

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

**MONDAY AUGUST 14, 2023  
7:00 P.M.**

**Present:** Chairman Boucher, Members Hafenecker, Kelly, Karlich, and Umberto, Building Inspector Cocks, Attorney Cassidy, Engineer Higgins, and Engineer Barber

**Absent:** Members Iannucci and Allen, Board Secretary

Pledge of Allegiance.

**Applications:**

30 Carpenter Place

Present: David Niemotko, Architect for the applicant

Mr. Niemotko stated this is the project for the restaurant right around the corner. There was working being done and the Building Department issued a stop-work order. The Building Department referred them to the Board. What they are proposing is to enlarge the outdoor dining area and to add a trellis to shade part of the patio. Originally what was approved was approximately six-hundred and ten square feet., what is being proposed is an additional five hundred and fifty-feet of patio space for a total of one-thousand one-hundred and fifty square feet surrounded by a retaining wall. The trellis area would shade approximately six-hundred square feet, it would extend from the building out and it would be approximately nineteen feet by thirty-two feet. What is not on the plans but will be is a proposed is a bar to be added to the patio space.

Both the Board Engineer and the Board Attorney read their comments.

Chairman Boucher asked Mr. Niemotko if he wanted to respond to the comments. Mr. Niemotko stated the comments were fair and reasonable and he will address them. Mr. Niemotko asked the Board to reconsider the need for an updated survey. The plot plan that was submitted was based on the survey that had been done in 2006. We cannot get a survey done by the next Board submission date. Chairman Boucher asked what was the last survey of record? Mr. Niemotko stated 2007. Board Attorney Cassidy and Board Engineer Higgins expressed the need for an updated survey. Mr. Niemotko agreed with what they said. Mr. Niemotko stated the retaining walls are already there. That is what was being built when the stop work order was issued. Mr. Niemotko proposed, he order the survey but proceed with the Board so the survey does not hold up the application. If the project is allowed to continue, the Board could schedule the public hearing and get the County GML 239 referral.

Chairman Boucher asked Board Attorney Cassidy if that was possible.

Board Attorney Cassidy stated that could work but the Board would need the survey before the public hearing. Board Attorney Cassidy stated that based on how close they are to the property line; the survey is needed to make sure the retaining wall is not encroaching on the property

line. If the retaining wall is encroaching on the property line the Board will make them take down. Chairman Boucher stated he felt the survey was in the applicant's best interest in the long run. Mr. Niemotko stated there are steps they have to do before the public hearing so he will order a survey and submit all items before the public hearing. Board Attorney Cassidy stated we will not schedule the public hearing till we have the survey.

**208 Business Center:**

Present: Charles Gottlieb, Attorney for the applicant

Chairman Boucher verified that the applicant received the comments from the Board professionals. Mr. Gottlieb stated yes.

Mr. Gottlieb stated the applicant and the applicant's professionals were here to review the DEIS. This is to discuss some completeness items with the Board.

The applicant and the applicant's professionals have received the Board's comments, from the Board Attorney and the Board Engineer but they have not received comments from the Board's Planner or the Board's traffic consultant. Mr. Gottlieb stated the completeness process under SEQRA is not a substantive review of the project. Mr. Gottlieb stated he reviewed the SEQRA guidelines and the DEIS document is to make it clear and concise it should be analyzed with data to support the analysis. The DEIS needs to be written so it can be understood by the public. He stated you may not agree with the statements in the DEIS and those can be discussed. We are not at that stage but we would like to be so it can be distributed to the agencies that need it and so that the public has an opportunity to review it. Then we can schedule a public hearing, get everyone's comments and update the DEIS to complete the SEQRA review. We have been so concentrated with the placement of items in the DEIS that we have wasted a lot of time and we need to be in a position to move forward. Presently we know the Village Trustees are reviewing new local laws that may impact this project. Tonight, we will review the Engineer's comments and yes, we will make some changes based on those comments. But there is a way within SEQRA where it can be deemed complete with conditions of completeness. Those changes are then checked by your professionals and the DEIS is considered complete.

Chairman Boucher stated he understands what Mr. Gottlieb is saying but from his point of view there are substantive issues that have not been addressed. Mr. Gottlieb stated right now the question is: if the information requested in the document or not. After it is complete we can discuss each substantive item.

Board Engineer Barber stated she looked at what was required to be in the DEIS document. There are some inconsistencies she has noted in her comments and the appendices are not in order. This is written in her comments, she feels the executive summary has to be updated. Board Engineer Barber stated she agrees with Mr. Gottlieb that the document needs to be readable by the public.

Mr. Gottlieb stated that they took the most important information from the geothermal report and added that information for the public. The most important part is there will not be any blasting. He did not feel the public has the knowledge of the geothermal process so that it not included. We can add the more technical findings if that is what is needed, but it does not need to be in the DEIS, it can be done at a later time when the Board is reviewing that section. That could be a conditional completeness item.

Board Engineer Barber read more of her comments. Mr. Gottlieb stated that information is there and it may need to be in three separate places, but that can be handled at a later time. The information is in the DEIS but how it is accessed or where it is with the DEIS can be discussed at a later date. The information can be referenced or it can be in three separate sections, this type of item can be a condition of completeness as well.

Mr. Gottlieb stated, in the DEIS there is a section that states what has been done to reduce impervious surfaces and parking but not the alternatives. It shows we are under the zoning code requirements. We are compliant with Village parking code. If at the public hearing there are other comments and ideas to reduce impervious surfaces we will address them.

Board Engineer Barber read her comments in regards to waste water. Mr. Gottlieb stated this information cannot be added until they have it. They will not have it until the project is almost ready to be added to the sewers. When the project "gets in line" to be added to the sewer, is when we will have the information on capacity. When the SEQRA process is done they can submit the application to the county for sewerage capacity. When the DEIS is complete, Orange County is one of the involved agencies and they will get a copy of the DEIS for review. At that time the Orange County cannot review the capacity until SEQRA is complete.

Member Umberto stated the applicant needs to be forewarned and prepared because at the Public Hearing there will be a lot of question in regarding sewer capacity and how much water they will be taking. There will be questions in regard to waste water from the parking lot and how water and oil from the parking lot are separated. Member Umberto asked the applicant's engineer if there was going to be an oil/water separator to separate the rain water and oil from the parking lot? Will that water be sent to the sewer or the pond? The Engineer for the applicant stated the waste water will go into the sewer, it will not go into the pond. Almost all the water will be infiltrated underground. Member Umberto stated so you are looking for a more natural water drainage before it goes into the pond. The applicant's Engineer stated yes, that is correct. Member Umberto stated the applicant will be getting a lot of comments on that. Mr. Gottlieb stated that is fine but it is not a completeness issue. This is a large project for the area we expect those comments and we will address them. The applicant's Engineer stated he has talked to Orange County and they stated there is capacity but they cannot sign-off until they receive the information. Member Umberto stated there are a lot of large projects in lower Orange County as well. Chairman Boucher stated the Board needs to complete the DEIS process before they can submit the application to Orange County for review which is what we are trying to do. Board Attorney Cassidy stated the Board needs to focus on the completeness of the DEIS before any determinations can be made, that is the focus for tonight.

Board Engineer Barber continued her comments. There was a discussion about other projects within Monroe as well as the Town of Palms that will have an impact on the area and that is worth noting for this project. Mr. Gottlieb stated his team has discussed this and he is not sure how he can confirm what or how the impact will be from other projects. Board Engineer Barber stated projects in the area are not addressed. The applicant's Engineer stated they are looking into other projects in the area that will affect water, sewer and traffic.

There was a discussion the format of the DEIS document.

#### **Local Laws:**

Board Attorney Cassidy stated she had emailed a copy of the letter to be submitted to the Village Trustees in regards to the new local laws that the Board discussed. The Board reviewed

the letter for each new local law. After the review Chairman Boucher asked if anyone on the Board had anything they would like to have added? Chairman Boucher stated the letter covers what the Board has discussed. Chairman Boucher asked if there were objection to the review. The Board stated no.

The Board set a tentative date of Wednesday August 30 for the final review of the letter.

On a motion by Member Kelly and seconded by Member Hefenecker it was resolved: **to adjourn the meeting.**

Aye: 5

Nay: 0

Absent: Members Iannucci and Allen