



BRIDGES AT LAKE PARC PROJECT MINUTES

February 7, 2007

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.

February 26, 2007

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

Present: David Ziegler, Atzl, Scatassa & Ziegler, 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.

The applicant will submit an application for this project.

March 14, 2007

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.

March 19, 2007

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

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

Chairman Woods stated that the reason the applicant is present at the meeting tonight is for the Planning Board to declare itself lead agency.

On a motion made by Member Parise and seconded by Member Cocks, it was unanimously **Resolved that the Planning Board declares itself lead agency for the Bridges of Lake Parc.**

Secretary Marasco will send notice to the Town of Monroe, the Orange County Planning Dept., the County Health Dept., Orange County Sewer District No. 1, and the Orange County Highway Dept.

April 11, 2007

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.

May 9, 2007

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.

June 13, 2007

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.

June 18, 2007

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 Niemoitko, 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.**

July 16, 2007

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, N. Y. 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 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 now 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 one 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 xxxxxxxxxx.

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 SEQR process. Attorney Tirschwell stated that this is the SEQR 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 of Monroe 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 SEQR. 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 clearcutting 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 country 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.**

Meeting

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 has 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 GreenPlan 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.

August 20, 2007

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 to 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 to 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.

September 5, 2007

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.

September 17, 2007

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

January 9, 2008

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.

January 14, 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.**

February 25, 2008

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". The 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 comment later.

March 17, 2008

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 Niemoetko, it was unanimously **Resolved, that there being no public comment this evening, the Public Hearing for The Bridges at Lake Parc be closed.**

June 11, 2008

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.

June 16, 2008

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.

July 9, 2008

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.

July 14, 2008

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.

August 13, 2008

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.

August 18, 2008

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.

September 10, 2008

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.

September 15, 2008

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.

August 11, 2010

3. Bridges at Lake Parc – Amended Subdivision (211-1-1)

Present: Dave Zigler, Atzl, Scatassa & Zigler, Engineers
Donald Tirschwell, Esq.

Engineer Zigler explained that there are a few changes to the map. The applicant went to the County for a permit and if sidewalks were to be installed as per the Board, the County requires documentation and agreements to be signed by the Village to maintain the sidewalk. Engineer Zigler spoke with Brian Smith, Village DPW who stated he was not interested in maintaining any sidewalk. Because of this the map now shows the sidewalks in front of the new homes and then the sidewalk ends. Member Cocks stated that in the Village homeowners are required to maintain their own sidewalks and wondered why Brian Smith would have an issue with the sidewalks. Engineer O'Rourke explained that much of this proposed sidewalk would be located in front of the property the applicant was donating to the Village and would be Village property for the Village to maintain. Attorney Levinson suggested a letter be written to the Village Board explaining that the Planning Board is requiring the sidewalks to continue through the Village and that the Village will be responsible to maintain them. The sidewalk is needed, Lakes Road is a dangerous road to walk on. Engineer Zigler stated the drop off/pick up bus stop as requested has been included on the plan and all open questions have been answered. A traffic report has been provided. On the original plan a bridge was proposed but the applicant preferred a culvert. Pictures of the proposed culvert were included in the packet. The Board is satisfied with the proposed culvert. Engineer Zigler requested meeting with Engineer O'Rourke to prepare the construction cost estimate. Attorney Tirschwell questioned why a construction cost estimate was needed because an agreement was that they would not bond that no C.O.'s would be issued until the top course of the road was done and felt since the Village was getting \$50,000.00 plus property they did not have to bond. Engineer O'Rourke stated that the map can't be filed unless they are bonded or fully constructed. Attorney Tirschwell disagrees. Attorney Levinson will research whether or not the subdivision map can be filed without all the improvements going in and without the improvements being bonded. Engineer Zigler stated he is still waiting for sewer and water approvals. Building Inspector Cocks questioned the phasing of the project, specifically as there is a building on Road A which is collapsing and wanted to know if that can be taken down now instead of waiting until that lot is ready to be built. The Board is in agreement a demolition permit can be issued immediately to have that structure removed.

September 20, 2010

3. Bridges at Lake Parc – Amended Subdivision (211-1-1)

Present: No appearance

Per the settlement of the lawsuit a public hearing needs to be scheduled. Attorney Levinson suggested the plaintiffs in the litigation be notified and invited to the public hearing.

On a Motion made by Member Niemotko and seconded by Member DeAngelis it is unanimously **Resolved that a Public Hearing be set for Bridges at Lake Parc on Monday, November 15, 2010, on or about 8:00 p.m. Monroe Village Hall, 7 Stage Road, Monroe, NY.**

November 10, 2010

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

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

Engineer Nasher submitted drawings. Attorney Tirschwell discussed the information contained in his 10/19/10 letter. Attorney Tirschwell explained that the Village of Monroe would like the land agreed to be conveyed to them, conveyed at the earliest possible date. There is a Village requirement that before the issuance of a C.O. all public improvements be installed. This would cause a problem with conveying the land to the Village all at one time as the project has been sectionalized. At this time the applicant is requesting that final approval be granted for the entire subdivision, and at the same time all lands will be conveyed to the Village, and the requirements for C.O.'s be listed on the final map. The first C.O.'s to be issued would be for the four lots facing Lakes Road, (Lots 40, 41, 42 and 43) as they would require minimal public improvements. The applicant is also proposing that the water main must be installed before any other C.O.'s are given. The second would be for the lots fronting Sunset including lots 18 and 19 originally facing the discontinued Brooklyn Avenue. C.O.'s for Lots 6, 7, 8, 9, 10 and 11 would be issued only after completed installation of the sewer main, water main and bridge and roadway from Lakes Road to Street A, Street A and the emergency access, and the completion of the emergency access. C.O.'s for lots on Hill Street will require completion of all public improvements. Chairman Parise summarized that typically all infrastructure is completed prior to building and C.O.'s being issued but in order to convey the land to the Village certain lots will need to be sectionalized regarding C.O. requirements. Attorney Tirschwell requested not needing to bond the improvements. Engineer O'Rourke explained that Village Code requires improvements to be bonded and if the applicant were to deviate from that they would need approval from the Village Board before the Planning Board can move forward. Member Cocks questioned when the Bridge will be built as it is not included in the sections. Attorney Tirschwell stated it will be done in Section 3 and will correct the map. Member Cocks stated that details on the old plans have not been included on this latest set of plans, such as lighting, and should be included in the final plans. Engineer O'Rourke warned of possible problems with buyers having problems if not all improvements have been completed once they have moved in and again the Village Board has to agree to this in writing for the Planning Board to move forward. Attorney Tirschwell stated all restrictions will be printed on the map so no one can say they bought and were not aware of the conditions. Attorney Levinson recommended a warning and notice in the contract of sale should be in effect as well. Attorney Tirschwell requested the Board consider continuing the sidewalk on Lakes Road as it now is only in front of two lots. Chairman Parise stated the Village Board has agreed to continue the sidewalks on Lakes Road.

November 15, 2010

PUBLIC HEARING

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

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

Chairman Parise read the Public Hearing notice dated 10/20/2010 into the record and opened the floor for questions or comments. Chairman Parise explained that the public hearing is for the Bridges at Lake Parc subdivision application for final approval to ensure that the adjoining property owners are satisfied with the board and the applicant in fulfilling their obligations on the content and settlement of litigation. Engineer Zigler presented the project to the public. Attorney Levinson instructed Engineer Zigler that his presentation should only be regarding changes as a result of litigation by adjoining property owners to the subdivision against the Village. Chairman Parise asked if there were any questions or comments from the Public.

Jeffrey Indyk, Brookside Road, Monroe asked Engineer Zigler to point out on the map where Center Hill Road was located in relation to the project, and questioned if the road will break through into his development. Engineer Zigler stated Hill Street will continue into Hillside Road, but that access onto Center Hill Road will not happen.

Cornelia Comer, 75 Lakes Road, Monroe asked if the stone bridge on the property being dedicated to the Village be taken down. Engineer Zigler responded yes the bridge would be taken down due to the deteriorated condition it was in, however the applicant would be replacing it with a new bridge to be dedicated to the Village. Ms. Comer asked what was being built on the Village property. Engineer Zigler answered nothing was to be built on Village dedicated land.

Peter Galloway, 98 High Street, Monroe, asked if the matter of tree line buffering has been considered along the portion of Sunset Heights being developed as opposed to clear cutting. Engineer Zigler presented a landscaping plan showing tree plantings on the new streets as well as on Sunset where the new lots are being proposed. The steep slope between Lakes Road and Sunset will not be disturbed with the exception of installing drainage. Mr. Galloway questioned if the gates being installed at the end of Sunset will be frequency activated gates. Engineer Zigler responded the gates are fire access gates and will be locked at all times. They will be used only for emergency vehicles if necessary and the gate on Sunset by the DPW for snow removal. The gate on Lakes Road will be used only by the County.

Emily Convers, 22 Sunset Heights, Monroe stated that clear cutting the entire hilltop is a concern. Although new trees are being planted it takes many years for a tree to mature to match the height of the trees which will be taken down. The hilltop can be seen from many areas of the Village and will be sad to see that hilltop clear cut.

Barbara Singer, 17 Brook Drive, Monroe asked if the Applicant could point out on the map where her property was in connection with this subdivision and voiced concern of the developer touching trees near her street. Engineer Zigler pointed out her property and stated no lands on her street would be disturbed.

David Trieber, 6 Corrine Court, Monroe asked what would happen to the stream running through property. Engineer Zigler stated it would be dedicated to the Village. Mr. Trieber asked where the houses would be in relation to the stream and what was happening to the stone building on Lakes Road. Engineer Zigler stated the stream and pond as well as stone building were all on the property being dedicated to the Village. Attorney Tirschwell stated that what happens to the land once it is dedicated to the Village is up to the Village Board.

Jeffrey Indyk asked how wide the roads will be. Engineer Zigler responded there is a 50ft right of way with 30 feet of pavement curb to curb, curbs on both sides and for new roads one side will have a sidewalk, all per Village requirements. Mr. Indyk voiced his concern over clear cutting all the trees on the property and asked if any mature trees could be left. Engineer Zigler referred to the Landscaping plan showing not only new plantings but also a hatched area which outlined areas where trees would be left.

Lillian Reinheimer, 13 Brook Drive, Monroe asked how far behind the barn does this property go and stated there are rotten trees falling on her property. Engineer Zigler will contact the contractor to remove any dead trees falling on her property.

Frank Corrigan, 2 Sunset, Monroe asked how many houses are proposed between Sunset and Mill Street. Engineer Zigler responded that 8 houses will be added to Sunset between Sunset and Mill Street. Driveway access will be onto Sunset. Mr. Corrigan asked what will be done to Sunset as it is not currently wide enough for a two way street. Engineer Zigler responded that a new water line will be installed and after that is completed the road will be widened within the right of way and toward the direction of the applicant's property. Mr. Corrigan questioned how they were widening the section of Sunset that begins at High Street up to the curve as the applicant does not own property in that section. Engineer Zigler stated that section of Sunset will not be widened. Mr. Corrigan's concern is that if that section is widened there is a large tree as well as a gas line on his property and is concerned the applicant will want to take some of his property to widen the entrance to Sunset.

Cornelia Comer questioned when the project will start, how long it will take, and if sidewalks will be installed on Lakes Road. Attorney Tirschwell stated that sidewalks would be put in in front of the four lots on Lakes Road. As far as what is done in front of the property donated to the Village that is entirely up to the Village Board. The four houses on Lakes Road will be the first to be built and hopefully to begin sometime next year. Ms. Comer is concerned that once building begins that construction debris will be tossed into the woods on her property.

Peter Gallum asked what type of community this would be and would it be gated since there has been discussion of gates. Attorney Levinson stated the gates are strictly to prevent through traffic and that anyone can purchase a home.

Jeffrey Indyk asked what size and type of homes were being built. Engineer Zigler responded the lots are narrow therefore the homes could be 30-35 feet wide with a 45-50 foot depth with one or two garages and all are single family homes. Height wise they must comply with the height restrictions within the Village code.

Jennifer Schneider, Oakland Avenue, Monroe, is concerned in this economy of having the woods clear cut, having a few homes built and not many sold. Is there a time line or limitation on when clear cutting would be done to avoid barren land. Attorney Tirschwell stated it is proposed that the first 4 houses to be built are on Lakes Road since there are no public improvements required for these homes. The next proposal is to build on Sunset; however before that building can begin the water line needs to be looped to service the existing homes as well as the new homes, which would require removal of trees. The only place to be cleared of trees is where the road, Hill Street, will be in order to install the water and sewer lines.

Barbara Singer questioned if the thick group of evergreens currently behind the barn will be cleared. Engineer Zigler replied no, they would not be cut down.

Emily Convers commented on articles in Orange Magazine regarding what people like best and least about Orange County and most of the time people like least the building and clear cutting.

Chairman Parise stated the applicant submitted the proof of mailings to the Board. Written comments will be accepted over the next few days if anyone has any additional comments. Send all written comments to Village Hall.

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

REGULAR MEETING

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

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

Chairman Parise acknowledged a letter from Attorney Tirschwell dated 11/15/2010 to the Village Attorney outlining certain modifications to be approved by Village Board resolution. The Applicant is requesting from the Village Board modification of the requirements that all public improvements are to be installed in the subdivision or a performance bond posted for all subdivision improvements prior to the issuance of a certificate of occupancy. Engineer Zigler stated that the plans need to be updated as to

drainage, sewer and water. Engineer Zigler stated at least another month will be needed to achieve all outside agency approvals. Attorney Levinson stated having the Applicant return in January to give enough time to obtain outside agencies. Attorney Levinson stated for the record the applicant consents to returning in January and agrees the Planning Board is not delaying the process as outside approvals have not all been obtained. Member Cocks requested to see details on walls, landscaping and lighting on the plans before approval.

January 19, 2011

3. Bridges at Lake Parc – Amended Site Plan – (211-1-1)

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

Chairman Parise stated there is still an open issue with the Village Board regarding the phasing of the subdivision. Attorney Tirschwell stated he has not heard from the Board. Attorney Tirschwell stated there is an additional issue with the County DPW who has issued a letter to NYS DEC indicating they will no longer sign application for permits as they do not own the property. County law states that the County Sewer District has the responsibility to maintain the sewer pipes but wants the Village to sign the application. They have created a catch 22 which is holding up developing all over the County. The County and DEC are trying to resolve the issue which is holding up the outside approval. Chairman Parise questioned the status of the dams. Engineer Nasher submitted a photo of a generic bridge/dam which they will use as the basis of their design. Engineer O'Rourke received a full set of plans and stated the applicant's Engineer has been working on a downstream analysis regarding removal of the dams. Engineer O'Rourke agrees there is an issue with OC Sewer District and the DEC and is County wide right now. The Village Attorney is trying to get the matter resolved. The Village is not the owner of the sewer system and do not collect the sewer taxes to use to maintain the sewer system therefore cannot sign the application as the owner. Engineer O'Rourke reminded Mr. Tirschwell that the bonding issue still needs to be resolved with the Village Board. Chairman Parise discussed the sidewalks and that need to be shown on the plan. The sidewalks will be in front of the homes but will not be installed in front of the Village property because the County has a clause stating they can take the sidewalks away at any time. Chairman Parise suggested the sidewalks be placed on the Village property instead of in the right of way of the County Road.

November 13, 2013

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

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

Chairman Parise stated that there has been no appearance on this matter since January 2011. Unfortunately Attorney Tirshwell passed away and now there is a new attorney and new engineer on the project. Attorney Sweeney agreed that he and Engineer McCreedy are now handling the project. Attorney Sweeney stated that the important changes addressed include changes with the Roscoe Smith house as well as SWPP and drainage issues. The Village Board has indicated they do not want the Roscoe Smith house, therefore the house will be demolished and two additional building lots have been added in its place. There is also some conflict with the DEC and ACOE regarding the rebuilding of the dam and those conflicts are still being resolved. Engineer McCreedy discussed some of the changes made. Two lots which were going to be donated to the Village but now the Village Board has decided to return those two lots back to the developer in exchange for parkland fees. In addition the existing house will be removed and turned into another lot again in exchange for parkland fees. The park property which will be dedicated to the Village has been reworked with Road A now ending in a cul-de-sac instead of a T. There will also be a new detention basin design closer to the cul-de-sac and easier to access for maintenance. In addition the sanitary feed has been rerouted the feed through Lot 45 which will be less invasive to the infrastructure and surrounding area. Sidewalks have been added along the entire frontage of the property along Lakes Road. The issue of the actual dam removal is still being discussed with the ACOE and the DEC. Communication between the two agencies has been difficult and Engineer McCreedy's office is working to work all issues out between these two agencies prior to appearing formally before the Planning Board. Chairman Parise stated that the changes presented seem to indicate a new application. Member DeAngelis agreed. Attorney Levinson stated this constitutes a new application since according to Village Code the preliminary subdivision approval has expired. Attorney Sweeney does not agree nor disagree however is not averse to re-notifying outside agencies and will cooperate with the Board any what they feel the matter needs to be handled. Engineer McCreedy agrees and stated that their intent is to improve on the environmental impacts. Member Cocks commented that the addition of the sidewalk is well received; however ending the sidewalk at the end of their property line is a dangerous section as it is in a curve. Engineer McCreedy agreed to look into how to tie the end of the sidewalk in the best and safest way. Member Cocks commented that the proposed lots located where the bridges and near the Roscoe House today are going to be prone to heavy flooding as that area floods now and hopes that consideration is made to alleviating the flooding prior to any houses being built there. Engineer McCreedy will review the drainage on those lots. Chairman Parise asked for a schedule as to when the Roscoe House will be demolished. Attorney Sweeney will discuss this with the owner. Building Inspector Cocks stated that the Village is interested in keeping and restoring the bridges and water wheel currently on the property. Engineer McCreedy and Attorney Sweeney felt the property owner would have no issue at all with giving those items to the Village.

June 16, 2014

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

No Appearance

Chairman Parise stated that the applicant is looking to demolish the existing house on the lot on Lakes Road. Even though an agreement was reached regarding the existing house and the lot it is on through a settlement agreement resulting from an Article 78, the applicant and the Village have modified their agreement and details regarding the lots that were part of the agreement have changed. In addition, the applicant had appeared before the Board in January 2011 and then their attorney, Mr. Tirschwell passed away and the applicant did not return to the Planning Board until November 13, 2013 when Jim Sweeney appeared and indicated he was the new attorney on the project. In light of the fact that almost 3 years had passed with no contact and no requests for extensions, according to Village Code the preliminary approval had expired. Mr. Sweeney was informed of this information and did not disagree that approvals had expired. Mr. Sweeney was informed that due to lack of action as well as changes to the site a new application would need to be applied for. A letter was sent to Mr. Sweeney as a follow up to the meeting outlining this information.

On a Motion made by Member DeAngelis and seconded by Member Karlich, it was unanimously **Resolved that a letter be sent to the record owner informing him that in light of the fact that no action has been taken on this matter in almost three years, and requests for extensions of preliminary approval have not been made in accordance with Village code, the preliminary approval status has been lost, and if the applicant wants to move forward, a new application will need to be filed.**

November 12, 2014

4. **Bridges at Lake Parc – Subdivision/Site Plan – (211-1-1)**

Present: Richard Croughan, Esq.; Brian Brooker, Brooker Engineering

Chairman Parise stated that the Bridges project is returning to the Planning Board. A new application has been received. Chairman Parise stated that the applicant is having an issue with the ACOE and has issues which need to be discussed. Chairman Parise stated that while this is an active Planning Board file, any issues that need to be discussed will be done so at a Planning Board meeting. No issues will be held with the DPW. If the DPW Superintendent wants to attend a Planning Board meeting he is more than welcome. Engineer Brooker explained that the plan, per the Village, was to eliminate the dam. Unfortunately the ACOE has recharacterized the boundary of the entire lake and stream as Waters of the United States. Because of this characterization ACOE permission is now needed to remove the dam and they have not given that permission because they feel it will change the Waters of the United States by making it smaller and they will not permit that. To compensate for this change, the applicant is proposing to move the bulb of a cul-de-sac slightly, build up a wall with earth, which

would make the detention pond deeper which would allow the removal of the dam while keeping the Waters the same. Moving the cul-de-sac would require cutting into two lots causing the front lines of those lots to be curved to accommodate the cul-de-sac. The two lots to be adjusted are oversized lots therefore even with the reduction the lots will still be 12,595 sq. ft. and 13,642 sq. ft. respectively. The applicant is requesting the Board approve the concept to move the cul-de-sac and cut into the two lots to satisfy the ACOE. If the ACOE accepts this concept then DEC approval will be required. The Board was satisfied with the concept presented. Attorney Levinson requested a resolution be drafted outlining the conceptual changes and presented for approval for the Regular meeting.

November 17, 2014

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

Member Convers has recused herself due to a conflict.

Chairman Parise stated that a Resolution regarding the modifications to the plans has been received from the applicant and reviewed by Attorney Levinson and found to be satisfactory, with the modification of the words "Clerk of the Planning Board" to be changed to "Secretary of the Planning Board". In addition, a sketch of the area to be modified was also submitted.

On a Motion made by Member Cocks and seconded by Member DeAngelis it was unanimously **Resolved that the Resolution approving Changes to the proposed Bridges at Lake Parc Subdivision/Site Plan in order to continue the review process of the Subdivision/Site Plan by the US ACOE under a Nationwide Permit for Wetland Disturbances, and the accompanying sketch, are unanimously approved with the correction outlined by Attorney Levinson.**

February 17, 2016

1. Bridges at Lake Parc – Site Plan – (211-1-1)

Present: Brian Brooker and Liz Mello, Brooker Engineering

Chairman Parise updated the Board regarding the history of this project as it has been before the Board for several years. There was preliminary approval in 2008, and then unfortunately the project Attorney passed away causing a lapse of time with no communication from the applicant. In June 2014 the property owner was advised that no action was taken in 3 years and preliminary approval had been lost. The applicant reapplied to the Planning Board in November of 2014. Since that time the applicant has been working with the ACOE to rectify some issues that the ACOE had with the project. The ACOE has reached a point where they can move forward which brings the applicant to the Planning Board at this time. Chairman Parise commented that he has some concerns that will need to be addressed. Some of the studies that were conducted for the preliminary approval will need to be revisited as things have changed

in the area over the past few years. One of the changes is that Lakes Road is now a Village owned road instead of a County owned road, therefore the sidewalk and traffic light previously discussed can be addressed now. The traffic study was conducted over 5 years ago and should be revisited. There are still some outstanding engineering issues to be addressed. No landscaping plan has been submitted. The brick pavers proposed in the cul de sac have been changed to stamped asphalt. Engineer Brooker discussed some of the changes that have been made to the plans. Engineer Brooker stated that the ACOE wants the dam removed as they do not want dams anymore and would rather the streams be opened up. Removal of the dam required the creation of a wetland area and detention basin to collect the overflow. Catch basins and piping will be installed along Lakes Road with water discharging into the creek and wetland area being created. The water issue is almost completed with ACOE and DEC and they are at the point where they are ready to move forward with the Planning Board approval. Engineer Mello commented that the change from brick to stamped asphalt was on a recommendation from DPW Superintendent Smith. Chairman Parise understood DPW Supt. Smith's input is important, but the final materials decisions will be made by the Planning Board. Engineer O'Rourke stated that his office is still in the process of reviewing the plan submission and his report would be provided once review was completed. Engineer Mello commented that Johns Collins Engineering conducted the prior traffic study and she would request they revisit the issue. The Board agreed that traffic needed to be reevaluated. Member Cocks asked about the traffic light that was previously discussed and noted that now that Lakes Road is a Village Road it should be easier to get the light installed, and added that traffic on Lakes Road is an issue. Engineer Brooker agreed to discuss the traffic light, and added that they have shown a continuation of the sidewalk all the way to High Street. Engineer O'Rourke suggested that all studies be updated. Member Cocks discussed the temporary mailbox setup that was proposed years ago and reminded Engineer Brooker that the bus stop and mailboxes at the entrance to the development is only supposed to be temporary during construction and that once construction is completed; mail delivery is to be to each home, and bus stops throughout. Member DeAngelis stated that the Planning Board decides on the names for the streets. Chairman Parise added that another 239 review will be needed and the traffic signal timing at Route 17M and Lakes Road will need adjustment. Chairman Parise discussed an issue brought up a few years ago, where Building Inspector Cocks requested the water wheels and bridges on the property for potential restoration. Mr. Frank, the property owner, was still in agreement that the Village could have the water wheel and bridges. Building Inspector Cocks noted that the only issue is where to put the wheels and bridges. Engineer O'Rourke stated there were 3 options, 1 to demolish and remove them; 2 to refurbish and move them to another location; and 3 to refurbish and leave them where they are on the site. Mr. Frank and Engineer Brooker were agreeable to leaving the refurbished water wheels and bridges on site. Engineer Brooker stated he could find a place for them in the wetland area but needed to confirm with the ACOE that it would be okay to have them there. Attorney Levinson added that the revised map now complies with the Stipulation of Settlement from the Supreme Court in 2009. Engineer O'Rourke noted that a revised SEQRA form is required before Lead Agency can be declared. Elise Terhune and Lisa Ruyack from Museum Village had heard about the Roscoe Smith House and were

looking to discuss what was happening with the house. Chairman Parise responded that the Village Board already made a Resolution on the house. Any future decisions on the house are up to the Village Board, not the Planning Board.

February 22, 2016

1. Bridges at Lake Parc – Site Plan – (211-1-1)

Present: No appearance

Chairman Parise noted the Full EAF has been received from the applicant. Chairman Parise noted a correction to be made on page 13 regarding proximity to a scenic or aesthetic resource. The applicant checked no, however Goosepond State Park is less than 5 miles from the project site therefore the box should be checked yes. Member DeAngelis requested more time to be able to review the EAF. Chairman Parise added that at the workshop the engineer for the applicant outlined where they are in the process. They are waiting for permits from the ACOE, landscaping and lighting plans need to be done, and OC DOH needs to be applied to for sewers. The Board felt that at this stage they could declare their intent to be Lead Agency. Attorney Levinson commented that this the second time around for SEQRA as this was done 8 years ago, but since the applicant is starting over they will need to provide updates on all studies done and a new public hearing will be required.

On a Motion made by Member Cocks and seconded by Member DeAngelis it was unanimously **Resolved that the Planning Board declare its intent to be Lead Agency for Bridges at Lake Parc Site Plan.**

March 9, 2016

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

Present: Joseph Haspell, Esq.; Liz Mello, Brooker Engineering;
Mr. Frank, Applicant

Chairman Parise noted that comments were received in the form of a note from a resident of the Village who lives near the property. The resident claims the layout on the current plan violates a Stipulation of Settlement which was a result of an Article 78 that this individual filed. The second item in the note was regarding vested rights and how many lots can be allowed on the plan. This note was given to counsel and Attorney Levinson and Attorney Lipman have been discussing the issues received from the local resident. Attorney Haspell commented that he has had several conversations with Ms. Franson, who is the individual who wrote the note. The attorneys reviewed the Stipulation of Settlement that Ms. Franson refers to and determined that the plan that was in place at the time that the Stipulation was entered would be the baseline where the parties need to begin at this time. Issues regarding the Smith house happened subsequently to the Stipulation and both attorneys agree that the latest Smith house agreement is inconsistent with the Stipulation. At this point all parties need to meet and discuss the issues surrounding the Smith house and property and come to a conclusion.

Ms. Franson was unaware that the Village made a Resolution that they did not want the Smith house and property. The applicant agrees to accommodate whatever all parties finally determine with regard to the Smith house and property, however the parties need to come to a conclusion. Attorney Levinson added that the Stipulation was designed primarily to avoid through streets and provide for cul-de-sacs. The changes to the map between the time of the Stipulation and today were not created by the Applicant's desire to change the map, but were created by requirements from outside reviewing agencies added to the deterioration of the Smith house. Attorney Levinson advised the Planning Board that the preliminary approval has expired due to no action and no extension requests from the Applicant. The subdivision map is intact and what is on the map today may need to be augmented based on current situations. Attorney Haspell opines that the preliminary approval has not lapsed, but did not want to argue the details about that and wanted to move forward at this point. Chairman Parise agreed they did not want to argue, but it is the intent of the Planning Board to ensure that all items regarding the site plan are legal, and the Planning Board is going to revisit certain issues that may have changed since the first preliminary approval was granted. Attorney Levinson added that there was no request for any extensions of preliminary approval and according to Village Law and Village of Monroe code there has to be requests, therefore the preliminary approval lapsed. Attorney Levinson further stated that the Village Board has to be involved in these discussions as part of the Stipulation of Settlement as there were issue that the Village Board agreed to that they have now changed their mind on. Member DeAngelis stated she attended a Village Board meeting recently where the Village Board appointed Trustee Dwyer to discuss with the Applicant about retaining the house and the artifacts on the property. Chairman Parise stated the Planning Board has not been advised of any changes from the Village Board. The last correspondence received from the Village Board regarding the house and property was a resolution from August 2014 where they clearly stated they did not want the house, dam or property. Member DeAngelis insisted that Trustee Dwyer is in charge of a committee to restore the house. Mr. Frank commented that the Village informed him they did not want the house or the dam. Mr. Dwyer did recently contact Mr. Frank and asked if he could visit the property but Mr. Frank has not heard anything else. Secretary Proulx found the Village Board minutes from 8/19/2014 and it was read out loud:

On a motion by Trustee Dwyer seconded by Trustee Chan, it was: RESOLVED, in regard to the Bridges at Lake Park subdivision application before the Planning Board, the Village of Monroe Board has decided to NOT move forward with accepting the Smith House and corresponding real property that W C Lincoln Corp previously offered to donate to the Village of Monroe. Be it further RESOLVED, In addition while it is the understanding of the Village Board that the applicant is also willing to donate the dams located on the subject property, the Village Board is NOT interested in taking ownership of the dams. It is further RESOLVED, the Village Board respectfully requests that the Village Planning Board move forward with the legislative authority that requires the applicant to make the necessary and appropriate payment of money in lieu of land in accordance with the requirements contained within the Village's Zoning Code.

Attorney Haspell commented that with the Village declaring they do not want the house, and with the plan being redrawn to use the property where the Smith house is as buildable lots now, this new plan is inconsistent with the plan that was in place at the time of the Stipulation of Settlement and all parties now need to get together and work out the details. Engineer Mello explained what has changed with regard to the lot referred to as Lot 46. It was agreed that this Lot is still going to be dedicated to the Village as a passive park. The dam will be lowered by 2 feet so maintenance will not be required per the DEC. Originally there were 4 proposed lots along Lakes Road, 2 lots to be dedicated to the Village along with the house, and the other 2 to be developed. In addition \$50,000 was going to be donated for restoration of the house, and this was all to be done in lieu of parkland fees. Subsequently, in 2011, the Village looked into the cost to restore the house and it was found to be too costly and due to this expense the Village was not interested in proceeding and incurring such a large cost. The next discussions included if the applicant would be willing to knock the house down at his cost, as that was a large expense as well, and in return the Village, no longer having interest in the 2 lots on Lakes Road, would return those lots back to the applicant for development. Engineer Mello commented that Ms. Fransons comments most likely stem from the fact that she was unaware of the changed situations since the Stipulation of Settlement so because of that the map looked wrong to her, thus generating her recent memo. At this point the Village needs to determine and express their intent, and these intentions need to also be conveyed to Ms. Franson. The Planning Board agrees, and Chairman Parise commented that other than communication from Mayor Purcell there has been no communication from any other member of the Village Board, including Trustee Dwyer. Chairman Parise added that Trustee Dwyer attended the Planning Board meeting on 2/17/16 at which time this project was on the agenda, and he did not say anything about his intentions. Member DeAngelis stated again that she was at the Village Board meeting recently and insisted that Trustee Dwyer was pursuing refurbishing the house. Chairman Parise stated the Planning Board has had no communication from Trustee Dwyer and if Trustee Dwyer is taking on a project that directly affects an active Planning Board application he should most certainly be in touch with the Planning Board. Secretary Proulx found the minutes from the 2/16/2016 Village Board meeting which was also read out loud:

BOARD COMMENT: Trustee Dwyer gave an update on his assessment / inventory of the Roscoe Smith Estate for restoration. Trustee Dwyer feels the property is worth acquiring and asked the Board to consider sending a letter to the Planning Board and/or the current owner. Trustee Chan asked what the condition is and the cost for refurbishing it. Based on Trustee Dwyer's assessment he said \$1,000,000 to \$1.2 million dollars tops. That assumes certain conditions. The building is relatively intact. It has been vandalized but is structurally sound. A lot of the space is still original. It will require gutting and saving the millwork, flooring and architectural details should remain in place. It is a great building. The rooms have been beat up by vandalism. Door knobs and light switches are missing. Trustee Chan asked how long it would take to restore. Trustee Dwyer said his proposal would be to develop a plan. He hopes to gather interest from the community for the building. A committee who would create a foundation; find new sources including outside grants so the burden is not put on the

Village as a whole. Because of that, a timeline of perhaps 5-10 years would be required. The biggest part of the plan is acquiring the land, safe-off the building and let it dry out. Once that is done you won't have vandalism or the elements. Then, start working on the property. Trustee Chan commented, if it will cost one million to restore, would we have to pay prevailing wage or would the work be volunteers doing the work? Trustee Dwyer said we are not looking for a project for the Village to undertake. The Village would own it but under the guise of a project like the Sabre Jet Plane. Trustee Dwyer feels a lot of people will step up both monetary and labor by craftsmen who want to be part of the solution. Trustee Chan asked, once restored, what then? Trustee Dwyer said he sees it used by the Town and Village Historian's, for certain projects, weddings, conferences, Art Council events and people leasing it for certain events. Trustee Chan asked who is going to maintain it. Trustee Dwyer said it may become some of the village's responsibility or perhaps it can be self-sufficient. That is the goal. Trustee Dwyer said he's seen a lot of not-for-profits sell a window for different parts of projects. Roscoe Smith was the founder of Orange and Rockland and Museum Village. He gave the land for Smiths' Clove Park. He gave us Village Hall. He was involved with the Crane Park land being given to the Village. He was a visionary. Trustee Chan asked Trustee Dwyer if he has spoken to the developer. He was introduced through DPW Supt. Smith. Mr. Frank, the developer was interested in having a conversation. Supt. Smith said originally the developer was giving the Village the house. Trustee Chan said originally the Village had the whole house with the front of the property. The Board a few years ago negotiated to give the house back for additional fees. Supt. Smith spoke to Mr. Frank who is moving forward with his project and is negotiable for whatever we want. Trustee Chan asked how much are all the fees? Mayor Purcell said about \$150,000 in Parkland Fees that would be lost. He was going to take the house down at his expense. Mr. Frank was getting two building lots that would give the village two ratable properties on the tax roll. Trustee Dwyer said there was an agreement some time ago. When the Village tried to acquire it, it wound up in court. Through that court case, there was a settlement. Mayor Purcell said it never made it to court. In 2000 the Village tried to take it by eminent domain. There was a threat of a lawsuit. Negotiations started in 2006 with the owner. The Smith family under Mayor Mancuso said the Village could have the property for 1.8 million dollars. The only lawsuit was the cul-de-sac proposed for the top of Sunset Heights. That was an Article 78 Proceeding. Trustee Dwyer in August 2014 put the motion forth to reject the property as it was cost prohibitive. He is ashamed of that decision today he said. He is glad to have the opportunity to come back and make it right. Mayor Purcell asked, if the project does not make it five years from now, what do we do? What is the fall out? Trustee Dwyer said the artifacts are critical and speak volume about Roscoe Smith. If the plan fails in a certain time frame, we would have to make a hard decision about the house or someone would pick-up the ball and continue to run with it always moving forward. If we can get this project started by summer of this year, Trustee Dwyer will do a full financial analysis of cost. If we agree, Trustee Dwyer said he will move forward and won't stop. His payment is honoring Roscoe Smith. Mayor Purcell said the dam and bridges are coming out. There will be a retention basin, Supt. Smith said. The stream will continue only smaller. The failing dam will be lowered 2 feet. There will be a wetland after the spillway. The structures get removed. The upstream spillway dam is coming out. The stream goes around the basin to the other

side. On the other side of that pond is a road with a house. Trustee Dwyer will keep in contact with Mr. Frank. Mr. Frank has both sets of plans, the original showing us owning the house and a second showing it as part of the subdivision. PUBLIC COMMENT:

Lorraine Loening commented on the Roscoe Smith property asking Trustee Dwyer about the 5.7 acres. That land would become parkland? It would stay off the tax roll? The million is that for the property or fixing the building? The house and repair to some of the landscaping there, is that budgeted for the 2016 budget? Trustee Dwyer is hopeful we can create some type of foundation, another funding venue outside the Village's budget. His purpose is to acquire the legacy of Roscoe Smith. Attorney Bonacic said for clarification, it is not parkland, it would be village property

Michelle Hierononymi asked if the project would be put to a Permissive Referendum. Trustee Dwyer said we are looking to acquire this for nothing. Mrs. Hierononymi said someone would have to pay the taxes. Trustee Dwyer didn't have any feeling about it one way or another. He said he was totally sensitive to tax dollars as he is setting as a Trustee representing the people of this community. He is looking at this property and saying this is where one of the founders of our community has lived all of his life. You have to maintain that. If you don't know your past, how do you look to your future? That's why he took on this challenge – to honor Roscoe Smith.

Mike Goldstein commented, you are going to get the house for nothing and it is going to cost one million dollars to rehabilitate it and if it all works and people come to see it, where are they going to park on that property? Trustee Dwyer said he hadn't thought about it. On the right side of the property he is looking to see if we can acquire that along with the house. We would develop a parking area there. Mr. Goldstein said you want to pay homage to Roscoe Smith for a million bucks. We could certainly build a small museum that maybe could house some of the artifacts, some of the pictures of the family, a place accessible with parking. I believe in saving where it is due but a million dollars is really pricey, Mr. Goldstein said. Museum Village has the General Store that is not used. Maybe, make a deal with them to honor this man for a lot less money and they have parking and you're not taking property off the tax roll, Mr. Egan said.

Chairman Parise stated again that Trustee Dwyer has not reached out to the Planning Board. Because of this change by Trustee Dwyer the Planning Board cannot move further on this project.

Attorney Levinson noted that in 2014 the Village Board resolved they did not want the house, dams or property. Now it appears that without setting aside the 2014 Resolution they appointed Trustee Dwyer to do an investigation to possibly keep the house. Member DeAngelis confirmed that Trustee Dwyer was handling this now and stated he is supposed to report back to the Board of Trustees. Chairman Parise asked when is he supposed to report back as no time limits seem to have been set. Trustee Dwyer is now causing this project to stall. A letter will be drafted to the Village Board regarding these issues.

Jim Rodgers asked if the wheel and bridges were remaining on the property, and at what location would the park begin. Chairman Parise stated that at this point nobody knows for certain because Trustee Dwyer has intervened and nobody knows which way

this is going to go now. Engineer Mello showed Mr. Rodgers what the current plan shows, but added that this can change depending on what the Village Trustees decide to do. Mr. Rodgers was happy with the layout Engineer Mello showed and thought it was a nice proposal.

Elyse Terhune from Museum Village stated that she discussed the Smith house with the Museum Village Board and although they would love to have the house, the issue is money. In the alternative, she asked, if the house is torn down, would Museum Village be allowed to bring their photographer to the house and photograph it to create a record as well as an exhibit at Museum Village. Mr. Frank said absolutely they could photo and document anything they wanted.

Chairman Parise stated that the Applicant and the Planning Board are in agreement that the Village Board and Trustee Dwyer need to communicate with the Planning Board and the Applicant as to their intentions and noted that because of the newly revived interest in the house by Trustee Dwyer, the project is now stalled. Member DeAngelis commented that Mr. Dwyer should attend the Planning Board meetings to inform everyone as to the status. Chairman Parise stated Trustee Dwyer was at last month's Planning Board meeting and never said a word about his intentions.

Member Cocks requested a paper copy of large plans for review. Member DeAngelis commented she can't use the tablet. Chairman Parise reminded the Board that the decision was made several years ago to go paperless to save money both to the Village and the Applicants. For years Board members complained about all the paper they had to carry around and store in their homes and the tablets were a solution which has been working very well. Member Cocks added that he is fine with the tablets for the most part, but the large subdivisions are a problem for him and would like a copy he can look at. Smaller projects are not an issue, only the large plan sets. Member DeAngelis commented she can't see anything at all on the tablets. Chairman Parise agreed to have a paper set available to Board members for larger plans if they were needed.

June 8, 2016

2. **Bridges at Lake Park – Site Plan – (211-1-1)**

Present: Joseph Haspell, Esq.; Alan Lipman, Esq.; Brian Brooker, P.E.

Chairman Parise summarized the past 6 months of the project involving the issue of Trustee Dwyer showing an interest in saving the Roscoe Smith house. The Village Board had instructed Trustee Dwyer that in order to pursue the potential restoration of the Roscoe Smith house he would need to come up with a plan and an agreement with the applicant regarding the house and property. To date the Planning Board has not received any status or direction from the Village Board regarding the Roscoe Smith House, other than Trustee Dwyer's interest in possibly restoring it. Chairman Parise contacted Mayor Purcell today to find out what was discussed at the Village Board meeting on 6/7/16 and was informed nothing specific was discussed but Trustee Dwyer stated he would be present at the Planning Board meeting tonight, unfortunately Trustee Dwyer did not show up. Chairman Parise stated at this point the Planning Board is looking for direction from the Village Board and the applicant as to the status and direction of the house and the project. Attorney Haspell stated he attended a Village Board meeting a few weeks ago where Trustee Dwyer addressed the Village Board and indicated he wanted to attempt to restore the house and although he did not have any money in place to do this restoration, he had ideas on how he could potentially obtain this money. Attorney Haspell stated that the Village Board gave Trustee Dwyer the authority to pursue his ideas. Attorney Haspell subsequently spoke with Trustee Dwyer and informed him that the applicant was willing to work with him to resolve this issue and at that time Trustee Dwyer requested copies of the maps which were provided to him. Another conversation between Attorney Haspell and Trustee Dwyer was held to attempt to come to an agreement which would satisfy Trustee Dwyer but at the same time not delay the project. Attorney Haspell explained that the applicant offered to Trustee Dwyer a solution which would involve two lots within the Bridges subdivision, the one containing the Roscoe Smith house, and the adjoining lot. The offer is to continue with the subdivision and site plan, but give the Village an option to acquire the two lots within a reasonable amount of time, for the price of \$1. The reason for the option and the time limit would be to give Trustee Dwyer enough time to attempt to successfully raise enough funds for the restoration of the Smith house so that the cost would not become a burden to the taxpayers, an issue other Village Board members brought up. If the funds were raised within the time period, and the Village was interested in letting Trustee Dwyer proceed, then the lots would be transferred over to the Village. However if Trustee Dwyer could not raise adequate funds within the agreed upon time period, then the Village would not have the burden of these lots and house, and the lots would remain with the applicant for development per the subdivision and site plan. Discussion was held regarding what a reasonable amount of time would be and somewhere between 2 and 5 years was discussed. This would be a detail to be worked out if and when the Village accepted the offer. Another issue that Attorney Haspell brought up that would need to be addressed is potential liability issues if this venture carries on for too long causing the house to be in such disrepair that it becomes a liability and insurance will not cover it, but added that this too was a detail that could

be incorporated into any agreement drawn up between the applicant and the Village. Trustee Dwyer's response to this offer was that it sounded good but he needed time to review the maps first. After Trustee Dwyer reviewed the maps another conversation was held with Attorney Haspell at which time Trustee Dwyer raised questions and issues which predated the court proceeding which led to the Stipulation of Settlement which is currently binding to all parties. Attorney Haspell expressed his concern with the turn the conversations had taken, as they no longer concerned the Roscoe Smith house, and was disturbed to discover that Trustee Dwyer was not aware that there was prior litigation involving this property, not aware of a settlement agreement, not aware of an executed stipulation in place and actually told Attorney Haspell that the stipulation is invalid because it was never signed, which is false. At this point, Attorney Haspell and his client feel they have bent over backwards to accommodate Trustee Dwyer and his quest, but are not willing to revisit and rehash old, settled information, none of which have any relevance to restoring a potentially historic house. The applicant and Attorneys feel that at this point in time there is absolutely nothing in place that should prevent this application from moving forward before the Planning Board. Attorney Haspell wanted it known that the applicant has made every effort to accommodate Trustee Dwyer, an offer has been made to satisfy his venture, and to date no response to the offer has been given. The applicant is ready to move forward as if this whole episode with Trustee Dwyer has not happened. The applicant represents that during the continued planning board review process, if the Village does chose to proceed with taking the two lots, the applicants offer will still be in place. However once final approval is granted, if the offer has not been exercised it will be lost. Attorney Haspell wanted to make it clear that the applicant is willing to cooperate fully with Trustee Dwyer in his venture, however at the same time the applicant does not want to delay the review process, does not want to incur liability and wants to ensure there is a deadline date so that this does not continue on indefinitely. Attorney Haspell stated that the applicant is ready to move forward now, despite Trustee Dwyer's venture, and is looking for the Planning Board's opinion on this issue. The Planning Board unanimously agreed that Trustee Dwyer has had 6 months to put a plan together and arrange agreements with the applicant but has failed to do so. The Planning Board unanimously agreed that with no communication from Trustee Dwyer and no new action by the Village Board modifying the Resolution made in 2014, this application should move forward. Engineer Brooker stated that he would be scheduling a meeting with Engineer O'Rourke to address the comments in Engineer O'Rourke's 2/26/16 review letter and once those issues are addressed, they will resubmit to the Planning Board. Attorney Levinson asked what the square footage of the houses will be and requested the square footage be noted on the subdivision plan. Mr. Frank stated the houses would be between 2400-2600 square feet each. Member Cocks requested renderings of the homes. Chairman Parise added that a traffic study needed to be updated, the EAF needs to be corrected, and details on blasting, if any, should be provided. Chairman Parise polled the Board and nobody had any additional comments or issues.

December 14, 2016

5. **Bridges at Lake Parc – Site Plan – (211-1-1)**

Present: Joseph Haspell, Esq.; Liz Mello, PE, Brian Brooker, PE,
Brooker Engineering; Mr. Frank, Applicant

Attorney Haspell recounted that the project went through preliminary approval, went through a lawsuit, a stipulation was entered into, and then new issues with the ACOE arose, and then more issues with the Village arose. At this point the engineers have successfully completed with the ACOE. With respect to the issues with the Village, there has been no progress. Attorney Haspell's concern is that there is a valid stipulation in place and there cannot be any breach of the stipulation. To ensure there are no further lawsuits, with respect to properties which were to be given to the Village upon approval the applicant will offer same to the Village Board for dedication and then the Village Board will either accept the offer, or they won't. If the Village Board does not accept the dedication then the properties remain with the applicant. That decision will be left entirely to the Village Board. Since there didn't seem to be a way to resolve the issue of these lots in a timely manner, at this time the applicant will be going forward with the plan as submitted, which is absolutely consistent with what was preliminarily approved a decade ago, and is absolutely consistent with the stipulation. Engineer Brooker stated there has been no change to the road designs. The changes made have been to address the engineer's comments and ACOE comments. Chairman Parise asked for clarification as to what happens to the property if the Village does not accept the offer of dedication. Engineer Brooker explained the applicant will then be left with one large lot which could be developed later on. The Village's decision, or time to make a decision, will have nothing to do with the rest of the project. Adjustments will need to be made to the drainage pond and the right of way for the road to avoid the need for a homeowners association. Discussion was held regarding a new traffic impact study as the prior study provided counts to 2012. The applicant is trying to avoid significant expense since SEQRA has already been gone through. The Board felt an update to the traffic study was important. Member Cocks commented that Lakes Road is a very busy road and is concerned with adding more homes exiting onto Lakes Road. Member Cocks suggested possibly pursuing having a traffic light installed at Center Hill Road. The applicant's engineer will contact Creighton Manning to discuss what would be needed to update the traffic study. Discussion was held regarding the many retaining walls and who would be responsible for maintenance in the future. In addition common property walls should be moved at least 5 ft onto the property to avoid confusion as to who is responsible for each wall. Wall details need to be provided. Walls located within proposed ROW should be moved to be located outside the proposed ROW's. Walls that cross property lines should be coordinated with construction, and maintenance and deed restrictions and easements may need to be considered. Engineer Queenan discussed the change in village road specifications since the project received preliminary approval. The proposed roads are 24' and the Village road width now is 30'. Altering the roads at this stage would change the entire plan and could not be in compliance with the stipulation. Discussion was held regarding possibly limiting on-street parking to one side of the street only. Member Graziano asked how many acres

are considered environmentally sensitive areas? Engineer Brooker stated 0.34 acre or approximately 15,000 sq. ft. of the entire property is environmentally sensitive and that entire area is along Lakes Road. Discussion was held regarding the artifacts on the site. Member Cocks asked if the artifacts could be left on site. Attorney Haspell stated they had every intention of preserving the artifacts and leaving them where they are. Chairman Parise asked what the maximum square footage of each house would be and wanted these figures noted on the plans. Engineer Brooker stated a rendering of the homes would be submitted at the next submission which would outline the style and size of the homes. Member Cocks requested specs on the street lighting and stated that 14' light poles would be a better look.

June 14, 2017

4. Bridges at Lake Parc – Site Plan – (211-1-1)

Present: Joseph Haspell, Esq., Alan Lipman, Esq.; Liz Mello, Brian Brooker, Brooker Engineering; Mr. Frank, Applicant

Engineer Brooker summarized that a DEC dam permit and a stream disturbance permit is required but cannot be applied for until the plan is found acceptable to the planning board. Since the last appearance before the board a number of changes have been made to the plans in response to engineering review, such as road widths, retaining walls, type of grading around the houses, headwalls, etc. Remaining issues included the traffic report and the need for the traffic light therefore an updated traffic study was submitted. If there still remains a need for a traffic light, the applicant agrees to contribute the \$60,000 towards that light, a number which was agreed upon in the resolution of preliminary approval, and the village would contribute the remainder of the cost. Engineer Brooker is looking for confirmation as to whether or not a traffic light will be required. Chairman Parise stated the traffic study has been sent on to the Village's traffic consultant but we have not received his review yet. Chairman Parise noted that a traffic study was done 1/7/10 with counts done in November 2009, and has been updated again on 4/17/17 with counts done in March 2017. Chairman Parise noted for the record that the studies and counts were not done during the summer. Engineer Higgins noted that Lanc & Tully is still reviewing the SWPPs. Chairman Parise asked the board if they had any additional questions or comments. The board had no comments. Chairman Parise asked if the applicant has had any response from the Village Board regarding the existing house and property. Attorney Haspell responded that the issue has gone silent. Attorney Haspell stated the applicant will offer the property for dedication and the Village will either accept dedication or it won't. Regardless, it will not interfere with this approval as that portion of the property is being left open. Attorney Haspell summarized that the applicant received numerous phone calls months and months ago, and then things went silent. The applicant is giving the Village the opportunity to do what they want with the house, and if they don't, it will not delay the project. Chairman Parise noted that neither the planning board, nor the applicant or their consultants, have heard anything from the Village Board or any of its members regarding any change in the status of the house and related property. Attorney Haspell stated the last communication received was prior to December 2016 and that was from Mr. Dwyer. Since that communication, which has been over 6 months, there has been no communication, it has been silent. Attorney Levinson confirmed with the applicant that there has been no discussion with Mr. Dwyer or any other representative of the Village Board in over 6 months. Attorney Haspell agreed.

June 19, 2017

7. Bridges at Lake Parc – Site Plan – (211-1-1)

Present: Joseph Haspell, Esq., Alan Lipman, Esq.; Liz Mello, Brian Brooker, Brooker Engineering; Mr. Frank, Applicant

Chairman Parise stated that Engineer O'Rourke, the applicant, and Secretary Proulx prepared checklists of outstanding items. These items include:

Village Board

Final determination of ownership of "Dam", storm water basin, roadways and easement areas and all walls

Lot 46 - Demolition/ownership of House /and ultimate responsibility of property

Planning Board

- Traffic Village Consultant -- review report
- SWPPP Village Engineer -- reviewing report
- NYSDC Permits for sewer extension, stream disturbance and water quality certification
- Plan set Missing Sheets 1 and 2 - Subdivision Plans - Bulk Table, etc.
- Dedication/Easements Applicant to submit to Village for review and approval
- Cost Estimate Applicant to submit for review and approval
- Landscaping Plan (storm water basin) Applicant to submit for review and approval
- Road Design Applicant to review with the Planning Board
- County Comments Applicant to address

• General Comments:

- Individual driveways -or combine- 6 lots- Lakes Road
- Note Knox Box for Emergency access on plans and coordinate with Emergency Services
- Road slope 11.25% versus 10% discuss with the Planning Board
- Response - Notes - Guiderail - Culvert design to be completed by applicant
- Preliminary Approval requirements --- Address all comments/requirements Sub-paragraph 9
- Orange County Sewer District #1 approval required

Building Inspector Cocks noted that a few of the lots as situated on the plan would cause problems for homeowners when wanting to utilize their rear yards. Lot 5 should be turned to face Hill Street to allow for a usable backyard. The way the footprint of the house is now provides for a very large side yard but no rear yard. Lot 10 should be moved forward as close to the front yard set back as possible to allow for somewhat of a usable rear yard due to the retaining walls. And Lot 27 should be rotated slightly clockwise to make a more useful rear yard.

Chairman Parise added that street names need to be addressed; parkland fees need to be calculated, and the traffic study needs to be discussed. Chairman Parise noted for the record that a traffic study was done 1/7/10 with counts done in November 2009, and has been updated again on 4/17/17 with counts done in March 2017. Chairman Parise noted for the record that the studies and counts were not done during the summer. Chairman Parise noted that areas of concern regarding traffic included High Street approaching Lakes Road both from the east and the west, with limited site distance from the east; as well as the intersection with Center Hill Road and Hill Street. Attorney Haspell understood that the only traffic issue to be decided was whether or not a traffic signal was needed and Creighton Manning agrees with Maser Consulting that the area does not warrant a signal. Chairman Parise did not mention a traffic signal, but there are other issues regarding traffic that impact this area. Member Cocks noticed that the recent counts done in March had the counters on the road which were quickly ripped up by snow plows after a snow storm and never replaced. Member Cocks asked if they got enough information, or should those counters have been replaced. Member Cocks added that he lives on Lakes Road and drives these roads every day, multiple times a day and traffic is absolutely an issue, especially when trying to turn off of the side streets. Chairman Parise recommended that both traffic consultants appear at the next workshop to have a discussion with the board and applicant. Member Karlich asked who would be responsible for maintenance of the retaining walls and if it was the Village, would there be some sort of maintenance agreement in place. Engineer O'Rourke responded that the Village is responsible for anything within the right of way. Engineer O'Rourke added that the applicant should review the issues listed in #9 of the resolution of preliminary approval and make sure each comment is addressed. Engineer Mello explained that there will be offers of dedication made to the Village which will include the roads, sidewalks, curbing, drainage easements, retaining walls, as well as the parcel with the existing house and the two parcels next to the house. Whether the board accepts the offers or not is entirely up to the Village Board. The lot lines have not changed since the preliminary approval in 2008. Engineer O'Rourke commented that if the Village Board were to accept the house, the house would not meet setbacks. Engineer Mello noted that this is the layout from the original subdivision plan, and if the Village took the lots they would own all 3 and could adjust if necessary. Engineer Mello continued that if the Village chose not to accept the house and the lots, then the lots would revert back to the developer, the house demolished, and the lots developed. Engineer Mello noted that at preliminary approval, Lakes Road was a county road and the county required shared driveways to eliminate 7 potential entrances onto Lakes Road. Now that the Village owns this portion of Lakes Road, would the Village be amendable to individual driveways for each lot? An option of placing the driveways back to back along the property lines resulting in 3 larger curb cuts with individual driveways would better serve both the Village and the future homeowners as opposed to shared driveways. A grass strip in between the driveways could be installed delineating the separation. It would still provide for fewer entrances onto Lakes Road, without the issue of sharing and maintenance agreements. Engineer O'Rourke and the board were agreeable to the idea. Building Inspector Cocks questioned how parkland fees would be calculated with the acceptance of the 3 lots being uncertain. Attorney Haspell felt the parkland fees were addressed in the

stipulation. Chairman Parise responded that if the Village doesn't take the land for park land, then park land fees will be due.

July 12, 2017

3. Bridges at Lake Parc – Site Plan – (211-1-1)

Present: Alan Lipman, Esq.; Liz Mello, Brooker Engineering; Phil Greeley, Maser Consulting

Engineer Greeley discussed the updated traffic study. Actual counts and video counts were conducted in March at the intersections of Lakes Road, High Street and Route 17M and the volumes do not meet signal warrants. The Lakes Road segment of the project has had a decrease in traffic volumes of 0.4% per year between 2012 and 2015. Sight distance improvements are recommended at the Lakes Road/Hill Street intersection. Ami Parikh from Creighton Manning reviewed the traffic study on behalf of the Village and found that the study was conducted in accordance with industry acceptable practices. Engineer Parikh added that sight distances are limited at the proposed Hill Street/Lakes Road intersection and at the High Street/Lakes Road intersection and improvements should be considered to improve this. Engineer Greeley noted that additional signage could be added as well as clearing of some of the vegetation. Signal timing at 17M and Lakes Road could also be adjusted to aid in traffic flow. The northbound approach from High Street to Lakes Road is problematic due to the stone wall, which cannot be moved. A suggestion had been made several years ago to make that portion of High Street one way, but the Village Board did not approve that idea. Engineer Parikh added that although there is a circle with a gate on Sunset Avenue, bicycle and pedestrian connectivity should be considered to circulate between the neighborhoods. Member Cocks commented that the discussion with this traffic study has focused around a light at High Street and Lakes Road, but when the first traffic study was done the light was proposed at Center Hill Road and Lakes Road. Member Cocks added that Lakes Road is a high speed road which makes it difficult to turn onto from any side road. It is also a high volume road and it can take many cycles of the light at 17M/Lakes Road before you can get through. Member Cocks understood how the counts are evaluated but it's very hard to believe that in that area of Lakes Road would not warrant a light or any other type of remedy, and adding 46 homes to that area will certainly add to the traffic problems. Engineer Greeley commented that is not an abnormal amount of time to wait at a light, and the counts do not warrant a traffic light. Chairman Parise asked about having a light at Hill Street and Lakes Road. Engineer Greeley felt the studies do not warrant a light. Engineer O'Rourke stated that engineering comments have been sent to Brooker Engineering, and recommended that while engineering comments are being addressed, the applicant should appear at a Village Board meeting and work out the issue with the dam, fees and structures prior to approval.

September 13, 2017

1. Bridges at Lake Parc – Site Plan – (211-1-1)

Present: Joseph Haspell, Esq., Liz Mello, Brooker Engineering; Mr. Frank, Applicant

Chairman Parise asked if the applicant went to the Village Board yet to settle the dedication issues. Attorney Haspell indicated he has spoken to the Mayor and Trustee Dwyer and had discussion on the lots to be offered. There has been confusion as to what is being offered. Attorney Haspell felt the Village Board would be given the choice and they could accept the offer or not, but that it was not a planning issue and shouldn't hold up any approvals. Chairman Parise stated that the project can continue to move forward, however the issue with the Village Board needs to be settled prior to any approvals. Attorney Reineke asked what would happen to the lot in question if the Village Board did not accept the offer. Attorney Haspell replied the lot would then remain with the developer and could be further subdivided in a future application. Attorney Reineke was concerned with who would maintain the waterway, dam, cul de sac, ponds and existing structure etc. if the Village did not accept the lot. If the fallback is reliance on the property owner who would buy this lot, then ultimately the property owner could elect to stop paying taxes, the county would purchase the property, meanwhile the detention ponds that are there, which are for the benefit of all of the lots of the subdivision, would not be maintained properly. This is the concern. Typically if a municipality does not accept responsibility then a homeowners association would be formed. An HOA is the only way that future maintenance of that property could be guaranteed if the village does not accept the property. Engineer Mello added that should the Village not accept dedication, then a right of way would be added along the road and cul de sac, and an easement or right of way would also be established to the Village for the detention pond. Chairman Parise stated again that the applicant needs to appear at a Village Board meeting and formally offer whatever they are proposing to offer to the Village Board and let the board make a decision. Attorney Haspell felt that there have been a lot of discussions with the Village and there is a lot of confusion with no conclusion for a long period of time. Attorney Haspell felt it was not fair to the applicant to hold up approvals at the planning board because the village board could not make a decision. Chairman Parise stated that Attorney Haspell misunderstood the situation, and that no approvals were being held up at the planning board level. The applicant is not ready for any approvals. There are still a lot of technical issues which need to be addressed prior to any approvals being given. The planning board has been telling the applicant to approach the Village Board for several months now, so that issues with the Village Board are settled ahead of time so as not to delay planning board approvals. Now is the time to approach the village board as this project is not ready for final planning board approvals yet. It now appears that the applicant has not approached the Village board yet. Attorney Haspell stated he has had numerous discussions with Trustee Dwyer, who keeps changing what he wants and doesn't want. Chairman Parise stated that there are 5 members of the Village Board and the applicant needs to address the board as a whole, not piecemeal with only certain individuals.

They formally need to approach the village board as a whole and present the offers of dedication and await the village board's decision. Any village decisions are not for only one trustee to make. Engineer Queenan added that there is a classified dam on that parcel which requires continued maintenance. Engineer Mello stated that once the work is done the dam will be declassified. Engineer Queenan asked if DEC agreed to the declassification. Engineer Mello stated they are in the process of finalizing all permits with the ACOE and DEC. Member Cocks asked if this lot was not accepted by the Village would that lot be buildable. Engineer Mello stated yes, one house could be built on that lot. Any further subdivision of that lot would be difficult due to ACOE wetland and waters of the US line. Member Cocks asked if the village board understood the implication of not accepting the lot, that a house could be built there, and the potential issues of maintenance of the ponds, water ways, etc. Chairman Parise stated again that it is imperative that the applicant appear before the village board, as a whole, and present the offers of dedication. This needs to be discussed with all of the village board members, not just certain ones, and discussed at a meeting, on the record. Once the village board makes their decision they can inform the planning board and we can all move forward from there. Attorney Haspell agreed to get on a village board agenda with this situation. Engineer Queenan discussed the outstanding technical issues.

- US Army Corp of Engineers – Wetland disturbance – Must be updated.
- NYSDEC – Dam – Not submitted.
- Village of Monroe – Floodplain Development Permit – Obtained prior to construction.
- Orange County Dept. of Health - Water main – Valid
- Orange County Sewer District No. 1 – Sewer – Applicant to Advise

Engineer Queenan reiterated the outstanding issues to be resolved regarding Lot 46 as previously discussed. Ownership of lot 46, the ponds, wetlands areas, infrastructure, dam, lake, stream, stormwater pond all need to be established prior to any approvals. Documentation for all easements need to be submitted for review and approval, and the filing of the easements should be completed prior to the signing of the plans. Engineer Queenan noted a 25' wide area to the south side of Lot 1 which needs to be explained. In June there was a discussion about the driveways along Lakes Road being moved adjacent to each other, which was done, however a grass strip should be provided for separation between the driveways and cross easements provided. The subdivision plans should show a bulk table and zoning requirements. Construction details and dimensions of culverts along Hill Street need to be provided. Guiderails should be provided along Hill Street at the proposed culvert crossing and a safety fence provided between the culvert and the sidewalk. An overflow swale should be provided in the low area behind lots 8-13. Clarification on the plans should be shown for each specific type of retaining wall. Stone wall heights should be clarified and corrected where necessary. Detail on the width of Sunset Avenue needs to be clarified and should meet current NYS Fire Code. A safety fence around the stormwater management basin should be shown on the plans. The concrete sidewalk on sheet 38 does not match Village Street Specifications and should be corrected. If the footbridges over the existing pond remain

they should be examined for safety. Construction details for the proposed dry wells on lots 22-25 should be provided. Plans should note the existing dwelling on Lakes Road will be removed. Mailboxes need to be noted on the plans. Chairman Parise stated the board has requested streetscapes, architectural renderings, and floor plans of the proposed houses but they have not been submitted yet. Member Cocks reviewed the lighting plan, and although the lighting is sufficient, suggested possibly nicer, more architecturally decorative light poles as opposed to the standard O&R light pole. Member Karlich asked who would be responsible for the ongoing maintenance of the retaining walls, and if it's the responsibility of the Village, then the Village Board will need to understand this and accept this. Chairman Parise asked if any members of the board had any additional comments or questions. There were no more comments at this time.

February 12, 2018

4. Bridges at Lake Parc – Site Plan – (211-1-1)

Present: Joseph Haspell, Esq., Brian Brooker, Brooker Engineering; Mr. Frank, Applicant

Attorney Haspell informed the board that the applicant went to the Village Board, per the planning board's request, to make it clear to the Village Board how the applicant intended to proceed with regard to the application as well as the offers of dedication of the 3 lots along Lakes Road. Attorney Haspell stated that it was made clear to the Village Board that they intended to proceed through to final approval and upon final approval the 3 subject lots would be offered to the Village for dedication. The Village Board has made no decision. The Village Board was given a one year time frame to decide if they wanted to accept the dedication or not, and if not, then the lots would be further subdivided. The lot with the dam and water is being dedicated to the Village regardless of their decision. The remaining 2 lots surrounding the existing house are the lots in question at this point. Attorney Haspell remarked that the Village Board's response was one of silence. In addition, Mr. Dwyer seemed to be fixated on the idea that 5 lots comprising the entire Lakes Road frontage would be dedicated to the Village, but that was never an offer. It was unclear where the idea of 5 lots came from, as it has always been 3 lots, and remains 3 lots. At this point the applicant plans to complete the engineering issues and move forward. Engineer O'Rourke had several comments regarding stormwater management. Some of the upper lots failed some of the soil testing which needs to be addressed. There were several other technical issues which needed to be resolved as well. Engineer Brooker would review Engineer O'Rourke's comments and communicate with him to resolve these issues. Engineer O'Rourke added that if the Village Board were to accept the two lots surrounding the existing house, there will have to be a solution to the fact that the lot line runs right through the house. The Village Board would have to make a decision before those lots can be approved. Attorney Haspell suggested that if the Village board does not respond timely, then at the point of approval the final plat would show no lot lines around the subject lots, and if the Village ultimately decided not to accept dedication then the applicant would come back for a minor 2 lot subdivision. Attorney Levinson suggested the

planning board write to the Village Board for their answer as this has been going on for 2 years with no response. Engineer Brooker reiterated that the larger lot which encompasses the dams, water, and other artifacts, is being dedicated to the Village regardless of whether the Village decides to take the 2 lots surrounding the existing house. Member Cocks stated the concept of Neil Dwyer wanting all 5 of the lots along Lakes Road is a new one and asked if Attorney Haspell knew why he wanted all of them and what he planned on doing with them. Attorney Haspell stated that he was told by Mr. Dwyer that he intended to make it a performing arts center. The board was confused by this and asked where parking would go for a performing arts center? How could that area handle that kind of traffic? This is a residential district. Is he aware there is a road proposed to run directly between those lots? Attorney Haspell had no response or comment regarding Mr. Dwyer's plan, he was simply reiterating what he was told. The board voiced their frustration over the silence and lack of communication and decision making by the Village Board over this issue as it has been lingering for at least 2 years now. Discussion was held about writing a letter because the board was concerned they would get no response anyway. Attorney Levinson felt that if the planning board sent a letter to the village board, at the least it put the village board on record that the planning board requires their decision, and that the village board is delaying this process. Debbie Behringer, Village Trustee, was present in the audience and was asked to clear up some of these issues. Trustee Behringer stated she was confused by what she was hearing and felt the Village Board was being told different stories than what was said tonight. Trustee Behringer stated that the Village Board was informed they were able to acquire the house and 5 lots along the whole frontage of Lakes Road. That's what she was led to believe. Trustee Behringer represented that she was present to take notes on Mr. Dwyer's behalf as Mr. Dwyer could not attend this planning board meeting. Trustee Behringer acknowledged to the planning board and applicant that she has been hearing of this issue for the two years she has been on the Village Board, and added that she is totally confused, as what she heard at this meeting was completely different from what she's been told by Mr. Dwyer. Attorney Haspell understood how Trustee Behringer could be confused as Mayor Purcell has always understood the details with the 3 lots being offered for dedication, but Trustee Dwyer has always had insinuated that the offer was always for the 5 lots. Attorney Levinson suggested that Attorney Haspell put on the record what the official offer is. Attorney Haspell stated the offer of dedication is lots 44, 45 and 46. Lots 44 and 45 surround the existing house and are the lots that the Village Board needs to make a decision on. Lot 46 surrounds the water area and is being dedicated to the Village regardless. Engineer Brooker added that these 3 lots were part of the preliminary approval granted for this project, as well as in the stipulation of settlement in prior litigation. This has never changed. Trustee Behringer was shown these lots on the subdivision map for clarity. Trustee Behringer asked if this offer meant the house was coming down. Attorney Haspell said no, the offer includes the house as well as any artifacts located on these 3 lots. Trustee Behringer was informed that all 5 lots along Lakes Road was never a consideration. Attorney Levinson added that the Village Board made a resolution in 2014 to not accept the 2 lots which include the house, due to the exorbitant cost estimate they received to repair and renovate the structure, deal with asbestos abatement, and bring up to code. That resolution still stands today. Chairman

Parise stated that this board needs to move forward to completion on this project with the applicant, and the Village Board needs to make a timely decision on the lots. If the Village Board chooses to remain silent this board will still move forward. Chairman Parise added that streetscapes and renderings have yet to be submitted. Square footage also needs to be noted on the lots. In addition, the board needs to decide on street names.

April 11, 2018

4. Bridges at Lake Parc – Site Plan (211-1-1)

Present: Brian Brooker, PE, Brooker Engineering; Joseph Haspell, Esq.

Engineer Brooker stated the latest submission has addressed most of the prior engineering comments. New engineering comments were received and Engineer Brooker felt most of these comments were already addressed as well. Discussion was held and was agreed that Engineer Brooker and Engineer O'Rourke will meet to go over the specific outstanding engineering issues. Some of the outstanding engineer items were discussed. Engineer Brooker stated that the reason the first 2 pages of the plans have not been included is that they are being done by a different firm. Discussion was held regarding the applicant's visit to the Village Board meeting to discuss the situation with the Smith House. Attorney Haspell stated that there will be something in writing and made a part of the plan outlining that the Village Board will have one year from the time that the plat is signed to decide whether or not they want to accept dedication of the house and accompanying lots. Chairman Parise stated that the Planning Board has not received anything in writing from the Village Board as to what transpired between them and the applicant, and has only heard rumors. Attorney Haspell explained that nothing is in writing as of now as they cannot offer something that does not exist yet. They cannot offer lands for dedication until the plat is signed. Engineer Brooker explained that they purposely phased the project so that the lands in question would be the last phase to be filed. The last phase, phase 4, only includes the lands offered for dedication to the Village, which includes the house. By the time the last phase is ready to be filed the disposition of the lands for dedication will be known. If the Village decides to accept dedication then phase 4 will not be filed and the land will be transferred directly to the Village. If the Village decides to not accept dedication, then phase 4 maps will be filed and those lots will be developed. Engineer O'Rourke added that the map of the last phase could not be filed the way it is today showing the existing building as this map does not meet the setback requirements and the lot line runs through the building. Discussion was held regarding the applicants ability to work on the infrastructure of the remainder of the subdivision prior to phase 4 being filed. Member Karlich asked about the pond and the area around it, and asked who was going to maintain that if the Village does not accept the lots with the house. Member Karlich was concerned that the Village Board does not understand that they will be responsible for the maintenance of the pond and area surrounding it, as well as some of the retaining walls, and feels the Village Board needs to be informed especially when making their determination about the house and extra lots. Engineer Brooker felt the Village would accept the lot with the pond as a park regardless of what happens to the

Smith house parcel. Chairman Parise stated this needs to be confirmed with the Village Board and also confirmed that the Village will assume responsibility of the pond area. Engineer O'Rourke stated that in a normal subdivision the Village takes responsibility of storm water areas and ponds. This particular project has been tossed around a lot so this needs to be confirmed with the Village that they will in fact accept responsibility for the pond area, regardless of what happens with the house. Chairman Parise added that he spoke with Mayor Dwyer today and informed him that the Planning Board needs something in writing describing what occurred at their board meeting in November, as we are hearing contradicting details. Mayor Dwyer informed Chairman Parise that there are two new board members who need to be brought up to speed. Chairman Parise understood that the new board members should be informed but this would not halt the planning process, and that the Village Board needs to make a decision. Chairman Parise suggested to Mayor Dwyer that his board read the planning board's project minutes to understand what has transpired for this project to date. Engineer O'Rourke stated that all issues with the DEC still need to be resolved; and a full SWPP needs to be submitted, a note about the Knox box and details of the emergency gate should be provided; and a note on the plan regarding blasting should be included. Chairman Parise discussed additional outstanding planning matters which still have not been addressed. Maximum square footage of each house to be constructed needs to be noted on the plan; renderings of the houses to be constructed needs to be submitted and incorporated on the plan; Orange County gave binding comments in their 239 review which need to be addressed; the board needs to determine if a new 239 review should be done based on the changes; retaining wall details, ownership, maintenance, responsibility, and easements still need to be provided; street name for Road A; street lighting specs should be provided; landscaping needs to be accepted by the planning board; parkland fees need to be finalized by the Village Board before approval and before the maps are signed; construction cost estimate and bonding still needs to be done.

September 12, 2018

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

Present: Brian Brooker, PE, Brooker Engineering; Mr. Frank, Applicant

Engineer O'Rourke was able to briefly review the submission, however due to the late submission was not able to do a complete review yet. The subdivision plats still need to be reviewed, and then there are numerous outside agency permits which need to be obtained such as the ACOE permit, the DEC permit, OC Sewer permit, cost estimates, easements and dedications, and Orange County planning comments. Chairman Parise informed Engineer Brooker that since the submission was sent over a week after the submission date a complete review has not yet been completed. Chairman Parise added that the matter was placed on the agenda so as not to delay the applicant, but our engineer will need some time to review. Engineer Brooker fully understood. Chairman Parise added that the issue with the Village Board regarding acceptance or non-acceptance of the existing house and lots still needs to be resolved. Also, retaining wall ownership and cross easements still need to be provided and reviewed by counsel.

Engineer O'Rourke added that this board does not grant conditional approvals, therefore these issues all need to be addressed prior to any approval. Engineer Brooker did not feel this was typical or reasonable to not allow conditional approvals. Chairman Parise stated the board prefers to have everything completed before issuing any approvals. Engineer Brooker stated that this makes it very difficult to finish by requiring all permits ahead of time. Member DeAngelis added that this board does not give conditional approval. Engineer Brooker felt this was a burden for all the permits they would need. Engineer O'Rourke outlined the permits needed: ACOE, DEC, OC Sewer, a construction cost estimate needs to be submitted, easements and offers of dedication, parkland fees, SWPPP, Orange County Planning comments to be addressed, and the Village Board disposition of the existing house and lots. The issue of renderings of the proposed homes was brought up, however Mr. Frank stated he did not want to discuss this without his attorney present. Engineer Brooker asked how they were supposed to resolve the issue with the Village Board. Engineer Brooker felt the option proposed, with placing the house and lots in the last phase to give the Village Board time to make decisions was a viable option. Chairman Parise stated that option was not unacceptable, however there are procedures through Village code which must be followed prior to him being permitted to signing any plans. One of those procedures is the collection of fees in lieu of parkland which according to code must be done prior to signing plans, but cannot be determined until the Village Board decides whether or not they are going to accept the house and lots which creates complications that only the Village board can remedy. To date no direction has been received by the planning board from the village board as to how to proceed. The planning board has no authority to waive any requirements of the village code. If the Village board wants to waive certain code requirements, then they have to provide that in writing to the planning board. Until that happens the planning board cannot deviate from the code. Another issue the village board has to address is the lot line running through the existing house, but again this would be discussed if they were to accept the house. It would be in the applicant's best interest to discuss these issues with the village board and resolve the issues with them. Engineer Brooker stated they already went to the village board and has had no response. Chairman Parise responded that we have a different village board now, a new mayor and two new trustees. Attorney Levinson suggested the applicant's attorney contact the village board to determine what their position is, and any correspondence should be copied to the planning board so that the planning board is informed. Mr. Frank voiced his frustration with the village board, as he has approached them to make a formal offer, but he cannot force them to make any agreements if they don't act. Attorney Levinson understood Mr. Frank's frustration but the planning board does not know what the village board intends to do and without direction from them the planning board cannot act. Mr. Frank said he is fine with paying the parkland money, he is fine giving the house and lots, he doesn't care he just wants to move forward. What happens if the village board never makes a decision, never gives a direction. Chairman Parise understood Mr. Frank's frustration but added that the planning board can't change procedure without the village board's direction. The planning board has no jurisdiction to waive parkland fees, or make decisions on accepting property; those are village board issues which need to be addressed between the applicant and the village board.

December 12, 2018

7. Bridges at Lake Parc – Site Plan (211-1-1)

Present: Brian Brooker, PE, Brooker Engineering; Joseph Haspell, Esq.

Engineer O'Rourke stated that he met with the applicant's engineer and most previous comments have been clarified. Subdivision sheets 1 and 2 are still being processed. SWPPP tables need to be clarified. The cost estimate has been submitted and found acceptable. The ACOE requires wetland mitigation. Details are currently on the landscaping plan and should be on the regular plan set. Easements, cross easements and offers of dedication need to be submitted to the Village for review and acceptance. ACOE/DEC approvals are still outstanding. 98% of engineering issues have been satisfied. Non engineering issues which remain are renderings of the homes with grading and retaining wall details per lot, and the issue with the Village and the lot with the house. Attorney Haspell stated that he met with the property owner and Mayor Dwyer and Mayor Dwyer has informed them that the Village now wants to accept dedication of the property with the Smith house. Mayor Dwyer stated that the village board will be doing a resolution to rescind their prior resolution, and make a new resolution addressing the terms of the agreement. Attorney Haspell stated that the Village is accepting the terms of the original offer, which has always been there. This will address the issue of parkland fees as well. Attorney Haspell added that Mayor Dwyer also asked the owner to leave the dam as is, despite the hundreds of thousands of dollars they have spent to adjust the dam. The owner is willing to leave the dam as is, per Mayor Dwyer's request, provided that they are not required to obtain any outside approvals for this. Attorney Haspell understood that additional ACOE approvals would not be required. Engineer Brooker explained that they would not be doing what was on the permit which could be problematic. The applicant will not agree to anything that will cause further delay. Engineer O'Rourke stated that if the existing dam were to remain that there was quite a bit of work that would be required to bring it up to certain standards. Engineer O'Rourke was not clear if the Village understood that by taking over that dam they would be responsible to not only repair the dam but to also bring it up to standards which would cost an exorbitant amount of money, which is why the Village did not want the dam to begin with, and requested it be lowered and the dam removed. Engineer O'Rourke suggested to Mayor Dwyer that he look back over the reports regarding the dam and make sure he understands what he would be getting into if he kept the dam, between the repair, bringing it up to DEC standards and continued maintenance this could cost the Village upwards of \$500,000.00 plus continued maintenance. Mayor Dwyer stated he has done a very comprehensive read of the information and he determined that the status of the dam is that it required minor repairs, and that it was a low hazard dam. Engineer O'Rourke agreed that the repair of the dam is not a huge issue, but added to the repair is that the dam is not up to NYS DEC requirements and would require more cost than just repairing the dam to bring it up to approved specs, plus there is a continued maintenance that would also be required. This could be \$500,000 or more and this is why the Village board at the time chose to declassify the dam. It was because of the standards and future maintenance costs, not the repair itself. Engineer O'Rourke advised Mayor Dwyer to re-read the

reports and make sure he understands the financial obligation he would be committing the Village to if the Village were to keep the dam as a dam. Attorney Haspell discussed the rendering request by the board. Attorney Haspell understood that the builder of the lots will return to the planning board for each lot for architectural review. These homes will be custom built so no models are going to be built. Engineer O'Rourke added that because grading is an issue with this site, grading on one lot will affect adjoining lots. Any retaining walls and grading on a lot will have to be reviewed on a per lot basis if they are going to custom build. This will have to be addressed every time a builder returns to the planning board for architectural approval. Chairman Parise noted that the Village ran into a similar situation with a prior subdivision which had steep grades and there has been lots of issues with water. The board is going to seek to avoid this issue as much as possible. Chairman Parise asked the board members if they had anything to add. Member Cocks reminded the applicant to contact Orange and Rockland and get LED lights for the street lighting. Mayor Dwyer stated that on Tuesday, December 18, 2018 at the village board meeting the village board will take action regarding the house and the lot and whatever is done at the meeting will be sent to the planning board. Mayor Dwyer pointed out a triangle shaped parcel near the project site that the Village owns and mentioned to the applicant that the Village doesn't want it. Mayor Dwyer stated that he has always wanted the parcel with the Smith house ever since the day he rejected it in 2014. Now that he has the power to get it he will. The Village board wants to have this parcel and house for the Village.

December 17, 2018

**4. Bridges at Lake Parc – Site Plan (211-1-1)
No Appearance**

On a motion made by Member Boucher and seconded by Member Cocks, it was unanimously **Resolved that the Planning Board make a recommendation to the Village Board to accept the construction cost estimate in the amount of \$3,246,311.68 which estimate has been reviewed and approved by John O'Rourke, P.E.**