments from the public.

Peter Galorant of 98 High Street suggested that in order for people to be able to walk there needs to be a connection to High Street and Lakes Road. There needs to be curbing. Otherwise people will be walking on his property.

There were no additional comments or questions from the public. Chairman Parise asked that the public hearing be left open until the March meeting so that residents could write in comments or questions.

On a motion made by Chairman Parise and seconded by Member Cocks it was unanimously, **Resolved that the public hearing for The Bridges at Lake Parc subdivision be held open until the next meeting on March 17, 2008.**

MEETING

THE BRIDGES AT LAKE PARC – AMENDED SITE PLAN (211-1-1)

Present: David Zigler, Atzl, Scatassa & Zigler, Donald Tirschwell, Esq.

Chairman Parise reported that the Planning Board has received reports from GreenPlan, Orange County Public Works, the Village of Monroe Water Department, Lanc & Tully and Member Cocks. Member Cocks said that the county had done a traffic count on Lakes Road not too long ago. Secretary Marasco stated that she had contacted the Board's traffic consultant to get the results of that study, but had not heard from him yet. Consultant Johnson said she was still a bit confused as to what the Planning Board was actually assessing. Is it the 46 lots or the 12 lots? Attorney Levinson said it seems the agencies are looking at the 46 lots. He further stated that the Board needs to consider the impact of the entire subdivision. Chairman Parise said for SEQR, drainage, wetlands and other environmental conservation issues, the Board must look at all the lots. Attorney Tirschwell said the SEQR public hearing was on the 46 lots. The subdivision public hearing was for the 12 lots. The impact mentioned above should consider all 46 lots. Attorney Tirschwell went on to say that the comments from the Orange County Planning Dept. are "off the wall". He again asked for senior housing which the applicant has no intentions of entertaining. The report states that the applicant's approval is subject to adherence to items 5-7. Attorney Tirschwell also said the Orange County Dept. of Public Works is requesting things that they have no jurisdiction over. Attorney Levinson said the Board will deal with all of those comments later.

LANDS OF ANDREW LOZA - SUBDIVISION (220-5-16.1)

Chairman Parise explained to the Board members that a motion was needed to set a public hearing next month for the applicant.

On a motion made by Member Cocks and seconded by Member Syrianos it was unanimously, **Resolved that a public hearing for the Lands of Andrew Loza subdivision be set for the March 17, 2008 meeting.**

SMITH FARM GILBERT STREET – SITE PLAN (203-1-1.1 & 1.2)

Present: James Sweeney, Esq.

Attorney Sweeney explained that the applicant is still dealing with multiple agencies on this project and is therefore asking for a second six month extension. Attorney Levinson explained that the Planning Board can only grant one more extension.

On a motion made by Member Cocks and seconded by Member Syrianos, it was unanimously **Resolved**, that the Planning Board grants a second six-month extension to the preliminary subdivision approval for Smith Farm (Gilbert Street), which will expire August 21, 2008.

AMERICAN CONTINENTAL PROPERTIES LLC – CONDITIONAL USE 225-2-5.1)

Present: James Sweeney, Esq.; George Essopos, American Continental Properties

Attorney Sweeney explained to the Board members that the conditional use for American Continental Properties expires this month. The Planning Board had received a letter from American Continental Properties prior to the meeting asking what needed to be done on the site so that they would be prepared for the meeting. Chairman Parise had asked for a few items to be investigated including the widening of the second driveway that goes behind the shopping center so that trucks could better negotiate the turn. Attorney Sweeney said that for the renewal of the conditional use the Planning Board cannot require that upgrade to be made. However, when the applicant concludes its negotiations with Stop n Shop and they know what changes will be made, they will be willing to change the curb cut. He also mentioned that they worked with the Village Building Inspector with regard to cleanup of the site.

On a motion made by Member Cocks and seconded by Member Syrianos, it was unanimously **Resolved**, that the Planning Board grants a two-year conditional use to American Continental Properties which will expire February 25, 2010.

LOUISE SMITH

Chairman Parise explained that Mrs. Smith owns property on Rye Hill Road adjacent to the Alex Smith subdivision being built by Lennar. She has two lot she would like to sell, but had been told when Alex Smith was approved that she could not sell the lots until the roads were dedicated to the village since there is no outlet onto a village street. At the time of the approval, it was estimated it would take three years before the streets were dedicated. Mrs. Smith said it has been three years and it looks like it will be a few more years before the subdivision is finished. She would like to sell her lots now. Attorney Levinson said she has two choices. She can get an agreement with Lennar to get a license which needs to include provisions for plowing and maintenance. Or, she can ask for a lot line change. Two applications will be required, i.e., the lot line change and a two lot subdivision.

CAPTAIN'S TABLE – SITE PLAN (220-5-23.2, 24.2)

Present: Jack Watson, Architect; Ray Hafenecker, Captain's Table

Engineer Higgins explained that the DEC has amended the wetland maps for the area behind the Captain's Table. A. check zone has been established to which the applicant will have to comply. He also stated that the dumpster will require an enclosure which will also have to meet the buffer requirements for the wetlands. Architect Watson said a third party is working with the DEC to determine what needs to be done. Mr. Hafenecker does not agree with the New York State Department of Transportation's request for only one driveway cut for the business. He said it would especially be a big problem for delivery trucks. The Planning Board suggested he wait until the final report from the agency is received.

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 9:05 pm.

Respectfully submitted,

Bernadette Marasco
Planning Board Secretary

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP SESSION
APRIL 11, 2007
MINUTES**

PRESENT: Chairman Parise
Members Cocks, DeAngelis, Woods
Attorney Levinson
ABSENT: Member Niemotko

Chairman Parise opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

ORCHARD DEVELOPMENT/CHABAD – SITE PLAN (206-6-1-21)

Present: John Loch, AFR Engineering; Arthur Gellman; Rabbi Burstn; Steven Maffei, TRC Engineering

Engineer Loch reported that the site plan was revised to include more work on drainage including the addition of storm drainage facilities for Orchard Street. Engineer Loch said he will speak to Engineer Higgins in detail about the technical issues when Engineer Higgins has had time to review the update. There are still some minor things that have to be finished with regard to the dumpster and its placement. Engineer Higgins asked for input from the Board with regard to traffic signs. They have revised the parking spaces and provided for handicap parking. The applicant knows they still have to address the issue of cut and fill and what impact it will have on traffic. They will also be reviewing the driveway grading and will look into surface treatment for emergency vehicles. Engineer Loch said he would provide information about snow removal/storage to the Village's Highway Superintendent. Member Cocks would like to have confirmation that the Highway Dept. approves of the proposed T turn in view of snow removal. Chairman Parise suggested that the Planning Board members walk the site to get a better idea of the contour of the property. He asked that they stake out the driveway, building, playground area and the rabbi's house. A date and time for the walk will be decided at the next meeting. Attorney Lithco asked if Attorney Levinson would draft a resolution for the project. Chairman Parise suggested that conversation should be held at the next meeting.

Attorney Levinson asked what the customary truck traffic for a project this size. The applicant has stated 3600 truck trips will be needed for the cut involved. Is 3600 excessive? Engineer Higgins replied that there is no standard as to how many trips is normal, but that the Board and the traffic consultant need to decide what the impact will be on the traffic on Gilbert Street. Mr. Gellman said he would bring one of their consultants to the Monday night meeting to discuss materials handling. Mr. Maffei, the applicant's traffic consultant, reported that they did a field site survey to determine the sight distance on Gilbert Street and they found no problem. Member Woods said that they were looking at the property as it currently is with no landscaping. He suggested that a footnote be put on the site plan stating that low plantings would need to be used so as not to obstruct vision. Mr. Maffei then reported on the parking space number generation. According to the Village Code they would need to provide .44 parking spaces per attendee. At the projected peak attendance of 200, they would need to provide 88 parking spaces. They split the attendance into two groups – during the week and the weekend. According to the Code they are to look at comparable land use for a similar church or synagogue in the Village. Attorney Levinson suggested that the High Holy Days would generate less traffic since attendees would normally walk. Mr. Gellman responded that if people come by car they won't turn them away. He said that if there were insufficient parking spaces they could park on the grass. The Holy Days occur in the fall when the ground should be firm enough to accommodate parking. Attorney Levinson stated that if the grass was damaged by parking it would have to be repaired immediately. Engineer Loch said that they could use "grasscrete" which will grow grass like grass but it is very stable and wouldn't offset drainage. Member DeAngelis went back to the congregation and asked where they would be walking from. The response was from all over the Village. Attorney Levinson asked where they were attracting their congregants from. Mr. Gellman responded from all over the county. Mr. Maffei added that their parking calculation makes no assumption that there will be walkers. It is based on drivers. Chairman Parise asked how they will expand if the congregation grows. Mr. Gellman feels that the building and the parking spaces are large enough to accommodate some growth, but that there is some room to expand the parking lot.

BRIDGES AT LAKE PARC (211-1-1) – PRELIMINARY DISCUSSION

Present: Engineer Atzl, Atzl Scatassa & Ziegler, Donald Tirschwell, Esq.

Attorney Tirschwell explained what changes they made to the site plan. He said that Brooklyn Road will be eliminated so that the village can get a better size lot and also to create a shortcut. This will create two flag lots – 16 and 61, which will have separate driveways. Member Cocks asked about lots 19 and 20. Attorney Tirschwell replied that lots 18 and 19 will face the new road and lot 20 will face towards Lakes Road. Member Cocks asked if the old barn in that area was going to be removed and Attorney Tirschwell replied that it would. There will be no sidewalks on Lakes Road. There will be sidewalks along the emergency exit road and along the south side of Hill Street. Member Cocks asked if they could landscape around the front section of the property around the lake, etc. to delineate it from the subdivision. Attorney Tirschwell said that they would and that the village will maintain it. Member Cocks also asked if the two houses facing Lakes Road could have stone fronts to blend in with the ambience of the area. They agreed to that. Member Cocks said again that the county would have to be contacted about a traffic light which will definitely be needed. This project will be on the May 9th workshop agenda.

856 ROUTE 17M – SITE PLAN (201-3-17)

Present: Jerry Zimmerman, Zimmerman Engineering and Surveying

Engineer Zimmerman stated that at the last meeting they had presented to the Board that the applicant was proposing using the building for retail stores and offices. After looking at the requirement for a written needs assessment and sufficient parking spaces for those types of uses, they have decided to revise the site to a use that they feel would be more in line with what they can develop on this site. They are now proposing a bank without drive-in facilities. The parking requirements are less stringent for the bank. The revised plan reflects changes that were asked for by the Planning Board and Engineer Higgins which includes details for the entrance, drainage, landscaping, and lighting. Engineer Higgins stated that this

project will have to be sent to the New York Department of Transportation. Attorney Levinson asked that the applicant add to the site plan that the offices in the building will be used for banking purposes only and will not be rented out to any other businesses. Member Cocks asked if the retaining wall only went along the one side. Engineer Zimmerman said yes and that it is the original wall. Chairman Parise asked about the Heritage Trail. He has noticed that there is dirt along that area from runoff. Engineer Zimmerman said it would be repaved and landscaped. Member Cocks asked for more lighting. Engineer Zimmerman said that they thought there is sufficient street lighting in the area but that they will take a look at it. Chairman Parise asked if they would be putting a sign up. Engineer Zimmerman replied that there is an existing sign on the driveway which will be removed and that they will be putting a sign on the building. Chairman Parise reminded him that the Planning Board will need to see where that sign will be. Member DeAngelis asked if the façade of the building was going to be changed. Engineer Zimmerman responded that it would be stucco and glass. Chairman Parise asked for a rendering and that they want to see the elevations. Member Woods stated that the elevations need to be on the final copy of the site plan. The applicant will need to redo the EAF since they changed the use to a bank.

This project will be on the May 21st meeting agenda.

MONROE RENTALS – SITE PLAN (223-1-4)

Present: Bruce Mapes

Mr. Mapes explained that he wanted to erect a pole barn so that he can get rid of the tents. Mr. Mapes said he wanted to clean the place up. Engineer Higgins asked if the ground was flat. Mr. Mapes responded it was. Engineer Higgins will review the submission and the applicant will attend the meeting on April 16th.

HUMMEL'S LAUNDROMAT – SITE PLAN (201-3-15 & 18.12)

Present: John Loch, AFR Engineering, Agnes Sohn, Hummel's Laundromat

In response to Engineer Higgins' report dated April 11, 2007, Engineer Loch said that he would contact DOT. He will also provide parking calculations and drainage calculations including calculations for the 18" and 24" pipes. Engineer Higgins commented that there is no difference in parking calculations for a dry cleaners or a laundromat. Engineer Higgins asked for a floor plan of the interior. Mrs. Sohn explained that very little space is for patrons. There is a walk up counter. The rest of the space is being used for the laundry and dry cleaning equipment. Due to the fact that there is so little patron space, which will probably allow them to reduce the number of parking spaces. Engineer Higgins remarked that the parking in the back goes right up to the property line. The parking in the front is perpendicular right now and that they might want to angle them to get the hangover off the property line. Engineer Loch suggested installing a handrail, which he has used at other sights successfully. Engineer Higgins stated that Gilbert Street is the paper street. Engineer Loch said Mrs. Sohn has a deed to the property. Attorney Levinson asked for a copy of the deed. Member Cocks asked that a lighting plan be included on the site plan. Engineer Loch responded that they have indicated the location of proposed lighting poles which are basically on the corners of the property. Member Cocks suggested reducing the pole height to 14 ft. Engineer Higgins asked if additional sewer capacity will be needed. Engineer Loch said he didn't think there was any problem with the sewers. Member Cocks asked if the utilities were going to be underground. Engineer Loch said they may already have adequate overhead service. Member Cocks said the addition was quite substantial and it may require more utilities. Engineer Higgins stated that the applicant was proposing a lot line change; they are consolidating two lots. Attorney Levinson said that the lot line change has to be submitted with the site plan for approval and that it has to be filed with the County Clerk's office. Member DeAngelis asked for some changes to the landscaping proposed on the site plan.

BUILDER'S CHOICE – SITE PLAN (207-1-1)

Present: Ben Gailey, Esq., Jacobowitz & Gubits; Mr. Berish, President, Builder's Choice; Joel Steinberg, Asst. to President, Builder's Choice

Attorney Gailey explained that they would like the condition that states that the property only be used by the owner. The applicant would like to rent space to other companies in the construction business, so they are seeking an amendment to the site plan. The use of the property would be the same, but there would be multiple users. Attorney Levinson responded that this project has been misrepresented to the Planning Board from the very beginning. Both Engineer Zimmerman and Attorney Sweeney had agreed to the condition that it would be only the owner using the property. The Board decided that based on the need for parking for multiple companies and the impact that would have on the neighborhood. It wasn't designed as an office park. Then later on Attorney Lithco stated that neither Engineer Zimmerman nor Attorney Sweeney was authorized to agree to that. Attorney Levinson recommended that the Board not amend the site plan for multiple users. Attorney Gailey said if his request is denied, he will take the matter to court because it is unconstitutional to regulate the user of the property. Attorney Levinson replied the Board was not regulating the user, but was regulating the extent of the use of the property and that is within the province to make that determination. Attorney Gailey said that if the Board feels that by renting some of the property it creates impacts that were not initially considered, they want to address those impacts. Attorney Levinson said the parking requirements would differ dramatically. Attorney Gailey disagreed. A lengthy discussion about parking was held. Many other issues were discussed also, including hours of operation, the number of offices proposed, warehouse and storage space, the house on the property, bathrooms, the conference room/cafe/teria, water requirements, landscaping, the possible fire hazard associated with the dumpster location, etc. Member Cocks suggested the applicant take down two of the buildings which would give them ample space and make the site more viable. They are considering taking one of the buildings down but feel the house is still in good condition. Because the applicant is requesting to be able to do so many different things than originally presented, the Board decided they need to start over and submit a new application.

CHIROPRACTOR'S OFFICE – CHANGE OF USE (213-1-3)

Present: Dr. Columbia Miller, Joe Morello

The applicant is planning to rent space in a building Mr. Morello owns on Spring Street across from Smith Clove Park. Office hours will be on Monday, Wednesday and Fridays and patients will make appointments to see the doctor. There will be three patient rooms. There is an apartment upstairs in the building which will remain. The apartment has one parking

space. There are six spaces and two in front of the garage for the chiropractic business. Chairman Parise said handicap parking will have to be provided. Attorney Levinson asked what zoning district the property was in since it was difficult to read the application. The applicant responded it the property is in the GB zone. The business is a permitted use in that zone. However, the lot may not be large enough to accommodate the business. Mr. Morello pointed out that the building has been rented by a series of businesses over the years and there never was a problem. Attorney Levinson replied that previous businesses had probably not appeared before the Planning Board and therefore the problem with the lot size was not known. The applicant was referred to the Zoning Board of Appeals (ZBA) for an area variance. Secretary Marasco will send a referral letter to the ZBA.

CUMBERLAND FARMS -- SITE PLAN (215-1-13)

Present: Richard Olson, Esq., McCabe & Mack LLP; Rob Spivak, Bohler Engineering PC; John Canning, Adler Associates

Attorney Olson reviewed the revised site plan with the Board. They have eliminated the carwash and drive thru pick up window. There will be one island of gas pumps with a canopy. The current Gulf Station will be torn down and replaced with a 3200 sq. ft. Cumberland convenience store. There will be an ATM in the rear. Chairman Parise suggested that they either install wheel stoppers or a wider sidewalk near the ATM. Mr. Canning asked if there was a standard height for curbing and was told it was 5 inches. The applicant will need a variance for the lot size. The Planning Board referred the applicant to the Zoning Board of Appeals (ZBA) and will send a letter of referral to the ZBA.

ADJOURNMENT

On a motion made by Member Parise and seconded by Member DeAngelis, it was unanimously, **Resolved, that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 10:45 pm.

Respectfully submitted,

Bernadette Marasco

Bernadette Marasco
Secretary

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
MARCH 17, 2008
MINUTES**

PRESENT: Chairman Woods
Members DeAngelis,
Attorney Levinson
Engineer Higgins
Consultant Johnson

ABSENT: Members Cocks, Syrianos

Chairman Parise opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

Attorney Levinson announced that there were only three board members present at the meeting. Therefore, any action would require a majority of a fully constituted board.

PUBLIC HEARINGS

THE BRIDGES AT LAKE PARC - SUBDIVISION (211-1-1)

Present: Present: Donald Tirschwell, Esq; David Zigler, Atzl Scatassa & Zigler

Engineer briefly reviewed the project for those in attendance. He also mentioned that he met with Lanc & Tully to discuss the engineering issues that were outlined in the last Lanc & Tully report.

Chairman Parise opened the floor to questions or comments. There were no questions or comments.

On a motion made by Member DeAngelis and seconded by Member Niemotko, it was unanimously **Resolved, that there being no public comment this evening, the Public Hearing for The Bridges at Lake Parc be closed.,**

LANDS OF ANDREW LOZA - SUBDIVISION (220-5-16.1)

Present: Michael Murphy, HDR/LMS

Engineer Murphy handed in the postal receipts to the Planning Board secretary.

After Engineer Murphy gave a brief overview of the project, Chairman Parise opened the floor to questions and comments. There were no questions or comments from the audience.

On a motion made by Member DeAngelis and seconded by Member Niemotko, it was unanimously **Resolved, that there being no public comment this evening, the Public Hearing for the Lands of Andrew Loza be closed.**

MEETING

THE BRIDGES AT LAKE PARC - SUBDIVISION (211-1-1)

Present: Present: Donald Tirschwell, Esq; David Zigler, Atzl Scatassa & Zigler

Engineer Zigler brought up two questions of concern. The first was that there was a request for the extension of a sidewalk to Lakes Road. Chairman Parise said they would look into this matter. The second question arose from the letter from the Village Highway Superintendent dated February 6, 2008 in which he requested that the water line be extended to Oakland Avenue. The applicant had agreed to extend it to High Street, but having to continue it to Oakland Avenue is difficult and expensive. Engineer Higgins stated that there was an additional request for the widening of the T turn on Sunset. The Superintendent didn't care if they emergency access was paved or not. He just wanted a turnaround for snow plowing. Attorney Tirschwell said that the land needed for widening the road might not be in the right of way and might be owned by the homeowners. He said the Village could condemn the property and that the homeowners would probably agree to it. The last issue was the request for a traffic impact study by the county highway department. Engineer Zigler didn't know when the county knew that they had agreed to install a traffic light. Engineer Zigler then remarked that there were two outstanding comments that needed to be discussed concerning the Orange County Planning Department's report asked for diversity in housing and the redesign into a traditional neighborhood and including low cost housing. Chairman Parise commented that the report stated that the approval would depend on these stipulations. Consultant Johnson remarked that she didn't think they understand the project (actual number of lots in the subdivision). Attorney Levinson asked if the applicant is willing to comply with all of the other requests in the Village Highway Superintendent's report other than the ones mentioned above. Attorney Tirschwell said they agree to them. Chairman Parise added that the Planning Board needs to contact the Village Board and ask for High Street to be made a one way street from west to east because of safety issues. Secretary Marasco will write a letter to the Village Board with that request. Chairman Parise also stated that there are still technical issues that need to be discussed with regard to the bridge. Engineer Zigler said that they will be responding to the 81 comments from the public hearings. Attorney Levinson stated that another sixty day extension is needed for the negative declaration. Attorney Tirschwell agreed to the extension.

LANDS OF ANDREW LOZA - SUBDIVISION (220-5-16.1)

Present: Michael Murphy, HDR/LMS

Engineer Murphy stated that on January 31 HDR/LMS had submitted a letter outlining six items that needed to be finished. Their attorney is preparing the legal descriptions of the easements of the properties. Also he is working on the conditions that need to be filed in the County Clerk's office. Orange County Planning Department also requested sidewalks and lighting along the access ways to which they agreed. They also requested the removal of the cross structure. The applicant is reluctant to do that until they get the subdivision approval. Chairman Parise also mentioned that there is the issue of the wetlands. Engineer Murphy said that they believe they are well beyond the 500 ft. check zone, but they have scheduled an appointment with the DEC to discuss this with them.

GREENERY PLUS FLORIST - SITE PLAN (215-1-12)

Present: David Umberto, Greenery Plus Florist

Chairman Parise explained that the applicant has to go to the Zoning Board of Appeals for setback variances.

On a motion made by Member DeAngelis and seconded by Member Niemotko, it was unanimously Resolved, that the Planning Board denies the Greenery Plus Florist application because it doesn't meet zoning regulations. The applicant is referred to the Zoning Board of Appeals for variance(s).

Secretary Marasco will write a letter to the ZBA referring this applicant.

JERRY DEMARMELS (208-1-9.1,9.2)

Mr. DeMarmels explained that he had been sent to the Planning Board by the Building Inspector. His lot o Prospect Street has been subdivided since 1911 into two lots. His home is on one lot and now he would like to build on the second lot. He receives two tax bills for the two lots and he checked with the county and they have two lots on record. However, the Building Inspector's database shows only one lot. Mr. DeMarmels brought all the paperwork related to te subdivision including the original survey map. Engineer Higgins and Attorney Levinson checked the Zoning Code to determine the status of the subdivision. Attorney Levinson explained that it is a nonconforming lot. Therefore, Mr. DeMarmels would have to hire an engineer and have a site plan drawn up showing all the setbacks, etc. He then would have to go to the Zoning Board of Appeals for possibly several variances. There is no guarantee that he will get the variances. However, if he does he can only build a house that in the style of the neighborhood and that it would be small. Mr. DeMarmels will have to decide if financially this makes sense for him. The Board also suggested that if he decides not to build on the second lot, he may want to go to the tax department and have it changed to one lot so that he will only get one tax bill, which would be lower.

ADJOURNMENT

On a motion made by Member DeAngelis and seconded by Member Niemotko, it was unanimously, Resolved, that there being no further business, the Meeting be adjourned. The meeting was adjourned at 8:45 pm.

Respectfully submitted,

Bernadette Marasco
Secretary

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP SESSION
JUNE 11, 2008
MINUTES**

PRESENT: Chairman Parise
Members Cocks, DeAngelis
Engineer O'Rourke
Attorney Levinson
Consultant Johnson

ABSENT: Member Niemotko

Chairman Parise opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

CHABAD OF ORANGE COUNTY – SITE PLAN (206-6-1-21)

Present: John Loch, AFR Engineering, George Lithco, Esq., Jacobowitz & Gubits, Rabbi Burston

Engineer O'Rourke reviewed the issues outlined in the Lanc & Tully reported dated June 11, 2008. He asked if it was necessary to reopen SEQRA. Attorney Levinson responded it wasn't necessary to do that, since it was still valid. Engineer O'Rourke explained that the amended plan is better since there is less disruption of the site. The footprint of the building remains the same. He asked that the architect put the building elevations on the site plan. Chairman Parise asked if the truck schedule to remove the debris needed to be revised. Engineer O'Rourke responded that it didn't need to be changed; in fact, there will be fewer trips required since they will be removing less. Chairman Parise also asked if the building design is the same and the answer was yes. Engineer Loch discussed the lighting stating that the sconces mounted on the wall would have frosted glass. He also stated that the utilities will now be in the basement of the building and that the unexcavated area will remain that way. Consultant Johnson discussed the proposed fence placement and it will be noted on the site plan that the fence will need to be maintained in perpetuity.

BRIDGES AT LAKE PARC – AMENDED SITE PLAN (211-1-1)

Present: David Ziegler, Atzl, Scatassa & Ziegler, Donald Tirschwell, Esq.

Engineer O'Rourke reviewed the outstanding issues regarding the revised site plan. He stated that the water flow needs to be tested and Engineer Zigler requested to be present when the testing is done. Chairman Parise brought up the traffic dangers concerning High Street. The request the Planning Board made to make High Street one-way going east was not agreed to by the Mombasha Fire Dept. because of the difficulty in moving apparatus on that road. The chairman asked Secretary Marasco to send the latest site plan to the Board's traffic consultant and ask him to look at High Street and come up with some suggestions as to what might be done. She will also send it to the fire dept. for constructive input from them. Secretary Marasco also reported that she had the traffic counts that were done by the county and would bring them to the next meeting. Consultant Johnson commented that there were plans to remove a lot of trees during excavation and suggested a landscaping plan be prepared. Engineer O'Rourke agreed that some trees need to be preserved and planting will also be required. With regard to the drainage on the site, water will drain from one lot to the next and so on. It was decided that no lot would be sold until the drainage system is completely in place. Member Cocks stated it was his opinion that sidewalks need to be installed during phase one. After discussion it was decided that no certificate of occupancy would be issued until the sidewalks were done. Attorney Tirschwell commented that the applicant would approve another extension to the Planning Board.

VENICE REAL ESTATE CORP. – SITE PLAN (202-1-3)

Present: Joe Foti, Zimmerman Engineering; Ed and Michelle Montillano

This project has not been before the Planning Board for quite a while. In the interim a variance was granted to the applicant by the Zoning Board. Engineer O'Rourke reviewed the issues that are still outstanding. According to the applicant's parking calculation, they have four more spaces than required. Three of those spaces are parallel parking spaces on the driveway. After a discussion, it was suggested that these three spaces be reserved for employee parking. Engineer O'Rourke also stated that a tree preservation plan needs to be submitted. Chairman Parise asked how many employees would work in the office building. The applicant responded that they haven't leased the space yet, but are projecting only two tenants for the building. Engineer O'Rourke asked if a public hearing would be required for this project. Members DeAngelis, Cocks and Syrianos stated they felt a public hearing is necessary. A public hearing will be scheduled for the July meeting.

BARBARA IANNUCCI – CONDITIONAL USE (208-1-2.2)

Present: Barbara and Ralph Iannucci

Mrs. Iannucci reviewed the revised site plan presented to the board. The square footage of the accessory apartment has been corrected and Engineer O'Rourke asked that the application be revised to show this change. The door has been relocated to the side of the house as required. At the next meeting a public hearing will be scheduled for the July meeting.

MILLPOND CINEMA LLC - AMENDED SITE PLAN (212-7-1)

Present: Larry Toro, JL Consulting; Norman Aidee, Millpond Cinema

The construction of the movie theater has taken a considerable amount of time and there were some issues that still needed to be resolved. Engineer Toro reviewed the issues concerning the movie theater. The street lights were not shown on the second site plan. In hindsight, the marquee lights up the area quite well. A security light on the one corner that shines up towards Stage Road has been installed. The applicant feels for security purposes there is sufficient lighting now. The dumpster is going to be placed on an angle near the transformer in enclosed block. Since it is the village's property, permission will be needed to place it there. Engineer Toro will contact the Village about this. Member Cocks suggested it be placed straight, not on an angle. The HVAC unit is encroaching on the back neighbor's property. The property owner has been approached and he said he was looking to put a fence along the back of his property. The contractor is trying to work out an equitable agreement with him. The handicapped parking area is striped differently from the site plan, but it works better this way. Engineer Toro suggested it remain the way it is. The last item concerns the front step. The original contractor put the floor elevation too high. A step had to be put in and it will require an easement from the village. Member Cocks asked why the parking on Smithfield Court was not angle. Engineer O'Rourke responded that the village did it with the assistance of the police department because it was originally supposed to be a two-way street. It can be changed later on if they want it changed. Member DeAngelis asked why the antique clock was changed to the Charlie Chaplin clock. Engineer Toro responded that the Architectural Review Board approved it. Engineer O'Rourke asked that the applicant put the light on the site plan and get it approved by the police department. Also, on the original site plan there was landscaping in the front which is no longer there. A short EAF was submitted, but Attorney Levinson stated it wasn't necessary to reopen SEQRA. He further stated that once the easements are granted by the village, the Planning Board will be able to proceed to give final approval so that the owner can get a full certificate of occupancy.

ALDO'S PIZZA RISTORANTE

Present: Mark Baumgardner, Aldo's; Richard Saragin, Esq.

Mr. Baumgardner stated that this an existing store that was at one time a Chinese restaurant. Mr. Baumgardner proposes to put in a family pizza restaurant. Engineer O'Rourke stated that the application is incomplete and needs to be finished. He then discussed the required parking. He is unsure of the requirements since a site plan for the overall site was not submitted and stated that the applicant needs to provide parking calculations for the pizza restaurant. The applicant and Secretary Marasco will look for site plans for the overall site, Liberty Plaza. Attorney Saragin said that he had calculated the parking and it seems to be very different from Engineer O'Rourke's preliminary numbers. After discussing this for a while, Attorney Saragin agreed to prepare a new parking calculation for a family restaurant for the store.

ADJOURNMENT

On a motion made by Member Cocks and seconded by Member Syriano, it was unanimously, Resolved, that there being no further business, the Meeting be adjourned. The meeting was adjourned at 9:45 pm.

Respectfully submitted,

Bernadette Marasco
Secretary

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
JUNE 16, 2008
MINUTES**

PRESENT: Chairman Parise.
Members Cocks, DeAngelis, Niemotko, Syrianos
ABSENT: Attorney Levinson
Engineer O'Rourke

Chairman Parise opened the meeting at 8:00 pm with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

VENICE REAL ESTATE CORP. – SITE PLAN (202-1-3)

Member Niemotko recused himself from this project.

On a motion made by Member DeAngelis and seconded by Member Syrianos, it was unanimously Resolved that a public hearing be set for Venice Real Estate Corp. on Wednesday, July 14, 2008 at 8:00 pm.

BARBARA IANNUCCI – CONDITIONAL USE (208-1-2.2)

On a motion made by Member Cocks and seconded by Member Niemotko, it was unanimously Resolved that a public hearing be set for Barbara Iannucci on Wednesday, July 14, 2008 at 8:00 pm.

BRIDGES AT LAKE PARC – AMENDED SITE PLAN (211-1-1)

A letter dated June 16, 2008 from Attorney Tirschwell was read into the record which states the applicant grants an "extension of time for the Planning Board to render a decision on W.C. Lincoln Corp.'s application for a SEQRA negative declaration and for preliminary subdivision approval" to September 30, 2008.

APPROVAL OF MINUTES

On a motion made by Member DeAngelis and seconded by Member Syrianos, it was Resolved that the minutes of the April 14, 2008 meeting be approved.

On a motion made by Member Syrianos and seconded by Member DeAngelis, it was Resolved that the minutes of the May 14, 2008 workshop be approved.

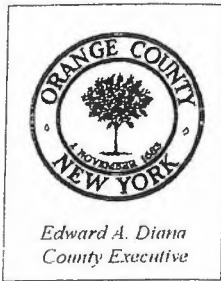
On a motion made by Member DeAngelis, and seconded by Member Syrianos, it was Resolved that the minutes of the May 19, 2008 meeting be approved.

ADJOURNMENT

On a motion made by Member DeAngelis and seconded by Member Syrianos, it was unanimously Resolved, that there being no further business, the Meeting be adjourned. The meeting was adjourned at 8:10 pm.

Respectfully submitted,

Bernadette Marasco
Secretary



ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

www.orangecountygov.com/planning
planning@orangecountygov.com

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845) 615-3840
FAX: (845) 291-2533

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, &n

Local Referring Board: Village of Monroe Planning Board **Referral ID #:** MOV02-08N
Applicant: W.C. Lincoln Corp **Tax Map #:** 211-1-1
Project Name: The Bridges at Lake Parc **Local File #:** none given
Proposed Action: Major Subdivision Approval for 40 single-family dwellings
Reason for County Review: Within 500 feet of CR 5
Date of Full Statement: June 2, 2008

Comments:

The Department has received the above referenced major subdivision and has determined that the proposed action has the potential to cause inter-municipal or county-wide impacts. We therefore recommend that the local referring board address the **binding comments** outlined below. The local referring board may not act contrary to such recommendations except by a vote of a majority plus one of all the members thereof or by disapproving the action.

1. We state that this development is in very close proximity to the Village of Monroe central business district. We further state that residential development, especially single-family dwellings, will increase automobile traffic in the area. It is therefore essential that pedestrian circulation be a key component to the project.
 - We recommend that Brooklyn Road be expanded and improved all the way through to Hill Street to allow better pedestrian access from roads leading to NYS 17M.
 - Sidewalks should be built on at least one side of the road, in front of all proposed homes.
 - We make an additional, non-binding recommendation below. (See **advisory comments**.)
2. We recommend that proposed driveway access points along CR 5 be moved to roads within the development, so as to limit the number of access points on a County road.
3. According to our copy of the Village Zoning Code, SR-10 zoning allows two-family dwellings by right as well as accessory apartments as a conditional use. We expect that the applicant will build fair market housing but strongly recommend that the density of the project be changed to accommodate people looking for smaller homes, in walkable proximity to commercial uses and services.

Additionally, this Department offers the following **advisory comments** for your consideration.

- We strongly recommend that the applicant address the need for circulation in and out of the project boundaries. Although the applicant does not have jurisdiction over walkways outside of the project area, the Village should consider negotiation with the applicant towards shared support for the construction and maintenance of a neighborhood sidewalk network. We recommend that the Village focus primarily on Mill Street, Bridge Street and CR 5 to this end. **This Department**

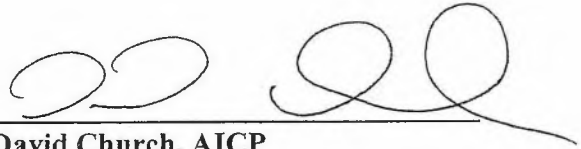
is prepared to offer assistance to the Village in developing a pedestrian circulation study for the streets immediately adjacent to the project area.

- We state that having an emergency access road on CR 5, in very close proximity to two busy intersections, may prove unsafe. We recommend that the current proposed access road be left as a walking path but not be used for emergency access.
- We recommend that a landscaping plan of the *entire* site be required that would include,
 - preservation of existing vegetation wherever possible
 - landscaping for aesthetic purposes, including the use of street trees
 - landscaping as a means of water quality and storm water management , including the use of rain gardens and vegetated swales

County Recommendation: Approval subject to modification as per Comment #'s 1-3

Date: 07/1/08

Prepared by: Atticus Lanigan, Planner



David Church, AICP
Commissioner of Planning



REPORT OF FINAL LOCAL ACTION

To: Orange County Department of Planning
124 Main Street
Goshen, NY 10924

From:

Date:

Subject: GML 239 Referral ID# MOV-02-08N

Name of project: Bridges at Lake Parc MJR Subdivision

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken. In regard to the proposed action described above, the following final action was taken:

_____ Our local board **approved** this action on _____.

_____ Our local board **approved** this action **with modifications** on _____.
Briefly, the modifications consisted of:

_____ Our local board **disapproved** this action on _____.
Briefly, the reasons for disapproving this action were:

_____ The proposal was **withdrawn**.

Additional space for comments on actions:

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP SESSION
JULY 9, 2008
MINUTES**

PRESENT: Chairman Parise
Members Cocks, Syrianos, DeAngelis, Niemoitko
Engineer Potter, Consultant Johnson

Absent: David Levinson, Esq.

Chairman Parise opened the meeting at 8:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

THE BRIDGES AT LAKE PARC – AMENDED SUBDIVISION (211-1-1)

Present: Donald Tirschwell, Esq.; David Zigler, Atzl, Scatassa & Zigler,

Chairman Parise stated that all previous concerns have been adequately addressed and any outstanding issues can be approved between preliminary and final approval of the plan. Member Cocks questioned the sidewalks abutting the curb. Attorney Tirschwell stated the Applicant did not have a problem with that except in the matter of mailbox placement. If the mailboxes are at each home then the sidewalk cannot be by the curb as it will block the mailboxes. As an alternate the Applicant went to the Post Office for their input on whether they would prefer individual mailboxes or gang boxes, however they are in the process of getting a new Postmaster and will not have an answer until Monday 7/14/08. If the mailboxes are individual then the Applicant suggested they be between the curb and the sidewalk set back with paving stones. Chairman Parise and Member Cocks indicated they wanted a space of 24" between the curb and the sidewalk with a green buffer. Engineer Zigler stated that the Village Highway Superintendent wanted pavers. Consultant Johnson also raised the issue of a buffer and preferred it be a green buffer but stated the Highway Superintendent asked for the road, curb and sidewalk all to abut each other. Chairman Parise asked Secretary Proulx to write a letter to the Village Highway Department to understand why they wanted a paved area, before the Planning Board proceeded any further. The Members of the Planning Board all agreed they would like to see a landscaped buffer. Member Cocks asked if the applicant would be completing the road by Sunset Heights in Phase 1 and if so, would they be putting in the sidewalks at the same time as the roads. Attorney Tirschwell said yes they were completing the road and curbs and also agreed the Applicant will put the sidewalks in at the same time as the roads. Member Cocks asked for clarification of stone walls, such as what are existing and what are new. Engineer Zigler stated the new walls are off Lakes Road. Member Cocks said the Applicant needed to show street lighting and questioned if there was lighting at the entrance as he was concerned about cars coming out onto Lakes Road. Engineer Zigler stated there will be lighting at the entrance as well as every third house on the roads. Chairman Parise indicated that until all drainage issues are completed no lots will be sold. Engineer Zigler met with Engineer O'Rourke and agreed to install an additional off site water line and has followed all of Engineer O'Rourke's suggestions for drainage including changing the Retention pond. Member DeAngelis asked that the applicant pay attention to and answer items in the letter from the Orange County Department of Planning and would like Attorney Levinson to review these items. Engineer Zigler stated that sidewalks will be in front of all homes. Attorney Tirschwell stated that Brooklyn Road is from the old plans and is now a build-able lot. Consultant Johnson stated

although zoning allows for some two family homes she didn't think the subdivision should be all two family, it should be mixed. Member Cocks asked if a review of the traffic count was done. Chairman Parise stated a traffic count had been done but not a traffic study. He also indicated that the County has to determine if the intersection warrants a traffic light and if so, the applicant will pay half of the cost for a traffic light. Attorney Tirschwell agreed the Applicant would pay for a traffic study report and suggested retaining Creighton Manning to do the study. Chairman Parise reiterated the need to make High Street going east a one way street and would bring it up at the next Village Trustee meeting. Consultant Johnson reviewed a revised Part 1, 2 and 3 EAF submitted by the applicant and felt most of the items had already been addressed and any further issues can be resolved by Tracker Archeological Services. She also felt that the landscaping plan submitted is compliant with the Village Code. Member DeAngelis questioned what the gray area on the landscaping map was. Engineer Zigler stated it was an existing wooded area in the middle of the site and was being left that way. The gray shaded area is to be removed from the plan. Attorney Tirschwell requested preliminary approval. Chairman Parise stated drainage needed to be resolved and a traffic study still needed to be completed before moving forward.

THE CHABAD OF ORANGE COUNTY – SITE PLAN – (206-6-1-21)

Present: John Loch, AFR Engineering; George Lithco, Esq.

Engineer Potter of Lanc & Tully listed several items that need to be addressed as listed in their letter of 7/2/08. The square footage of the building has now changed from 17,581 sq. ft. to 25,884 sq. ft. Because of the increase, parking calculations need to be redone. John Loch indicated that the size of the building did not change but the usable sections of the building changed causing the increase of square footage, but that except for High Holy Days this would not involve an increase of vehicles. The number of people using the facility has not changed. Attorney Lithco said he would discuss this with Engineer O'Rourke. Member Syrianos asked if there was a day care center planned for the site. Engineer Loch said there is no day care center proposed at this time, just classrooms for school. John Loch stated he would look at the roof leader mentioned in item #4 of Lanc & Tully's letter which due to revised plans needs to be raised to minimize backup and freezing. Engineer Loch also stated he would look into the manholes rim and invert elevations shown on the revised plan since it was pointed out it does not match the profile provided on Sheet 4. Lanc & Tully addressed concerns with the lack of outside building lighting. Engineer Loch stated the sconce lights on the building will address all security lighting concerns and if there were any further concerns he would be happy to address them. Engineer Loch also met with Jay Wilkins, Building Inspector who did not see any Fire code issues however he did have concerns regarding Orchard Street and wanted to talk to the Superintendent of Highways before issuing a report. Engineer Loch and Attorney Lithco met with Engineer O'Rourke and Brian Smith, Superintendent of Highways and agreed to include a few things noted on the plans per Supt. Smith's request. Supt. Smith wanted concrete curbing at the end of Orchard Street instead of blacktop as originally planned. He also wanted noted that the water services as they extend out to Orchard Street were still the responsibility of the lot owners. Chairman Parise requested feedback from the Building Inspector on item #7 of Lanc & Tully's letter. Engineer Loch stated he would check again on a previous request made by the Planning Board that a note be added to the plans to indicate that the proposed 6 foot high cedar stockade fence along the southern property lines shall be maintained by the owner of the subject property.

Attorney Lithco asked the Village Board to authorize an exemption from the standard performance bond and the request was approved by the Village Board on 9/17/07. Attorney Lithco sent a letter to Village Attorney Ben Ostrer to confirm the resolution. Engineer Loch indicated that the Bond estimate includes Engineers fees which are typically not bonded and asked Attorney Ostrer to clarify that as well. Engineer Loch indicated that all changes listed by Attorney Levinson on the site plan are acceptable to the applicant and the changes will be made.

BIG M CENTER LLC – AMENDED SITE PLAN (202-4-7)

Present Jay Myrow, Esq.; Joe Foti, Zimmerman Engineering

Chairman Parise indicated the Applicants last appearance was in May 2008 regarding parking space and seating issues that varied from the site plan. Attorney Myrow submitted a plan to amend the original site plan of June 2007 and is withdrawing his request to add more seats than originally approved. Significant changes on this plan are in the back, storage and dumpster areas. This plan shows 9 parking spaces, 3 in the front and 6 in the back, and eliminated one handicapped spot. Chairman Parise confirmed that all parking stalls on the side have been removed. Member Cocks questioned the fence on the plan. Attorney Myrow explained that the Village Judge suggested the applicant install a chain link fence on the property to discourage people from walking through from the neighboring property. Member DeAngelis asked if the Judge required the fence. Attorney Myrow responded that it was a suggestion by the Judge and was left to the discretion of the planning board. Member DeAngelis stated she would rather see tall shrubs. Engineer Foti stated there was not enough area to plant shrubs. Member DeAngelis asked why there was one parking space for employee parking if there was more than one employee and where do the customers park if the employees are parking in the lot? Engineer Foti clarified that the one employee space was only for an employee. He was not sure how many employees worked in the restaurant. Attorney Myrow stated there were 9 spaces approved on the original plan and they were leaving it as is and not changing that. Member Cocks stated that the original plan was that this was for take out food, not a sit down restaurant. Chairman Parise asked if they spoke to their neighbors regarding parking in their lots. Attorney Myrow stated they are making inquiries as best they can. Engineer Potter stated that Engineer O'Rourke had gone to the site and listed issues in a letter dated 5/15/08 that needed to be addressed and to date none of these items have been addressed. Attorney Myrow stated they are not looking to modify the plans but they will comply with the order and are at the meeting because of the violations they received regarding too many parking spaces and too many seats in the restaurant. Attorney Myrow indicated the applicant will comply with everything on the site plan and will limit seating to 24 total seats including the outside seating. Attorney Myrow has an application before the Village Board on Tuesday 7/15/08 for a café outdoor permit. Chairman Parise questioned if the permit applied to this site. Member Niemotko suggested that the Village Engineer should have a revised code analysis for the seating area. Member Cocks asked if the seating today meets the parking requirements. Engineer Foti stated it is still 24 seats total, nothing has been changed. Attorney Myrow says the application falls within the code definition for an outdoor café as it is entirely located on private property. Member Cocks asked if all violations have been cleared for the amended site plan. Attorney Myrow stated they have, the only thing being outstanding is to get approval from the Planning Board. Member Cocks confirmed that there is no waitress service. Attorney Myrow agreed. Chairman Parise stated that all issues on the 5/15/08 letter from Lanc & Tully must be addressed in order to get approval for the amended site plan. Chairman Parise commented to the applicant they have had two months to take care of these issues and nothing has been done. Member Niemotko said the plan needs to be shown as an "as built" drawing. The plans as submitted do not reflect the corrections needed to be made.

Chairman Parise told the applicant the Planning Board needs something in writing from Zimmerman Engineering stating that the issues in the 5/15/08 letter from Lanc & Tully have been addressed and how they have been taken care of. This will then be sent to Lanc & Tully for review and when Lanc & Tully submits a letter that there are no further issues then we can move forward.

AVANTI – AMENDED SITE PLAN (207-1-4.11)

Present: Nobody for the Applicant

Lanc and Tully reviewed the site plan and everything is in conformance and the Chairman can sign sheets 1-7 provided all fees are paid. Chairman Parise stated once all fees are paid he will sign the plans.

BARBARA IANNUCCI – ACCESSORY APARTMENT CONDITIONAL USE (208-1-2.2)

Present: Barbara Iannucci, Ralph Iannucci

Chairman Parise stated everything has been addressed. A public hearing is scheduled for Monday 7/14/08. Chairman Parise reminded the applicant to bring the green postal receipt cards from their mailing to the hearing Monday night.

GREENERY PLUS FLORIST – SITE PLAN (215-1-12)

Present: David Umberto; John Loch, AFR Engineering

Chairman Parise noted receipt of a Resolution Granting Variance from the Village of Monroe Zoning Board of Appeals dated 7/3/2008, feedback from the fire company finding no problems, a letter from DOT and Construction cost estimates. Member Cocks questioned the placement of the dumpster. David Umberto stated the dumpster would be on the side of the building because there would be employee parking in the back. It will be enclosed in a textured block enclosure and there will be a gated fence put up on the other to save the large spruce tree. Chairman Parise asked where Mr. Umberto would put snow in the event of a large snowfall considering the small size of the property. The Applicant stated there was room to push the snow in the back but if it was a large storm he would have the snow trucked off site. Engineer Potter said all technical issues have been adequately addressed and recommends the Planning Board review lighting and landscaping notes. Member Cocks questioned where the lighting would be. Mr. Umberto stated the lighting would be on the building on each corner front and back and above the doorway in the back. There will also be a decorative light by the front door. Member Cocks confirmed the type of lighting would be wall packs. With no further comments from the Board Chairman Parise stated this matter could move forward on Monday 7/14/08.

MILLPOND CINEMA LLC – AMENDED SITE PLAN (212-7-1)

Present: Chris Taylor, Larry Torro, JL Consulting

Engineer Taylor discussed outstanding issues from a letter from Engineer O'Rourke. The first issue concerns the HVAC units on the rear of the property being over the property line. The owner has been talking to the adjacent owner for an easement or if the neighbor does not agree, the Applicant will move the units. The Applicant won't know until Monday night as they have not come to an agreement yet. The next issue was for an easement for the steps on Millpond Parkway and a lease area for the dumpster and electrical box on Smithfield Court. The Village

Trustees approved both the easement and lease area. Member Cocks asked about revising the design of the dumpster enclosure. Engineer Taylor asked if they could leave it as is since the

garbage collection occurs very early in the morning. They will be adding walls and a gate to the dumpster enclosure and will leave the pad straight. Engineer Taylor also discussed an issue with the lighting. The original plan had street lighting on poles. Instead they installed building lights on the rear over the dumpster and in the front by the main entrance. The plan has been submitted to the Police Chief but they have not received a reply. Member DeAngelis questioned if the lighting was sufficient. Engineer Torro stated that the light that comes from the Marquee is more than sufficient lighting and was not anticipated when they made the initial plan. Member Cocks asked if the applicant intended to clean up the right side of the building. Engineer Torro stated the area would be cleaned up and stone would be laid. Chairman Parise concluded that the applicant needs to wait to settle the matter of the easement with the neighbor otherwise the applicant will have to move the AC units. Chairman Parise requested something in writing from the Trustees regarding the easement and lease area on the dumpster and lighting. Engineer Taylor addressed the final issue of landscaping which was different from what was on the original plan. Chairman Parise stated the landscaping should conform to what was on the site plan. Engineer Torro agreed.

ALDO'S PIZZA RISTORANTE

Present: Mark Baumgarten, Aldo's Pizza; Richard Saragin, Esq., Mr. Michael Hagopian

Mark Baumgarten brought the short form EAF as instructed from the last meeting. Chairman Parise addressed the parking situation. Attorney Saragin said Engineer O'Rourke sent a memo indicating there was enough parking. Attorney Saragin recalculated the parking and came up with less spaces needed and felt they were within the code specifically because of the different hours of operation between Gervic Paint and the Pizza Restaurant. Attorney Saragin will forward this information to Engineer O'Rourke. Member DeAngelis asked where the dumpster is located and if it's for the restaurant only. Attorney Saragin stated it is shared for the entire site. Chairman Parise wants to see the dumpster enclosure changed from chain link fence to textured block. Mr. Baumgarten will make sure the chain link gates will always be closed. Chairman Parise is not satisfied with the condition of the fencing. Attorney Saragin will look at the dumpster and take some pictures to discuss it further. Member DeAngelis questioned if there is enough lighting on the back of property. Mr. Hagopian, the owner of the property, stated more lighting was added when Curves and the Laundromat were added. Chairman Parise and Member Cocks agreed that the dumpster and the lighting need to be looked at. Engineer Potter indicated that the application was incomplete and needed to be completed. Attorney Saragin will send all the information to the Planning Board.

LA VERA CUCINA - SITE PLAN (218-5-9.122)

Present: Alex Raja, Tony Raja; Tom from Monroe Paving

Chairman Parise stated he understood parking was added in the back which upset the neighbors. Also, the parking was added without first coming to the Planning Board. Tom stated he cleaned up the back, added an inch of gravel and planted some evergreen trees. Tom stated he was not aware he needed a permit. Member Niemotko asked if this was an existing parking lot. Tony Raja stated that cars would park there. Chairman Parise stated that since the surface has been changed and the site plan has been changed it has to be reviewed by the Planning Board. Chairman Parise explained that a parking lot is a change and the applicant needs to provide the Village Engineer with a site plan. The Planning Board needs to approve any changes. Member DeAngelis stated that the rear lot was not approved for parking. Engineer Potter stated that the applicant submitted a survey, not a site plan, and there are not

parking calculations included. Tony Raja apologized to the Board and agreed to do whatever is needed. Chairman Parise informed the applicant that he needs to have an Engineer do a site plan including parking spaces, striping, handicapped parking, lighting, landscaping, etc., and then to come back to the Planning Board for review. Member DeAngelis asked if anyone was living in the other two buildings on the property. Mr. Raja said no, people only live in rooms upstairs in the main building. Alex Raja stated that a refinancing of the property is being held up by violations from the Building Inspector and asked how to resolve the violations. Member Cocks responded they can resolve the violations by not parking in the back then get a letter from the Building Inspector that all of their violations are cleared and then they can move forward. Engineer Potter added that the Consent of the Property Owner and the Owner's Endorsement has not been signed or notarized plus they need a site plan. Chairman Parise requested a copy of the violations from the Building Inspector.

BELL IMPORTED AUTO SERVICE - CHANGE OF USE (207-1-3)

Present: James Bell

Mr. Bell stated he was seeking a change of use. Chairman Parise stated the drawing submitted was not a site plan. Engineer Potter stated it was an old survey not a site plan and a site plan is needed. Member DeAngelis stated Dally Trucking came before the Planning Board with a site plan and that site plan should be pulled and referenced. Chairman Parise informed the applicant that the Board needs to see a site plan first and would look for the old one from Dally Trucking to see what needs to be done. Engineer Potter indicated since the use is changing the things that need to be looked at are parking, landscaping, lighting, dumpster enclosure, and comply with site plan regulations. Chairman Parise stated the old site plan would be pulled and sent to Lanc and Tully for review for the next workshop meeting.

ADJOURNMENT

On a motion made by Member DeAngelis and seconded by Member Syrianos it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 10:15 p.m.

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
JULY 14, 2008
MINUTES**

PRESENT: Chairman Parise
Members Cocks, Syrianos, DeAngelis, Niemotko
Engineer O'Rourke, Attorney Levinson, Consultant Johnson

Chairman Parise opened the meeting at 8:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

PUBLIC HEARINGS

BARBARA IANNUCCI – ACCESSORY APARTMENT CONDITIONAL USE (208-1-2.2)

Present: Barbara Iannucci, Ralph Iannucci

Chairman Parise opened the floor for questions or comments. There were no questions or comments. The Applicant handed in all green Return Receipt Cards and indicated which cards were not returned.

On a motion made by Member DeAngelis and seconded by Member Syrianos, it was unanimously **Resolved, that there being no public comment this evening, the Public Hearing for Barbara Iannucci be closed.**

VENICE REAL ESTATE CORP. - SITE PLAN (202-1-3)

Present: Joe Foti, Zimmerman Engineering, Michelle Mortillaro, Ed Mortillaro

Chairman Parise opened the floor for questions or comments. There were no questions or comments. The Applicant handed in all green Return Receipt Cards.

On a motion made by Member DeAngelis and seconded by Member Syrianos, it was unanimously **Resolved, that there being no public comment this evening, the Public Hearing for Venice Real Estate Corp. be closed.**

MEETING

BARBARA IANNUCCI – ACCESSORY APARTMENT CONDITIONAL USE (208-1-2.2)

Present: Barbara Iannucci, Ralph Iannucci

Chairman Parise indicated a Public Hearing was held and closed and there was no public comment addressed. Engineer O'Rourke stated all technical issues are addressed. Attorney Levinson stated that the Applicant must file a covenant with the County Clerk's office stating that the right to rent an accessory apartment ceases upon transfer of title and he needs to review a copy of this covenant before filing. Once filed a copy is to be sent to Village Hall.

On a motion made by Member DeAngelis and seconded by Member Cocks, it was unanimously, **Resolved, that the Planning Board types this application as an unlisted action, declares itself lead agency for the application, and issues a negative declaration under SEQRA.**

On a motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously, **Resolved, that the Planning Board approves a conditional use permit for the Barbara Iannucci Accessory Apartment. This conditional approval is subject to the payment of all fees and the filing as required by the zoning law with regard to the Orange County Clerk after review of the Planning Board's Attorney.**

VENICE REAL ESTATE CORP. - SITE PLAN (202-1-3)

Present: Joe Foti, Zimmerman Engineering

Member Niemotko recused himself from this project.

Chairman Parise requested a cost estimate to confirm the bonding and fee requirements. Otherwise the Board has received all reports back from Orange County Planning and NY DOT. Engineer O'Rourke stated as condition of approval receipt of permits from the Village Water Department, Highway work permit, NYSDOT, and OC Environmental Facilities for the sewer.

Member DeAngelis questioned the landscaping. Engineer Foti stated that the Village Zoning Board asked the Applicant to leave certain existing trees as part of their approval. Engineer Foti also stated that the lighting was according to the site plan. Chairman Parise confirmed that the 3 side parking spaces along the driveway would be marked as Employee Parking Only. Attorney Levinson requested that if any tree designated to remain by the Zoning Board dies, the Applicant must replace the tree with another tree of at least 6 ft. high, and that the words "in perpetuity" be added to the landscaping plan. The Applicant agreed to maintain and replace all trees and landscaping. Engineer Foti stated that Douglas Firs were being planted.

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.**

On a motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously, **Resolved, that the Planning Board approves the site plan for the Venice Real Estate Corp. dated 6/26/08. This approval is subject to a construction cost estimate to be provided, approval from Orange County Environmental Facilities, NYS DOT, Village Water Department, the payment of all fees, the addition of the note that the trees designated by the ZBA will be saved and replaced if destroyed and to modify the landscaping note to read "in perpetuity".**

GREENERY PLUS FLORIST – SITE PLAN (215-1-12)

Present: David Umberto, Greenery Plus; John Loch, AFR Engineering

Chairman Parise discussed issues with Engineer O'Rourke and all is in order. Member Cocks felt the lighting at the entrance is poor and requested the Police Department submit feedback. Engineer Loch indicated that wall packs are on the sides of the building and a light is over the door. Member Cocks felt the side entrance was not lit enough. Engineer O'Rourke stated there was no landscape or lighting plan, just a note that referenced new lighting as this is a small addition to an existing building. Chairman Parise reiterated his concern over snow removal since it is such a small property and if the lot is full of snow people would park on Route 17M. Member DeAngelis stated it was the Applicants obligation to remove the snow. Engineer O'Rourke stated if directed by the local code enforcement officer and indicated on the site plan the owner will remove the snow at the owner's expense. Attorney Levinson requested a note be added to the site plan that the owner at all times must ensure the parking area is free of snow and parking is not taking place on a public highway. Chairman Parise stated all matters have been addressed. Member DeAngelis requested copies of all permits for the Planning Board file.

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.**

On a motion made by Member Cocks and seconded by Member Syrianos, it was unanimously, **Resolved, that the Planning Board approves the site plan for the Greenery Plus Florist dated 6/23/08 subject to the amendment of the map to reflect the note dealing with the snow removal stating that the owner at all times must ensure the parking area is free of snow, and parking is not taking place on a public highway. This approval is subject to payment of all fees, and if required, NYS DOT permit.**

CHABAD OF ORANGE COUNTY – SITE PLAN (206-6-1-21)

Present: John Loch, Engineer, AFR Engineering

Chairman Parise received resolutions from Attorney Levinson. Engineer O'Rourke received revisions from Attorney Lithco which made the changes the Planning Board had asked for, as well as an updated construction cost estimate. Attorney Levinson noted that the cost estimate needed to be filled in and completed on the Resolution. Engineer O'Rourke has no issue with the revised cost estimate or other papers submitted provided the Applicant comply with Lanc & Tully's previous two comment letters. Member Cocks voiced concern over lighting referencing Lanc & Tully's comments of 7/2/08 indicating a lack of lighting on the side and rear outside portions of the building, all of which will be addressed in the Resolution. Engineer Loch pointed out scone lighting which will go all around the building. Member Cocks requested ISO's on the building. Member Cocks wants all lighting shown on the site plan. Attorney Levinson questioned if construction will be allowed on the site on a Saturday. Engineer Loch will accept approval as worded which currently says construction is not allowed on a Sunday. Engineer O'Rourke clarified the issue over the changed square footage in that the size of the building has not changed and the occupancy of the building has also remained the same. Engineer O'Rourke requested something in writing from the Building Inspector regarding the fire code to be a part of the resolution. Attorney Levinson requested the amount be filled in on the

Resolution Performance Bond. Engineer O'Rourke requests the Village board confirm that they waived the requirement for a construction cost estimate and just had a bond cost for restoration and if this is still in effect that a new construction cost estimate is not required on the amended site plan. Attorney Levinson approved all changes in the Resolution. Chairman Parise requested the lighting plan be updated including isometrics.

On a motion made by Member Cocks and seconded by Member Syrianos, it was unanimously, **Resolved, that the Planning Board approves the amended site plan for the Chabad of Orange County dated 6/24/08.**

THE BRIDGES AT LAKE PARC – AMENDED SUBDIVISION (211-1-1)

Present: Donald Tirschwell, Esq.; David Zigler, Atzl, Scatassa & Zigler,

Chairman Parise discussed comments from the Orange County Department of Planning letter of 6/22/08. First issue is Brooklyn Road expansion and improvements and sidewalks coming into Hill Street. Attorney Tirschwell explained Brooklyn Road has been deleted from the site plan. The lot in question is being given to the Village to sell and the slope in that area is too steep for sidewalks. Consultant Johnson consented to override the OC Planning Dept. comment on sidewalks at that location on the site. Engineer Zigler confirmed that sidewalks will be built on one side of the road in front of every house. The only lots without a sidewalk are lots on top of Sunset Heights near the older homes. Chairman Parise and Consultant Johnson discussed the OC Planning Dept.'s recommendation on two family homes. Consultant Johnson indicated that five lots meet the requirements for a two family home. The Board unanimously agreed to leave all homes as single family homes. Engineer O'Rourke summarized it is agreed to forgo sidewalks in the Sunset Heights section as it is an existing road with low foot traffic; Brooklyn Road is deleted from the plan; the homes will be all single family homes. Chairman Parise discussed parkland fees. Attorney Tirschwell indicated the property being given to the Village exceeds the value of parkland fees. Attorney Levinson would like confirmation of the waiver of parkland fees from the Village. Attorney Tirschwell agreed that the Applicant will pay for a traffic study to be done and the Village is to hire the consultant for the traffic study. Chairman Parise stated an escrow account should be set up for the traffic study. Attorney Tirschwell asked for Preliminary Approval. Engineer O'Rourke stated that since there were still so many outstanding issues if Preliminary Approval were to be granted a Resolution would need to be drafted. Attorney Levinson stated he could not draft a Resolution until after he received the approved minutes. Consultant Johnson will complete a draft Resolution of the Negative Declaration for the next Workshop Meeting addressing drainage, traffic study and parkland fees. Member Cocks would like the Fire Departments input regarding emergency access.

MOMBASHA FIRE DEPARTMENT – SITE PLAN (214-1-59)

Present: Michael Sandor, MJS Engineering

Engineer Sandor explained that in April the Planning Board granted a lot line change and since then the changed map was filed in the County Clerk's office and he has now revised this map with a site plan application. The new map is now the property owned by the Mombasha Fire Company. The revisions being made are to the rear of the property. The Applicant wants to square off the two bays in the back of the building. The new plan shows parking laid out with full circulation around the building large enough to allow their rigs to fit through. The site is very well lit, they have added additional drainage, curbing and handicapped parking. Currently the Applicant is using a temporary shelter for their equipment. This addition would extend the back of the building and eliminate the need for the temporary shelter. Chairman Parise stated the Applicant needs to ask the Village Trustees to waive the construction cost estimate.

On a motion made by Member Niemotko and seconded by Member Syrianos, it was unanimously **Resolved that the Planning Board declares itself lead agency for the Mombasha Fire Department site plan application dated 9/2/05 and revised to 6/2/08.**

On a motion made by Member Niemotko and seconded by Member Cocks, 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 Niemotko and seconded by Member Cocks, it was unanimously, **Resolved, that the Planning Board approves the amended site plan for the Mombasha Fire Department dated 9/2/05 and revised to 6/2/08 subject to the Village Board waiving the construction cost estimate and associated bonding.**

MILLPOND CINEMA, LLC – AMENDED SITE PLAN (212-7-1)**Present:** Larry Toro, JL Consulting

Chairman Parise stated the Planning Board received the Easement for the extra step on Mill Pond Parkway and Lease Agreement on the dumpster enclosure and transformer. The other matter open is the Easement with the neighbor on the HVAC units. Engineer Toro stated the neighbor does not want to grant an easement therefore the Applicant will move the HVAC equipment closer to the building. Once the equipment is moved Engineer Toro will show the actual location on the site plan and will submit an As Built amended site plan for approval. Member DeAngelis noted that the actual landscaping is different than what is on the site plan. Engineer Toro has told the Applicant he must comply with the dumpster enclosure and landscaping as listed on the site plan. Chairman Parise stated in his opinion the lighting at the location is great but is concerned with the lighting at the corner of Smithfield Court and Stage Road and will refer those concerns to the Village Trustees.

On a motion made by Member Cocks and seconded by Member Syrianos, it was unanimously, **Resolved, that the Planning Board approves the amended site plan for the Mill Pond Cinema dated 6/23/08 under condition of removal of the encroachment of the HVAC units in accordance with zoning laws.**

ALDO'S PIZZA RISTORANTE**Present:** Mark Baumgarten, Aldo's Pizza; Richard Saragin, Esq.

Chairman Parise, Engineer O'Rourke and Attorney Saragin discussed parking calculations. Attorney Saragin submitted final parking calculations which were satisfactory to Engineer O'Rourke. Member Cocks and Chairman Parise agreed the area is well lit. Chairman Parise stated that the dumpster issue brought up at the 7/9/08 workshop meeting was regarding the CVS dumpster, not the dumpster on this site. Engineer O'Rourke pointed out that the square footage is listed differently on the application, attachment and SEQR form. Attorney Levinson stated that all forms should be amended to read the store is 2100 square feet. Engineer O'Rourke has no further issues.

On a motion made by Member Niemotko and seconded by Member Cocks, it was unanimously **Resolved that the Planning Board declares itself lead agency for Aldo's Pizza Risorante, an existing approved site plan subject to a change of use of unit number 2, 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 Syrianos, it was unanimously, **Resolved, that the Planning Board authorizes a change in use of the store designated as Unit 2 for a Pizzeria under condition that the calculations for all parking on the site are incorporated into the Resolution and are part of the file.**

HIDDEN CREEK - AMENDED SITE PLAN (214-1-7,8,9 & 11.1)**Present:** Donald Tirschwell, Esq.; David Zigler, Atzl, Scatassa & Zigler; Robert Torgersen, Landscape Architect

Attorney Tirschwell explained the two reasons the Applicant was present. One was for the establishment of a homeowners association to comply with new Federal regulations under Fannie Mae and Sonny Mae requirements. Attorney Tirschwell is requesting that one tax lot is created for the roads, recreation, drainage facilities, and all other real estate except for the condominium footprint and the building itself, all of which will be owned and maintained by the Homeowners Association. All Homeowners Association property will be completed before the first condominium unit is sold. Attorney Levinson stated that, under the Zoning Law, the establishment of a Homeowners Association requires the approval of the Village Board and the Attorney General of the State of NY. The second reason was for placement of five buildings to be moved to meet setback requirements due to lack of room between the sidewalks and driveways. Engineer Zigler stated the building placement has not changed just shifted a few feet. Consultant Johnson requested that the environmental impact finding statement be evaluated. Member DeAngelis questioned who the current owner is. Attorney Tirschwell stated the owner is Hidden Creek Condominium Corp. who is a different owner then when the project started. Chairman Parise brought up the issue of trees. Robert Torgersen, Landscape Architect submitted a report by Ira Wickes Arborist concerning the sugar maple by lot 42 which the board wanted to save but has found to be infested with insects, has had roots removed or compromised and proposes a risk. Landscape Architect Torgersen submitted a remedial planting plan. Engineer Zigler confirmed that the tree had been protected and not damaged by construction. The Board will consider the removal of the tree in light of the findings and will make a decision at the next workshop meeting.

APPROVAL OF MINUTES

On a motion made by Member DeAngelis and seconded by Member Syrianos, it was Resolved that the minutes of the June 11, 2008 workshop be approved with the condition that Member Woods name be removed.

On a motion made by Member DeAngelis and seconded by Member Syrianos, it was Resolved that the minutes of the June 16, 2008, meeting be approved with the condition that the title be revised to read Regular Meeting.

ADJOURNMENT

On a motion made by Member Syrianos and seconded by Member DeAngelis it was unanimously Resolved that there being no further business, the Meeting be adjourned. The meeting was adjourned at 10:00 p.m.

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP SESSION
AUGUST 13, 2008
MINUTES**

PRESENT: Chairman Parise
Members Cocks, Syrianos, Brattain
Engineer O'Rourke

Absent: David Levinson, Esq., Member DeAngelis, Member Niemotko,
Consultant Johnson

Chairman Parise opened the meeting at 8:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

THE BRIDGES AT LAKE PARC – AMENDED SUBDIVISION (211-1-1)

Present: Donald Tirschwell, Esq.; John Atzl, Atzl, Scatassa & Zigler,

Chairman Parise noted a draft Negative Declaration has been received from Consultant Johnson. The Board Members were in agreement that the Applicant should hire their own traffic consultant to perform a traffic study and the Village's traffic consultant will review that traffic study. Chairman Parise stated that it would be a conflict of interest if the Village's traffic consultant was hired to perform the traffic study. The Planning Board Members agree a site walk needs to be done before approving the Negative Declaration. Engineer O'Rourke reviewed the Negative Declaration with Consultant Johnson and they suggested to Attorney Tirschwell that he might want to review the Negative Declaration with his client to make sure it is satisfactory to the Applicant. Two points highlighted were the recreation fees and the water taps. Attorney Tirschwell stated he would have an answer by the next meeting. Member Cocks submitted a list of items to be reviewed. Engineer O'Rourke discussed the response received from the Village Highway Superintendent regarding the placement of mailboxes. Engineer O'Rourke explained that it was acceptable to the Highway Superintendent to have 2 ½ - 3 feet of green area between the curb and the sidewalk provided there were not any trees, only grass, and the mailboxes can be put in the grass area. Engineer O'Rourke asked if the Village Board responded to questions concerning recreational fees and whether the Village will be taking over the dam improved or unimproved. Engineer O'Rourke recommends the Planning Board not take any action until the condition of the dam at the time of transfer has been resolved, as the dam is in need of repairs.

BIG M CENTER LLC – AMENDED SITE PLAN (202-4-7)

Present Jay Myrow, Esq.; Joe Foti, Zimmerman Engineering, John Coladonato

Engineer O'Rourke reviewed the revised plans of 7/28/2008 and requested a lighting and foot-candle diagram. Engineer Foti indicated that the ISO candle lines are not available from the manufacturer on the particular lights that are installed therefore he cannot submit an ISO diagram. Engineer O'Rourke made a visual observation that the lighting on the building is sufficient and suggested the Board drive by and look at the lighting. Chairman Parise felt the lighting was sufficient. Attorney Myrow stated that the rest of the Board should look at the lighting and when the Applicant returns to the Planning Board if there is any lighting issues the Applicant will resolve them. Engineer O'Rourke discussed the outdoor speakers. Attorney Myrow indicated that the outdoor speakers were approved as part of the outdoor café permit which was approved by the Village Board, and indicated that the speakers are for background music. Engineer O'Rourke suggested that it be stated on the plan that the Village Board approved the outdoor café and outdoor speakers. Engineer O'Rourke stated that the landscaping meets the site plan. Attorney Myrow stated the Judge required the Applicant to include the fence in their application and left the decision to the discretion of the Planning Board whether or not it was to remain. Chairman Parise stated the Board disagrees with the fencing at the property line with the Village Café as required by the Village Judge. Attorney Myrow stated the suggestion of the fence stemmed from a complaint made to the Village about people walking through the properties. Member Cocks questioned the lack of lighting in the back of the building. Engineer O'Rourke stated that everything on the plan is what is installed right now. Engineer Foti stated this is an As Built plan and that there is a security light over the back door. Chairman Parise stated the lighting in the front and sides of the building seem to be sufficient but there should be more light in

the back of the building. Engineer O'Rourke suggested since an ISO lighting plan cannot be submitted that the Board drive by at night and comment on where they feel lighting is needed. Engineer O'Rourke requested a note be placed on the Site Plan that no outdoor storage of materials will be allowed at the site. Engineer O'Rourke stated that the dumpster enclosure is primarily as the site plan indicated however the concrete block was 5 feet high instead of 6 feet high as listed on the site plan. The Board is in agreement that the 5 foot high wall is acceptable and the site plan should be modified to reflect this change. Chairman Parise questioned if the outdoor café permit was temporary or permanent. Attorney Myrow indicated that they had a temporary Certificate of Occupancy through 9/15/08 and the Village Board approved the outdoor café permit through 9/15/08 but if the site plan is finalized before that date then the outdoor café permit will become permanent also. Engineer O'Rourke stated that the original approval for parking was for 9 spaces and that is what is there now. Attorney Myrow is not looking to modify the parking. Engineer O'Rourke stated that there is 35 feet of open pavement on the side of the building that was landscaped but is now paved. This area is not for parking despite the fact that people park there anyway. Engineer O'Rourke suggested the Board address how to organize the space to limit illegal parking and keep the pedestrians safe. Chairman Parise asked if the violations have been resolved. Attorney Myrow stated all violations have been resolved in the Court and the Applicant had to pay a fine to the Building Department. Chairman Parise summarized that the issues to still be resolved are lighting, parking on the side of the building and why the Village Judge required the fence be on the site plan.

CHANG – MULTIPLE FAMILY DWELLING (202-1.9-1)

Present: Min Jin Kung, Daisy Kung

Min Jin Kung explained she wants to change her single family house into a two family house. Engineer O'Rourke explained that even though the property is zoned for two family, the change shown on the drawing submitted does not meet the code requirements of an accessory apartment as the owner does not live on the property, and does not meet the code requirements of a two family home as the plans don't show a separation of the two units either horizontally or vertically. Engineer O'Rourke indicated that the Planning Board should deny the application because it does not meet Zoning requirements and the Applicant will need to go before the Zoning Board for a variance in order to allow the home to be adjusted to a two family home according to the drawing.

LINDY LOO'S RESTAURANT – SITE PLAN (223-1-4)

Present: John Coladonato

John Coladonato stated on behalf of the Applicant that they would be withdrawing their application because they felt they did not need to appear before the Planning Board since the site was being used as a restaurant as it was before. Mr. Coladonato indicated that Attorney Ostrer withdrew the stop work order. Chairman Parise requested correspondence from Attorney Ostrer confirming what was done regarding the site and the stop work order. Engineer O'Rourke explained that the Building Inspector sent the Applicant to the Planning Board because the applicant was altering the site different from what is on the site plan and that is a Planning Board issue. If the Applicant is making changes to the parking area, removal of a deck, or taking down trees then they need to come before the Planning Board for approval.

CORNERSTONE MASONIC HISTORICAL SOCIETY – CONDITIONAL USE – 300 Stage Road

Present: George Velez, Secretary of Masonic Lodge

Mr. Velez appeared on behalf of the Cornerstone Masonic Lodge because the Building Inspector would not issue a Certificate of Occupancy until the Applicant appeared before the Planning Board. Engineer O'Rourke explained that although a Membership Club is allowed within the zoning it is a Conditional Use and before the Building Inspector can issue a Certificate of Occupancy the Applicant must get approval from the Planning Board for a Conditional Use for a membership club. Chairman Parise indicated in order to review for a Conditional Use the Planning Board needs to see a site plan.

ADJOURNMENT

On a motion made by Member Syrianos and seconded by Member Brattain it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 9:15 p.m.

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
AUGUST 18, 2008
MINUTES**

PRESENT: Chairman Parise
Members Cocks, Syrianos, Niemotko, Brattain
Engineer Higgins, Consultant Johnson

Absent: Attorney Levinson, Member DeAngelis

Chairman Parise opened the meeting at 8:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits. Chairman Parise changed the order of the Agenda in order to allow for Counsel to arrive.

Chang – Multiple Family Dwelling (202-1.9-1)

The Applicant requested changing a single family home she owned to a two family house. She cannot make this an accessory apartment as she does not live on the premises. The Applicant will need to go to the Zoning Board for a variance for a two family house.

On a Motion made by Member Brattain and seconded by Member Cocks, it was unanimously, **Resolved, that the Planning Board deny the Chang Multiple Family Dwelling application and recommend the Applicant to apply to the Zoning Board for a variance.**

Smith Farm (Gilbert Street) – Site Plan (203-1-1.1 & 1.2)

Present: Jim Sweeney, Esq.

Chairman Parise explained to Attorney Sweeney that the Agenda order had been changed because the Planning Board was waiting for Counsel to arrive.

Attorney Sweeney explained that the six month extension for approval was set to expire on 8/21/08. Attorney Sweeney further explained that the Village Board created a Preliminary Site Plan which in effect waived time limits and required that the Applicant report every six months to detail what has transpired regarding outside approvals. Chairman Parise spoke with Chairman Finnerty of the Town of Monroe Planning Board and it appears the Town and Village are not parallel with the extension dates. The Town extension expires in November. The Planning Board agreed to extend the Smith Farm matter to November 20, 2008 to keep the Village and Town Planning Boards parallel with each other, and the Applicant was instructed to return in November to revisit the matter. On a Motion made by Member Cocks and seconded by Member Syrianos, it was unanimously, **Resolved, that the Planning Board extend the Smith Farm (Gilbert Street) Site Plan Project to November 20, 2008.**

Big M Center LLC – Amended Site Plan (220-4-7)

Present: Jay Myrow, Esq.; Joe Foti, Zimmerman Engineering, Michael Beradini

Chairman Parise explained he was again changing the order of the Agenda in order to allow for Counsel to arrive. Chairman Parise explained that the Planning Board was supposed to have Counsel present at the meeting however Attorney Levinson was unavailable, was unable to arrange for another attorney to come, and arrangements were made for Attorney Ostrer to come but he has yet to arrive.

Chairman Parise reviewed 3 open issues discussed at the workshop on the amended site plan. Member Cocks and Member Brattain went to the site several times since the workshop and found that there is an extra dumpster on the site and that dumpster is not contained. Mr. Beradini indicated one dumpster is for garbage and the other is required by the County for cardboard. Mr. Beradini stated he would make sure both dumpsters

were contained within the dumpster enclosure. Attorney Myrow stated that whatever dumpsters the Applicant has on the property would be kept inside the dumpster enclosure. Member Cocks discussed the issue of the bottleneck at the entrance to the parking lot caused by people illegally parking near the landscaped area. Member Brattain submitted a drawing showing a proposed landscape idea which would eliminate the bottleneck at the entrance by extending the existing landscape curb into the space where people park, making it impossible to park there. Chairman Parise requested that the curbed area be landscaped. He also asked that the traffic cones in parking spaces 2 and 3 be removed. Attorney Myrow stated the cones would be removed. Member Niemotko asked what the general opening width was for an entrance. Engineer Foti stated 24 feet and the current width at the site is 19' 2". Member Niemotko proposed that the Applicant change the width to 20' to allow two cars to pass through. Engineer Foti stated he will make the width 20'. Member Cocks discussed the issue of lighting at the back of the site. Member Cocks indicated a light is needed in the rear left corner of the property by parking space number 4 in the form of a pole light. Member Niemotko requested the Applicant conform to the original approved set of documents for lighting. Chairman Parise stated he spoke with Ray Haffenecker, a neighbor of the Big M Property, concerning the fence in the back. Mr. Haffenecker stated he did not make any complaints and did not feel a fence was necessary. Engineer Higgins was satisfied with the proposed curbing and width of the entryway and stated it appeared similar to the previous application. He also advised that the Negative Declaration was issued. Chairman Parise questioned the status of the violations before the Court. Attorney Myrow stated that all court matters have been cleared. The Applicant was assessed a fine and the matter has been closed. Attorney Myrow indicated that the Applicant received a temporary Certificate of Occupancy which will expire September 15, 2008, the main condition being receiving Planning Board Approval.

On a motion made by Member Cocks and seconded by Member Niemotko, it was unanimously, **Resolved, that the Planning Board approves the second amended site plan for Big M Corp. dated 7/28/08 under the condition that the curbing be extended as noted on the sketch provided by the Planning Board members and appropriate landscaping installed; a pole light is installed in the left corner by parking space number 4 as per the original site plan; all dumpsters will be contained within the dumpster enclosure; there are no open issues and/or violations as per the Building Inspector; no outdoor storage of materials be allowed on the site; and all outstanding fees are paid.**

THE BRIDGES AT LAKE PARC - AMENDED SUBDIVISION (211-1-1)

Present: Donald Tirschwell, Esq., David Zigler, Atzl, Scatassa & Zigler

Chairman Parise apologized to the Applicant and explained that the Planning Board did not have legal representation present at the meeting. Chairman Parise stated that he made every effort to have legal counsel present to no avail. Attorney Tirschwell was under the assumption from the last meeting that Attorney Levinson was drafting a Resolution for Preliminary Approval. Chairman Parise corrected Attorney Tirschwell that what was to be done from the last meeting was to have a Negative Declaration drafted by our planner, Consultant Johnson. Chairman Parise indicated that nothing had been received from Attorney Levinson's office since the July meeting. Chairman Parise outlined the current outstanding issues. The Negative Declaration has to be completed; a response is needed from the Village Board regarding the Dam, the Recreational Fees and the connection fees to the water main. Chairman Parise explained that the Planning Board cannot move forward until written answers to these issues have been received from the Village Board. In addition, the Negative Declaration has to be finished. Attorney Tirschwell reminded the Board that their time for rendering a decision is over. Chairman Parise asked Attorney Tirschwell for an extension. Attorney Tirschwell denied the Planning Board an extension. Chairman Parise told Attorney Tirschwell that the Planning Board is willing to work with the Applicant. Attorney Tirschwell requested that Preliminary Approval be granted subject to the Applicant waiving the necessity of determining money in lieu of land until the time of final approval, waiving until final approval whether the Applicant has to pay any water connection fees, and waiving the issues on the dam until final approval. Chairman Parise informed Attorney Tirschwell that the Board was not comfortable granting preliminary approval until the outstanding issues are resolved and requested a one month extension to allow for the Village Board to meet and discuss these matters.

Member Niemotko reminded Attorney Tirschwell that the Board was at a disadvantage without counsel present. Attorney Tirschwell denied the extension and felt another month was too long to wait. Chairman Parise stated that the Board was trying to cooperate with the Applicant and was trying to follow the SEQR procedure. Attorney Tirschwell stated that at the last meeting there was a direction for the planner to prepare a Negative Declaration and for the Village Attorney to prepare a Resolution. Chairman Parise stated only the Negative Declaration was to be prepared for the August meeting and indicated that no documentation had been received from Attorney Levinson. Member Cocks asked Attorney Tirschwell if he obtained written confirmation of the waiver of the parkland fees. Attorney Tirschwell indicated he wrote to Attorney Ostrer requesting that he take up the issue of the waiver of the parkland fees with the Village Board but had not received a response. Chairman Parise explained that the Village Board would not be meeting until the following night therefore could not render an answer until then and the Planning Board cannot move forward until after the Village Board has their meeting. Based on the decisions to be made at the Village Board meeting Chairman Parise again requested an extension which Attorney Tirschwell denied. Attorney Tirschwell again asked for Preliminary Approval subject to the conditions. Chairman Parise reiterated that the Board could not grant Preliminary Approval subject to the conditions without legal counsel present and legal counsel did not arrive. Chairman Parise questioned Consultant Johnson on suggestions as to how to proceed. Consultant Johnson responded that given the history of the project and the baggage and confusion associated with this matter she understands why the Board is hesitant to give Preliminary Approval subject to outstanding conditions without counsel being present. Chairman Parise again requested one more extension from the Applicant. Attorney Tirschwell said no more extensions. Chairman Parise reminded Attorney Tirschwell that a meeting was held with everyone involved with the project 8 or 9 months ago and everyone agreed that the planning process will be followed. Attorney Tirschwell disagreed and refused to grant another extension saying he has waived on all issues to be dealt with until final approval. The Planning Board is in agreement that since they are at a disadvantage by not having counsel present they cannot agree to a waiver of outstanding issues. Attorney Tirschwell presented a letter he wrote dated 8/4/08 to Attorney Ostrer indicating that the expiration date of August 19, 2008. The Planning Board did not receive a copy of this letter. Consultant Johnson commented that this matter is on a track that has been moving along well. She stated that the Board has worked through the storm water issue with the Applicant, has allowed the Applicant to defer the traffic impact study to final, has resolved Archeology issues. There were numerous issues to be dealt with and the Board has done quite a bit of work on this matter. Member Niemotko summarized that the Planning Board is at a disadvantage because the Planning Board Attorney is not present. The Board appreciates Attorney Tirschwell's gesture to waive all issues but the Board cannot move forward without legal representation. Member Niemotko further stated that Chairman Parise did everything possible to get legal representation present for this meeting. Chairman Parise outlined that he received a call from Attorney Levinson's office on August 13, 2008 asking if Attorney Levinson would be needed at the workshop that evening because he was leaving for vacation the next day. The Chairman felt that the board should be fine with the workshop but needed Counsel for the Regular meeting on Monday August 18, 2008. Chairman Parise requested Attorney Reineke for the Regular meeting. On Monday morning, August 18 the Chairman placed a call to Attorney Levinson's office and left a voice mail message with Attorney Reineke's secretary confirming that Attorney Reineke would be at the Regular meeting. Around mid morning on August 18 the Chairman received a telephone call from Virginia Carey, Village Clerk, saying that Attorney Reineke cannot attend the meeting that evening because of another appointment but Attorney Ostrer would cover for Attorney Reineke and he was to call the Chairman to confirm. Attorney Ostrer called the Chairman's business office and left a voice mail message. Chairman Parise returned the phone call shortly after receiving the message and asked to speak with Attorney Ostrer. The person answering the telephone said that he was with a client. The Chairman stated why he was calling and asked that Attorney Ostrer call back so he could discuss the meeting for that evening. Chairman Parise left his office and business cell phone number. Chairman Parise never received a call back from Attorney Ostrer and no legal representation was present at the meeting. Chairman Parise again requested an extension. Attorney Tirschwell denied the extension. Chairman Parise stated that the Planning Board is willing to cooperate with the Applicant but the Applicant does not want to provide the Planning Board with another extension in order to have the issues

from the Village Board resolved before granting preliminary approval. Based on the Village Board issues outlined in Attorney Tirschwell's letter dated 8/4/08 to Attorney Ostrer, which the Planning Board did not receive a copy of, the Planning Board cannot make any decisions regarding these issues without an Attorney present. Attorney Tirschwell stated that he waives any legal position and any other issues to the final approval in order to not further delay the preliminary approval. Attorney Tirschwell recollects that a direction was made to Attorney Levinson at the July meeting to prepare a Resolution for preliminary approval. Chairman Parise stated that without counsel present the Planning Board cannot move forward on these issues which need to be addressed by the Village Board.

APPROVAL OF MINUTES

On a motion made by Member Syrianos and seconded by Member Niemoitko, it was Resolved that the minutes of the July 9, 2008 workshop and July 14, 2008 meeting be tabled until the September 15, 2008 meeting due to the absence of Member DeAngelis.

ADJOURNMENT

On a motion made by Member Syrianos and seconded by Member Brattain it was unanimously Resolved that there being no further business, the Meeting be adjourned. The meeting was adjourned at 9:10 p.m.

**VILLAGE OF MONROE PLANNING BOARD
WORKSHOP MEETING
SEPTEMBER 10, 2008
MINUTES**

PRESENT: Chairman Parise
Members Cocks, Syrianos, Niemotko, Brattain
Engineer O'Rourke, Consultant Johnson, Attorney Levinson

Absent: Member DeAngelis

Chairman Parise opened the meeting at 8:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

Cordisco – Accessory Apartment (220-5-17)

Present: Arthur and Eleanor Cordisco

Eleanor Cordisco explained that an addition was added onto the home in 1985 and has been an apartment ever since. The Applicant received a Certificate of Occupancy for the addition but no documentation regarding the home being two family or an accessory apartment. Chairman Parise stated there is a violation on the property issued by the Building Inspector for an illegal conversion from a one family to a two family dwelling. Attorney Levinson questioned if the property has been taxed as a two family residence and the Applicant stated no. Attorney Levinson stated that the property is not within a two family zoning area and if it were to become a two family home the Applicant would first have to apply to the Zoning Board. Engineer O'Rourke stated that based on the hand drawn plan submitted it appeared that the addition would meet the requirements for an Accessory Apartment. Engineer O'Rourke submitted a list of items to be addressed by the Applicant. Attorney Levinson suggested the Applicant review and comply with Engineer O'Rourke's items and return to the next workshop meeting with a professionally drawn site plan showing exact square footage, parking, utility placement, footing/roof drain location and any existing easements or restrictions encumbering the lot.

La Vera Cucina – Site Plan (218-5-9.122)

Present: Alex Raja, Larry Toro, JL Consulting

Chairman Parise noted there is a Stop Work order on the site for land clearing and preparation to convert grass area to parking area without a permit or Planning Board Approval, as well as a Violation for failure to comply with the Stop Work Order. Engineer Toro explained that the Applicant is looking to convert the area at the rear of the building to a parking area. The Applicant will clean up the area, fix the drainage problems and pave the area. Engineer O'Rourke submitted a letter dated 9/9/08 commenting on the site plan and listed items to be included. Attorney Levinson advised the Applicant to review the items listed in Engineer O'Rourke's 9/9/08 letter, amend the plans to reflect these items and return to the Planning Board. Member Cocks suggested placing the dumpster in the back of the property and enclosing it. Engineer Toro and Alex Raja both agreed to the dumpster change. Member Cocks questioned how access is gained for the single family home located at the rear of the property. Engineer Toro stated there is an opening in the landscaping surrounding the proposed parking lot for access to the single family dwelling. Engineer Toro agreed to make the changes and submit an Amended Site Plan.

Chairman Parise changed the Agenda order to hear Monroe Real Estate Properties, LLC followed by Bridges at Lake Parc. All parties were in agreement with the change.

Monroe Real Estate Properties, LLC – Amended Landscaping Plan (206-2-1.1)**Present:** Rodger Braley, Architect

Engineer O'Rourke recused himself from the project

Architect Braley explained that once the retaining wall was installed on the site it was determined that the root system for White Pine, originally shown on the Landscape Plan, is too deep for the amount of soil coverage currently over the rock. Architect Braley submitted a new Landscape Plan with new types of plantings. Engineer O'Rourke relayed a message from Engineer MacDonald who was handling this matter but was unable to appear at the meeting, indicating he has prepared a letter stating he approves of the new Landscape Plan. Chairman Parise noted this is a Field Change which the Board has reviewed and the Board has no objection to the change. Attorney Levinson stated the revised Landscaping Plan to accommodate a field change will be filed with and accepted by the Village of Monroe Planning Board after Architect Braley stamps the plans.

Bridges at Lake Parc – Amended Subdivision (211-1-1)**Present:** Donald Tirschwell, Esq.

Attorney Tirschwell stated that everything has been worked out with the Village Board. Chairman Parise stated the Planning Board has not received anything in writing from the Village Board confirming any agreements. Attorney Levinson stated he received a letter from Attorney Ostrer whereby it appears the representations stated in his letter are accurate. Attorney Levinson stated he was not at the meeting the last time this matter was on the Agenda, and although Attorney Ostrer was supposed to cover the meeting he never arrived. Attorney Levinson noted that Chairman Parise had requested an extension at the last meeting and Attorney Tirschwell denied that extension. Attorney Levinson would like to conclude this matter and requested Consultant Johnson list what is still outstanding to allow him to prepare a resolution of preliminary subdivision approval, provided Attorney Tirschwell give the Planning Board time to act. Attorney Tirschwell stated that the situations which needed to be addressed by the Village Board have since been resolved. Attorney Tirschwell stated at the July meeting that he was told the Applicant would not get preliminary approval until a site visit was conducted by the Planning Board members. Chairman Parise disagreed with Attorney Tirschwell's statement. Chairman Parise corrected Attorney Tirschwell that it was a Negative Declaration which needed to be completed before the Applicant could receive Preliminary Approval. The Preliminary Approval had nothing to do with a site walk. Attorney Tirschwell stated that the request for a site walk was unacceptable to the Applicant now as it should have been done already. Chairman Parise stated he was unaware there was time restraints on conducting a site walk and questioned Attorney Tirschwell why it took him so long to resolve the issues regarding the dam and the property to be conveyed to the Village. Attorney Levinson questioned what issues remain outstanding. Consultant Johnson stated she prepared a draft Negative Declaration for the last meeting and the issues she had were whether the recreation fee would be paid; if the Village would be charging a fee for the wet tap; and the condition of the dam, the Smith House and pedestrian walkways. Attorney Levinson stated the Village waived the recreation fee based on land contribution. Attorney Tirschwell indicated that they agree to pay the wet tap fees. Engineer O'Rourke stated the Village consultant reviewed a report regarding the dam and Smith House submitted by the Applicant and agreed with the recommendations. Engineer O'Rourke stated no response has been received from the Village to date. Attorney Tirschwell stated the Applicant agrees to bring the dam, Smith House and pedestrian walkways up to date before transferring to the Village. Attorney Levinson confirmed that the Applicant will complete all recommendations made prior to transferring to the Village and once transferred Applicant is not responsible for maintaining these areas. Attorney Tirschwell agreed. Engineer O'Rourke spoke with Applicant's traffic engineer who will provide an outline of which intersections they want to study and will provide the Board with a report to make sure all parties agree to the intersections to be studied. Attorney Tirschwell agreed that the Applicant will pay

the water tap fee and deposit \$60,000.00 in escrow for a traffic light for a period of two years. Engineer O'Rourke reminded the Applicant that the County needs to approve of the traffic light. If there is no approval for a traffic light within two years the money returns to the Applicant. Attorney Tirschwell stated that the Village Board agreed that in lieu of renovations on the Smith House the Applicant will pay the Village Board \$50,000.00. Consultant Johnson listed some items in the Negative Declaration that are still outstanding but are required before final approval. One is the traffic impact study already addressed, second is a landscape plan which still needs to be submitted, and third Applicant needs to provide to the Planning Board a letter from the State indicating all of their concerns regarding archeological sensitivity have been addressed. Attorney Levinson requested Consultant Johnson to correct the Negative Declaration to say Village Board instead of Town Board, and to note that the Village Board has waived their requirement for recreational fees in return of the donation of Lot 14 which contains the Smith House, as well as a cash contribution of \$50,000.00 for restoration purposes. Attorney Levinson summarized that Consultant Johnson would revise the Negative Declaration to be acted on at the next meeting; Engineer O'Rourke is to provide a listing of all issues to Attorney Levinson to prepare the Resolution for Preliminary Subdivision Approval. Attorney Levinson discussed a letter received from Bonnie Frantzen dated 8/25/08 questioning if this subdivision is grandfathered in under Village Law because of the change in Village Zoning over the years since 1909. Attorney Tirschwell cited Ellington Construction v. The Village of New Hempstead, whereby if there is a substantial investment in the property and the infrastructure then the property is grandfathered forever. Attorney Tirschwell further stated that the Village took title to the streets in 1946 and that although the subdivision does not comply with zoning today, it is grandfathered in.

ADJOURNMENT

On a motion made by Member Brattain and seconded by Member Syrianos it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 8:35 p.m.

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
SEPTEMBER 15, 2008
MINUTES**

PRESENT: Chairman Parise
Members Cocks, Niemotko, Brattain
Engineer O'Rourke, Consultant Johnson, Attorney Levinson

Absent: Member Syrianos, Member DeAngelis

Chairman Parise opened the meeting at 8:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

Bridges at Lake Parc -- Amended Subdivision (211-1-1)

Present: Donald Tirschwell, Esq., John Atzl, Atzl, Scatassa and Zigler

Chairman Parise stated a Negative Declaration and Resolution have been drafted for this project. Attorney Tirschwell submitted a Survey of Abandonment of a Portion of Hill Street and Sunset Avenue to be considered prior to final resolution, this survey being a result of the Planning Board not wanting Sunset Avenue and Hill Street to end in dead ends. Attorney Levinson reviewed the proposed Negative Declaration and Notice of Determination of Non-Significance submitted by GreenPlan and discussed a new sentence to be added to item #7, page 3. The new sentence is to read as follows: The Planning Board has accepted applicant's offer as a mitigation measure to eliminate its own concerns about traffic impacts and as a significant consideration for this Board's determination of Non-Significance. Attorney Levinson requested the Board vote on the Negative Declaration as submitted with the amendment and Consultant Johnson will submit a final Negative Declaration for signature. The Planning Board unanimously agreed to approve the Negative Declaration with the amendment. A member of the audience requested to speak. Attorney Levinson informed them that this was not a public hearing therefore they would not entertain questions. The audience member questioned how a negative declaration could be approved without a traffic study. Attorney Levinson stated that a final approval would be subject to a traffic study, and further explained that public hearings were held and closed on this matter. This matter has been before the Planning Board every month for many months and this is the first time since the public hearing the audience member appeared. Dr. Fisher, a member of the audience, informed the Board that he recently moved to the corner of Sunset Heights and Mill Street for the aesthetic beauty, quietness, and low traffic of where the home is. Dr. Fisher opposes the plan. Attorney Levinson explained that this subdivision was approved in 1909 and again explained that the public hearings were held and have been closed. Chairman Parise explained that public hearing notices were published in the newspaper as per law as well as letters mailed to all residents within 300 feet of the property. Two public hearings were held and the second one was kept open for an additional month to allow for additional written comments to be accepted. Chairman Parise explained to the audience that he understands their concerns however the time to come forward was during the public hearings. This matter has been on the schedule for 18 months and nobody has appeared. Now the Planning Board needs to continue forward with the planning process. Ms. Fransen stated she appreciates the difficult situation the Board is in regarding litigation and questions how the issue of a Negative Declaration can be issued without a traffic study. Attorney Levinson again stated that a traffic study will be conducted and is part of the Resolution. Chairman Parise indicated that the Public Hearings are closed and the Board needs to move on with this matter.

On a Motion made by Member Cocks it was unanimously, **Resolved, that the Planning Board approve the Negative Declaration with the revision to be**

added to paragraph 7, page 3 as follows: The Planning Board has accepted Applicant's offer as a mitigation measure to eliminate its own concerns about traffic impacts and as a significant consideration for this Board's determination of Non-Significance.

On a Motion made by Member Brattain it was unanimously, **Resolved**, that the Planning Board accept the Resolution of Preliminary Subdivision Approval with Conditions subject to the amendment on page 2, paragraph 3, Traffic Study.

APPROVAL OF MINUTES

On a motion made by Member Brattain and seconded by Member Niemotko, it was Resolved that the minutes of the July 9, 2008 workshop and July 14, 2008 meeting, and the August 13, 2008 workshop and August 18, 2008 meeting be tabled until the October 20, 2008 meeting due to the absence of Member DeAngelis and Member Syrianos.

ADJOURNMENT

On a motion made by Member Cocks and seconded by Member Brattain it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 8:40 p.m.

ORIGINAL

REVISED
9/15/08

**RESOLUTION OF PRELIMINARY SUBDIVISION APPROVAL WITH CONDITIONS
FOR W.C. LINCOLN CORP.
VILLAGE OF MONROE PLANNING BOARD**

WHEREAS, the applicant W.C. Lincoln Corp. has made application to this board for approval of a 43 lot subdivision appearing on a map previously filed with the Orange County Clerk in 1909;

WHEREAS, the proposed subdivision has been referred to as "The Bridges at Lake Park";

WHEREAS, the applicant has sought to revise 16 of the lots contained on the plan;

WHEREAS, the property is located in the current SR-10 Zoning District of the Village of Monroe;

WHEREAS, the section, block and lot of the proposed project is Section 211, Block 1, Lot 1 on the Village of Monroe tax rolls;

WHEREAS, the lots in question fail to comply with the current bulk requirements of SR-10 Zoning District;

WHEREAS, the Planning Board has determined that because of the substantial improvements to the property following the 1909 subdivision and other factors, including the village's prior taking over ownership of the roads on said subdivision map, that the applicant W.C. Lincoln Corp. is vested with regard to the rights accruing under the 1909 subdivision map subject to the modifications of the subdivision as hereinafter set forth;

WHEREAS, a public hearing has been held and concluded with regard to the application for preliminary subdivision approval;

WHEREAS, the Planning Board of the Village of Monroe shall, by separate findings issue a determination of significance or non-significance under the State Environmental Quality Review Act;

WHEREAS, the Planning Board agrees to grant preliminary subdivision approval subject to the following conditions, all of which are to be resolved, satisfied or concluded prior to the grant of unconditional final subdivision approval to the applicant;

1. The issue of parkland fees required by the Village of Monroe Zoning Law has been referred by the Planning Board to the Village Board for consideration since it is the Village Board's jurisdiction to determine whether parkland fees may be waived and/or a payment schedule authorized with regard to any such parkland fees.

2. The Planning Board has been informed that the Village of Monroe Board of Trustees has elected to waive any requirement for the applicant to contribute to parkland fees in consideration of the substantial properties the applicant is donating or contributing to the Village of Monroe. Formal written confirmation of this waiver of payment of parkland fees shall be required prior to the grant of final approval without conditions.

3. Traffic Study: The applicant has agreed to participate in a traffic study which ^{and initiate will} ~~may~~ be conducted to determine if signalization is required at any point on Lakes Road in close proximity to the instant project. The applicant has agreed to contribute to one-half the cost of any traffic light required as a result of the traffic study to the extent of \$60,000. Prior to the grant of final approval,

the applicant shall deposit said sum with the Village Treasurer to insure payment by the applicant of its share of the signalization cost up to \$60,000. The Village of Monroe Board of Trustees has agreed that said funds shall be held in escrow prior to their reimbursement to the applicant should a traffic study performed not warrant the installation of signalization or a traffic study is not performed. The funds shall be held by the Village Treasurer for a maximum of two years from date of final approval. It should be noted that the Planning Board in considering the impacts of the development of this site by the applicant and the revised subdivision, has taken into consideration concerns involving traffic on Lakes Road which abuts the subject property. This board has determined that the revised subdivision approval requested by the applicant presents significant traffic issues that can only be mitigated by signalization as determined by a traffic study. Although the final signalization may be located off the applicant's site, the applicant has volunteered as an impact mitigation measure to contribute up to \$60,000.00 for the cost of such signalization if recommended. The Planning Board has relied on applicant's representation and offer in its determination of the applicant's mitigation efforts to reduce traffic congestion emanating from applicant's development of the site.

Should the balance of said funds be required to be reimbursed to the applicant, the Village shall nonetheless be entitled to retain any interest accruing on said funds to cover its costs of administrating said escrow funds.

4. Smith Pond Dam: The applicant shall make all the improvements, renovations and

repairs as recommended by the applicant's consultant and confirmed by the Village's consultant, Melick-Tully Associates, P.C. dated July 23, 2008 and as approved following the review by the Planning Board's engineering consultants by letter dated July 24, 2008. All repairs, renovations and improvements to the Smith pond dam shall be completed prior to the grant of any Certificates of Occupancy and during the first phase of site improvements.

5. Water Connection Fees: The applicant shall confirm with the Planning Board, applicant's representation that it agreed with the Village Board of Trustees that it shall pay the present per home water hook-up fee for all homes to be constructed by applicant.

6. Smith House Restoration: The applicant has agreed with the Village Board that it shall donate to the Village of Monroe, the sum of \$50,000.00 to be utilized, in whole or in part by the Village of Monroe for restoration of the home known as the Smith Home. This payment shall be made simultaneously with the grant of final approval but prior to the filing of the final map. The applicant has conceded that in the event the sum of \$50,000.00 is not expended in full for the renovation and restoration of the Smith Home, the Village Board may utilize the balance of the funds in its discretion for any other purpose.

7. Stabilization: The site shall be stabilized to prevent run off in accordance with the design standards set forth in the maps previously filed.

8. Certificates of Occupancy: All sidewalks shall be installed at each home site prior to issuance of any Certificates of Occupancy. The Planning Board shall recommend to the Village

Board, subject to the later's approval, to waive the requirement of final road course installation on roads currently designated Hill Street, Sunset Street and the unnamed street.

9. The applicant's final plans shall show the following subject to the review and approval of the Planning Board's engineering and environmental consultants:

- (a) Extension of sidewalks on Lakes Road including design;
- (b) Inclusion of sidewalk detail 2.5-3' grass area between curb and sidewalk;
- (c) The final design for the retention basin including retaining wall and fence;
- (d) Orange County Department of Health water approval;
- (e) Department of Environmental Conservation sewer approval;
- (f) Orange County Department of Public Works road connection approval;
- (g) Water line extensions and offsite improvements necessary to accommodate same;
- (h) Offsite road improvements as may be necessary;
- (i) Street lightings;
- (j) Road stabilization - further grading to reduce slope;
- (k) The lots to be dedicated to the Village of Monroe in obtaining highway work permits and approval for access to said lots;
- (l) Installation of a new culvert and bridge design;
- (m) Approval after analysis of existing pedestrian bridges and walkways spanning

pond and stream;

(n) Approval of retaining wall, its appearance and design;

(o) Landscaping/tree replacement plan to be approved by the board;

(p) Obtaining sidewalk easement for sidewalks to be installed along Lakes Road;

(q) Provisions for postal drop-off and temporary school bus stops on the site;

(r) Confirmation that no issuance of CO's will be granted until a sidewalk's installed in front of each home;

(s) Preparation of signage plan including stop, no parking, cross walk, etc.;

(t) Confirmation that sidewalks and driveways shall be concrete and all other drives paved for a minimum of 20';

(u) GPS coordinates for all storm water structures and outfalls to be provided and certified by applicant's consultants;

(v) Full metes and bounds descriptions of all drainage easements;

(w) The removal of all existing structures on site prior to final approval with the exemption of those structures being donated to the Village of Monroe and accepted by the Village of Monroe;

(x) Confirmation that due to lot sizes and proposed grading, all homes shall be constructed within the envelope shown for each lot and that any relocation of the house from the areas shown shall require re-submission and approval of the Village of Monroe Planning Board.

(y) Prior to the issuance of a CO for any home, an as-built survey setting forth site topography for each lot shall be simultaneously delivered to the Village of Monroe Building Department and the Village's engineering consultants;

(z) Prior to any site work a pre-construction meeting shall be coordinated with the Village of Monroe, its building department and police department and other emergency services;

(aa) All limits of clearing to be field delineated with orange safety fence prior to pre-construction meeting.

(bb) Storm water observation reports to be provided to the Village of Monroe Building Department and engineer;

(cc) Final design of storm water management facilities;

(dd) Confirmation of wetland delineation of ACOE;

(ee) Modification of field drain inverts to collection system;

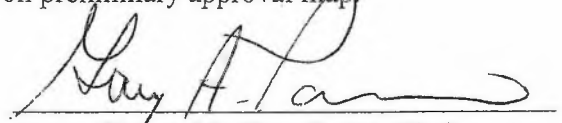
(ff) Satisfaction of all requirements of the Orange County Planning Department as contained in its review dated June 2, 2008 to the extent the recommendations have been adopted by the Planning Board;

(gg) The applicant to resolve road issues relating to "K", valves and geometries;

(hh) Final design and approval of storm management facilities by the Village's engineer;

(ii) Full compliance with all notes on preliminary approval map.

Dated: September 15th, 2008


Honorable Gary Parise, Chairman
Village of Monroe Planning Board

Ayes: 


Nays: 

NAYS _____

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
In the Matter of:

MARIA FRANSON, EMILY CONVERS and
BARRY FISCHER,

Petitioners,

-against-

THE VILLAGE OF MONROE, THE BOARD
OF TRUSTEES OF THE VILLAGE OF MONROE,
THE PLANNING BOARD OF THE VILLAGE OF
MONROE, and W.C. LINCOLN CORP.,

Respondents.

For an Order and Judgment Pursuant To CPLR Article 78
and a Declaratory Judgment Pursuant to CPLR §3001.
-----X

=====

MEMORANDUM OF LAW SUBMITTED BY PETITIONERS,
IN SUPPORT OF PETITION

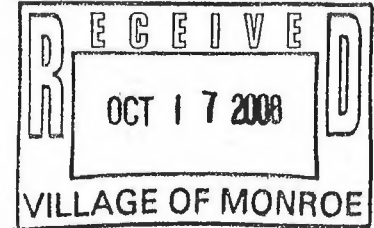
=====

Respectfully submitted,

DRAKE, LOEB, HELLER, KENNEDY, GOGERTY,
GABA & RODD, PLLC,
Attorneys for Petitioners,
555 Hudson Valley Avenue, Suite 100
New Windsor, New York 12553
Tel. No. (845) 561-0550

Of Counsel:

STEPHEN J. GABA, ESQ.



Index No.

2008-010850

FILED
ORANGE COUNTY CLERK
2008 OCT 15 PM 3:15

ORIGINAL FILED

SUMMARY OF FACTS

W.C. LINCOLN CORP., ("WCL") owns approximately 20.9 acres of land in the VILLAGE OF MONROE (the "VILLAGE"). WCL's property is part of the historic Roscoe Smith estate.

In 1909, Smith's heirs caused a survey map to be prepared and filed with the Orange County Clerk showing a sixty-five (65) lot subdivision of the property. However, no construction or improvement was ever done in furtherance of the proposed subdivision. The lots shown on the 1909 plat do not conform to present zoning and, pursuant to the terms and provisions of the VILLAGE's Zoning Code, any right to develop the nonconforming lots shown on the plat has lapsed and been abandoned.

WCL acquired the property in 2000. In 2001, WCL applied to the Building Inspector of the VILLAGE OF MONROE for a building permit for construction of a single family home on one of the lots shown on the 1909 subdivision plat. WCL's request for a building permit was denied by the VILLAGE's Building Inspector. WCL appealed to the VILLAGE's Zoning Board of Appeals, which confirmed the Building Inspector's determination. WCL then commenced an Article 78 proceeding against the ZBA, which resulted in a court order specifically holding that WCL did not

have a vested right to develop the nonconforming lots shown on the 1909 subdivision plat.

Thereafter, in the course of the VILLAGE's efforts to acquire portions of the Smith property through eminent domain proceedings, the VILLAGE BOARD OF TRUSTEES ("VILLAGE BOARD") and WCL entered into an agreement pursuant to which WCL would dedicate a portion of its land to the VILLAGE and, in return, the VILLAGE would "recognize" a vested right in WCL to develop the nonconforming lots shown on the 1909 subdivision plat despite the prior ZBA decision and Supreme Court order holding that no such right exists. The agreement was memorialized in a writing entitled "Settlement Agreement," which was to be executed once WCL's plans have been given a "rubber stamp" approval by the VILLAGE's PLANNING BOARD ("PLANNING BOARD").

In January of 2007, WCL submitted an application to the PLANNING BOARD for approval of a so-called "Revised Final Subdivision." After requiring various modifications to the plat, the PLANNING BOARD adopted a Negative Declaration under SEQRA and a resolution granting preliminary subdivision approval. In so doing, the PLANNING BOARD noted that the lots depicted on WCL's subdivision plat do not meet the bulk requirements of the VILLAGE's Zoning Code but found that the

nonconforming lots were acceptable because "the applicant W.C. Lincoln Corp. is vested with regard to rights accruing under the 1909 subdivision map."

ARGUMENT

I. THE PLANNING BOARD COULD NOT APPROVE A SUBDIVISION PLAT WITH NONCONFORMING LOTS.

It is a basic, fundamental precept of municipal law that each local agency involved in the zoning and planning process may not exceed the bounds of the power specifically delegated to it. See Moriarty v. Planning Bd. of Village of Sloatsburg, 119 A.D.2d 188, 506 N.Y.S.2d 184 (2d Dept. 1986). Accordingly, a planning board does not have the power to disapprove plans which comply with the requisites of the local municipal code and likewise does not have power to approve plans which do not. See Gershowitz v. Planning Bd. of Town of Brookhaven, 52 N.Y.2d 763, 417 N.E.2d 1000, 436 N.Y.S.2d 612 (1980). Further, planning boards are without power to render a determination regarding the local zoning law, as opposed to subdivision, site plan or special use regulations. Swantz v. Planning Bd. of Village of Cobleskill, 34 A.D.3d 1159, 824 N.Y.S.2d 781 (3d Dept. 2006).

In Gershowitz v. Planning Bd. of Town of Brookhaven, supra, the Zoning Board of Appeals of the Town of Brookhaven rendered a

decision that the petitioner's proposed automobile shredder plant was permitted under the Town's Code. However, the Town's Planning Board denied the petitioner's application for site plan approval based upon a finding that the proposed use was, in fact, not permitted under the Town's Code. The petitioner brought an Article 78 proceeding challenging the Planning Board's denial of site plan approval and the courts held that the Zoning Board's decision was final and binding upon the Planning Board and annulled the Planning Board's resolution.

In our case, as in Gershowitz v. Planning Bd. of Town of Brookhaven, supra, the decision of the ZBA and the Order of the Supreme Court in the prior Article 78 proceeding holding that WCL does not have a vested right to develop the lots in the 1909 subdivision is binding on the PLANNING BOARD. The PLANNING BOARD did not have jurisdiction to find that WCL "is vested with regard to rights accruing under the 1909 subdivision map."

Moreover, the facts before the PLANNING BOARD did not support a finding that WCL had secured vested rights in the 1909 subdivision plat. Under New York law, vested rights in a subdivision accrue only after substantial improvements have been made. See Ellington Const. Corp. v. Zoning Bd. of Appeals of Incorporated Village of New Hempstead, 77 N.Y.2d 114, 566 N.E.2d

128, 564 N.Y.S.2d 1001 (1990). The facts before the PLANNING BOARD showed that no improvements had been made in furtherance of the 1909 subdivision.

Since the lots in WCL's proposed subdivision did not meet the bulk requirements of the VILLAGE's Zoning Code, the resolution of the PLANNING BOARD granting preliminary subdivision approval must be annulled as illegal, arbitrary and capricious.

**II. THE PLANNING BOARD FAILED TO COMPLY WITH THE
SUBSTANTIVE REQUIREMENTS OF SEQRA REVIEW.**

Judicial review of a lead agency's SEQRA proceedings and determination is limited to whether the lead agency acted in accordance with lawful procedure and whether, substantively, the determination was affected by an error of law or was arbitrary and capricious or an abuse of discretion. See Chinese Staff & Workers Assn. v. City of New York, 68 N.Y.2d 359, 502 N.E.2d 176, 509 N.Y.S.2d 499 (1986); Matter of Jackson v. New York State Urban Dev. Corp., 67 N.Y.2d 400, 494 N.E.2d 429, 503 N.Y.S.2d 298 (1986). In assessing an agency's compliance with the substantive mandates of the statute, the courts must review the record to determine whether the agency identified the relevant areas of environmental concern, took a "hard look" at

them, and made a reasoned elaboration of the basis for its determination. Chinese Staff & Workers Assn. v City of New York, supra; Aldrich v. Pattison, 107 A.D.2d 258, 486 N.Y.S.2d 23 (2d Dept. 1985); H.O.M.E.S. v New York State Urban Dev. Corp., 69 A.D.2d 222, 418 N.Y.S.2d 827 (4th Dept 1979).

A lead agency may not defer review of environmental impacts to a later time nor may it delegate its SEQRA responsibilities to any other agency. Penfield Panorama Area Community, Inc. v. Town of Penfield Planning Bd., 253 A.D.2d 342, 688 N.Y.S.2d 848 (4th Dept. 1999).

Here, the PLANNING BOARD, as lead agency in SEQRA review, failed to take a "hard look" at all of the identified potential significant adverse environmental impacts, such as traffic impacts and visual and aesthetic impacts on the historic Smith property. It improperly deferred review of traffic impacts and did not require a traffic study before adopting a Negative Declaration. It also delegated its review of impacts on the Smith property to the State Office of Parks, Recreation and Historic Preservation. Clearly, the PLANNING BOARD failed to take the requisite "hard look" at environmental impacts and did not provide a reasoned elaboration of the basis for its determination.

III. THE PLANNING BOARD FAILED TO COMPLY WITH THE
PROCEDURAL REQUIREMENTS OF SEQRA REVIEW.

SEQRA and its implementing regulations establish a procedural framework designed to incorporate the consideration of environmental factors into the existing planning, review and decision-making process of State, regional, and local government agencies. Aldrich v. Pattison, supra. Strict or literal compliance with the procedural mandates of SEQRA is required, and "substantial compliance" will not suffice. Holmes v. Brookhaven Town Planning Board, 137 A.D.2d 601, 524 N.Y.S.2d 492 (2d Dept. 1988); see Aldrich v. Pattison, supra; Matter of Rye Town/King Civic Assn. v. Town of Rye, 82 A.D.2d 474, 442 N.Y.S.2d 67 (2d Dept. 1981). Anything less than strict compliance with SEQRA offers the proponent of a proposed project an incentive to cut corners and then cure defects only after protracted litigation, all at the ultimate expense of the environment. King v. Saratoga County Board of Supervisors, 89 N.Y.2d 341, 675 N.E.2d 1185, 653 N.Y.S.2d 233 (1996); see Schenectady Chems. v. Flacke, 83 A.D.2d 460, 446 N.Y.S.2d 418 (3d Dept. 1981).

In our case, the PLANNING BOARD failed to comply with the procedural requisites of SEQRA in that it did not circulate the

notice of intent to be lead agency and the Environmental Assessment Form on WCL's project to all involved agencies. These procedural flaws in the SEQRA process are fatal, and require annulment of the Negative Declaration and resolution adopted by the PLANNING BOARD.

IV. THE AGREEMENT BETWEEN THE VILLAGE BOARD AND WCL SHOULD BE DECLARED ILLEGAL, NULL AND VOID.

Euclidian zoning concepts mandate that zoning requirements be equally binding on all property. See, Village of Euclid v. Ambler Realty Corp., 272 U.S. 365, 47 S.Ct. 114, 71 L.Ed. 303 (1926). Village Law §7-712 authorizes a Village Board to create a Zoning Board of Appeals to interpret and administer the Village's zoning code. (McKinney 2008). Once a Zoning Board of Appeals has been created, a Village Board is not longer vested with authority to consider zoning appeals or authorize nonconforming uses except by enactment of local laws. 113 Hillside Ave. Corp. v. Village of Westbury, 27 A.D.2d 858, 278 N.Y.S.2d 558 (2d Dept. 1967).

In our case, the VILLAGE BOARD has entered or is about to entered into an agreement with WCL under which the VILLAGE BOARD purports to agree that WCL shall be issued building permits for nonconforming lots. The VILLAGE BOARD is wholly without power

to grant such de facto variances for nonconforming lots. Further, the VILLAGE BOARD does not have the power or authority to "recognize" a purported vested right to develop nonconforming lots, particularly when there is both a ZBA decision and a Court Order in place specifically finding that the purported vested right does not exist. Since the "Settlement Agreement" between the VILLAGE and WCL is illegal and *ultra vires*, a declaratory judgment should issue decreeing that it is null and void.

CONCLUSION

The petition herein should be granted in all respects, and a Judgment should be rendered under CPLR Article 78 and/or CPLR §3001 vacating and annulling the resolution and SEQRA Negative Declaration adopted by the VILLAGE OF MONROE PLANNING BOARD and declaring the "Settlement Agreement" to be illegal and void.

Dated: New Windsor, New York
October 15, 2008

Yours, etc.,

DRAKE, LOEB, HELLER, KENNEDY, GOGERTY,
GABA & RODD, PLLC

By: 

STEPHEN J. GABA

Attorneys for Petitioners,
555 Hudson Valley Avenue, Suite 100
New Windsor, New York 12553
Tel. No.: (845) 561-0550

SJG/

012775-62390

93378

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X

In the Matter of:

MARIA FRANSON, EMILY CONVERS and
BARRY FISCHER,

HON. JOHN K. MCGUIRK

Petitioners,

SO-ORDERED STIPULATION
OF SETTLEMENT

-against-

Index No. 10850/08

THE VILLAGE OF MONROE, THE BOARD
OF TRUSTEES OF THE VILLAGE OF MONROE,
THE PLANNING BOARD OF THE VILLAGE OF
MONROE, and W.C. LINCOLN CORP.,

Respondents.

For an Order and Judgment Pursuant To CPLR Article 78
and a Declaratory Judgment Pursuant to CPLR §3001.

-----X

WHEREAS, Respondent, THE VILLAGE OF MONROE (hereinafter the
"VILLAGE"), is a municipal corporation duly constituted and
existing under the laws of the State of New York, and maintains
offices for the transaction of business at 7 Stage Road, Monroe,
New York 10950; and

WHEREAS, Respondents, THE BOARD OF TRUSTEES OF THE VILLAGE
OF MONROE and THE PLANNING BOARD OF THE VILLAGE OF
MONROE, are the duly constituted Village Board and Planning
Board of the VILLAGE; and

WHEREAS, Respondent, W.C. LINCOLN CORP., (hereinafter
"WCL") is a domestic corporation and maintains offices for the

SJG/

012775-62390

93378

transaction of business at 1 Jackson Avenue, Spring Valley, New York 10977; and

WHEREAS, Respondent WCL is the owner of approximately 20.9 acres of land located at Lakes Road and High Street in the Village of Monroe which is identified on the tax map as Section 211, Block 1, Lot 1 (hereinafter the "Property"); and

WHEREAS, the Property is part of the historic Roscoe Smith estate, and the grounds include a historic home, a stream, walking bridges, and a pond with a water wheel; and

WHEREAS, WCL and the VILLAGE have reached an agreement or understanding under which WCL is to dedicate to the VILLAGE the portion of the Property improved by the Roscoe Smith home, out-buildings and structures, and was to make certain infrastructure improvements in the area; and

WHEREAS, on or about January 26, 2007, WCL submitted an application to the PLANNING BOARD for a forty-six (46) lot residential subdivision of the Property called "The Bridges at Lake Parc"; and

WHEREAS, on September 15, 2008, the PLANNING BOARD adopted the Resolution granting conditional preliminary subdivision approval on WCL's application; and

WHEREAS, the approved subdivision plans included a "through road" connection of Hillside Road to Sunset Heights Road.

SJG/

012775-62390

93378

WHEREAS, the petitioners, who are owners of property located in close proximity to the lands of WCL, have commenced this special proceeding seeking, inter alia, to set aside and annul the preliminary approval granted to WCL by the Planning Board on the grounds that, inter alia, the aforesaid through road connection of Hillside Road to Sunset Heights Road is objectionable and inappropriate; and

WHEREAS, the parties have reached an agreement and understanding under which they wish to resolve and settle this proceeding;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. That the above-captioned action is hereby settled and terminated with prejudice and without costs upon the terms and conditions recited herein.

2. That the through road connection of Hillside Road to Sunset Heights Road shown on WCL's plat shall be modified to include the installation of two (2) cul-de-sacs which shall be connected for emergency vehicle access by a strip of land not more than 44' in width, constructed with a surface of pavers or the equivalent sufficient to support emergency vehicle traffic which connection shall be barred by a security gate, all in

. SJG/

012775-62390

93378

substantial conformity with the detail attached hereto as Exhibit "A."

3. That without further action of the PLANNING BOARD, the resolution of the PLANNING BOARD granting preliminary approval for WCL's subdivision plat is hereby deemed modified to vacate therefrom the approval of the plat with a through road connection of Hillside Road to Sunset Heights Road and to add thereto a provision stating that as a condition of preliminary approval WCL must submit revised plans depicting two cul-de-sacs in substantial conformity with the detail attached hereto as Exhibit "A," which plans shall meet the approval of the PLANNING BOARD and such approval shall not be unreasonably withheld; and

4. That the approved final subdivision plat shall include the following note:

"The subdivider, its successors and assigns covenant that it will not construct a through road whatsoever connecting Hillside Road to Sunset Heights Road except the emergency access depicted on this subdivision plat."

5. That any finally approved subdivision or site plan approval granted for the Property shall include such revegetation or plantings as may be required by the Planning Board in addition to street trees.

SJG/

012775-62390

93378

6. That it is specifically agreed and recognized that the SEQRA review conducted by the PLANNING BOARD on WCL's application considers and adequately provides for the change to the subdivision plat mandated by this Stipulation, and that no further SEQRA review is required; and

7. That it is recognized that petitioners object to the landscaping and tree planting details of WCL's subdivision plans and the lack of architectural review, and that petitioners specifically reserve the right to object to and otherwise challenge the sufficiency thereof in regard to grant of final subdivision approval; and

8. Excepting as provided in paragraph "7" above, all other claims that were or may have been asserted in this proceeding are hereby settled and finally terminated; and

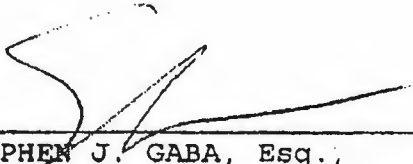

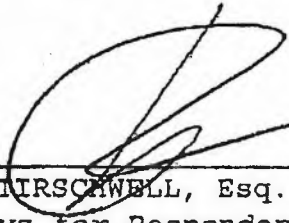
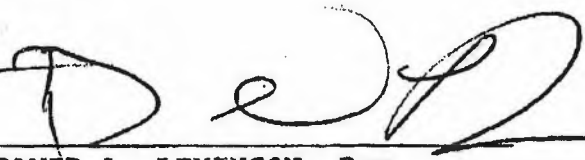
9. This Stipulation may be executed in counterparts with the same force and effect as all signatures appearing on the same page.

IN WITNESS WHEREOF, the parties through their counsel have caused their respective signatures and seals to be hereunto fixed the day and year written below.

SJG/

012775-62390

93378


STEPHEN J. GABA, Esq.,
Drake, Loeb, Heller, Kennedy,
Gogery, Gaba & Rodd, PLLC,
Attorneys for Petitioners,
555 Hudson Valley Avenue
Suite 100
New Windsor, New York 12553
Tel. No. (845) 561-0550
BENJAMIN OSTRER, Esq.,
Ostrer Rosenwasser, LLP,
Attorneys for Respondent,
The Village Of Monroe and The
Village Board of Trustees,
111 Main Street, P.O. Box 509
Chester, New York 10918
Tel. No. (845) 469-7577
DONALD TIRSCHWELL, Esq.,
Attorneys for Respondent,
W.C. Lincoln Corp.,
108 New Hempstead Road
New City, New York 10956
Tel. No. (845) 561-0550
DAVID L. LEVINSON, Esq.,
Levinson, Reineke & Ornstein, P.C.,
Attorneys for Respondent,
The Village Of Monroe,
11 Abrams Road, P.O. Box 244
Central Valley, New York 10917
Tel. No. (845) 928-9444Dated: July 24, 2009SO ORDERED: s/ John K McGuirk
HON. JOHN K. MCGUIRK, J.S.C.

07101-07102-07103-07104
800.221.0310 www.nyscef.com

Index No.

Year 20

DRAKE, LOEB, HELLER, KENNEDY, GOGERTY, GABA & RODD PLLC
Attorneys for

555 Hudson Valley Avenue
Suite 100
New Windsor, New York 12553
Telephone (845) 561-0550

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated:

Signature

Print Signer's Name

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Clerk Applicable Box

NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within-named Court on

20

NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within-named Court,
at _____
on _____ 20____, at _____ M.

Dated:

DRAKE, LOEB, HELLER, KENNEDY, GOGERTY, GABA & RODD PLLC
Attorneys for

555 Hudson Valley Avenue
Suite 100

To: