

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

**Tuesday October 24, 2023
7:00 P.M.**

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

Absent: Members Karlich, Iannucci

Pledge of Allegiance.

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

Aye: 5

Nay: 0

Absent: Members Karlich, Iannucci

Application:

Monroe-Woodbury Islamic Center

Present: Ryan Nasher, Engineer, Amed Amara, Architect, and Dominic Cordisco Attorney for the applicant. Mohammed Miah, the applicant, President of the MWIC

Chairman Boucher stated the order of business for the MWIC is to pass a resolution for setting a public hearing. But, the applicant has brought with them the lighting and landscape plans and would like to share them with the Board. The plans are not on the OneDrive at this time. They will be on the OneDrive when received.

Mr. Nasher, Engineer for the applicant, presented the landscape and lighting plan for the project. The digital files have were not submitted but will be for the November meeting. Mr. Nasher stated when we were before the Board two weeks ago we did not have the landscape and lighting plan. Mr. Nasher displayed a hardcopy of the plan for the Board to see.

Mr. Nasher explained there will be big trees on one side of the property and smaller trees on the other side of the property, so they do not interfere with the parking lot site line. A hardcopy with a sample of the trees and plantings that could be used, was displayed. The landscape designer will present this in more detail at a later date.

Mr. Nasher displayed the lighting plan and explained the project does not interfere with the neighbors and all the lighting is pointed down. The whole property will be lined in lights which will be at the recommended number not to exceed .1 (point one). There will be five lighting poles in the parking lot and nineteen lights poles attached to the perimeter of the building. The rendering will show how the building will look at night. The property line will be dark. There will only be lighting for the safety of the congregation and will not impact the neighbors. LED lighting will be used. Mr. Nasher stated that they would like to plan for the public hearing on this project so they can accommodate public comments and concerns.

Board Attorney Cassidy stated that if the applicant gets the information presented tonight submitted to the Board by the November 3, 2023 submission date, the project can be on heard at the November 13, 2023 Board workshop. At the November regular meeting the Board could schedule a public hearing for December 11, 2023.

Member Kelly asked when is the mosques busiest time. Mr. Nasher stated it is Friday's at 1:00 pm and the service is at 1:30.

Chairman Boucher stated samples of the materials with product numbers, etc. need to be provided. Mr. Amara, Architect for the applicant, stated they can bring in a sample of the materials.

Mr. Amara. The Architect for the applicant, displayed a hardcopy rendering of the building. There will be two domes on the top of the building. One dome will be higher than the other dome. There is a twelve-foot slope from the front of the property to the back. The lower level will have multi-purpose space, a conference area and utility space as well as an elevator. Because of the slope of the site the lower level will be on grade. This will allow the multi-purpose area to have full length windows. The conference area will also have floor length window and you will be able to walk outside. The first floor has a gathering space for the main entrance. Classrooms will be on the left of the main entrance. The men's prayer area and some offices will be on this floor as well. The second floor will have the woman's prayer area with elevator access and space for the children. The prayer space will be the same as the first floor. The exterior of the building will be covered with white stucco and will have a geometric pattern. There will be a cooper panel and marble at the entrance. From the outside you will see the inside lighting glowing outside the building at night.

Member Halfenecker asked if there will be a dumpster on the property. Mr. Amara stated yes, and will it be screened in with a fence.

Mr. Amara stated there will be plantings that are four-feet which will allow them to grow and a fence. Any large plantings will be seven to eight feet.

Member Allen asked if the lighting on the exterior will be on a timer and will it shut off at a certain time. Mr. Amar stated that all the lighting is all down lighting. There are no projecting lights. Mr. Nasher stated the lighting in the back will be on fifteen-foot poles and will be shielded and pointing down. Board Engineer O'Rourke stated if the lighting in the back is on fifteen-foot poles the neighbors will be able to see it. This is a concern and the lighting would have to be soft and gentle, as that is where the neighbors are. Chairman Boucher asked if the poles in back can be lower. Mr. Nasher stated the lights in the back are for the safety of the congregation. Board Engineer O'Rourke stated they are security lights so if they can be lower and softer that can help. Member Allen suggested maybe path lighting on a timer could be used. Member Allen stated they need to be mindful of the shading when the trees are grown. Mr. Amara stated he will work with Mr. Nasher and they can look at lighting for different lights and heights. Mr. Amara stated they are working on the ramp that will lead down to that area of the building. There is no walking area or sidewalk in the back of the building.

Board Engineer O'Rorke stated they need to check the building height and access of the building. The height of the façade needs to be checked to ensure the height meets the fire codes. The State of New York fire code is very specific and the facade cannot make the height

of the building go over the State Code. If it does go over the New York State Code a fire access road has to be built.

Board Attorney Cassidy read the following resolution.

VILLAGE OF MONROE
PLANNING BOARD
RESOLUTION TO SCHEDULE PUBLIC HEARING

Monroe Woodbury Islamic Center, 1431 Orange Turnpike
SBL 231-1-3.42

WHEREAS, the Village of Monroe Planning Board is in receipt of an application by Monroe Woodbury Islamic Center for site plan approval to construct a place of religious assembly consisting of a building with a footprint of 14596 sq. feet, with a total square footage of approximately 20,000 sq. feet, 102 parking spaces and outdoor congregation space.

WHEREAS, a Short Environmental Assessment Form (EAF) dated August 1, 2022, last revised June 27, 2023 was submitted for review; and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an unlisted action (see 6 NYCRR 617.5(c)(18)) and declared itself to be lead agency pursuant to the State Environmental Quality Review Act (SEQR) by resolution dated July 25, 2023; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board shall hold a public hearing on December 11, 2023 at 7:00 P.M. or as soon thereafter as the application may be heard at Village Hall, 7 Stage Road, Monroe, NY 10950.

BE IT FURTHER RESOLVED, that the applicant shall be required to transmit public notice in accordance with Village of Monroe Code.

Notice of public hearing shall be by publication in the official newspaper of the Village at least 10 days before the date of said hearing. In addition, the applicant shall be responsible for a mailing of such notice to the owners of all properties abutting that property held by the applicant and all other owners within 300 feet, or such additional distance as the Planning Board may deem advisable, from the exterior boundaries of the land involved in such application as the names of said owners appear on the last completed tax assessment roll of the Village. Such notice shall be given by regular first-class mail with a certificate of mailing, and the applicant shall furnish to the Planning Board prior to the start of the public hearing such certificates of mailing as proof of compliance with the notification requirement. The notice for publication required by this section shall be issued and published in the newspaper by the Secretary of the Planning Board on order of the Planning Board or upon order of the Chairman of said Board so as to expedite the public hearing on the application. The applicant shall pay the actual and necessary costs of advertising and holding a public hearing.

On a motion by Member Kelly and seconded by Member Allen it was resolved: **grant the resolution to set the public hearing for the Monroe-Woodbury Islamic Center for December, 11, 2023.**

Aye: 5

Nay: 0

Absent: Members Karlich, Iannucci

Board Attorney Cassidy stated the applicant will be on the November 13, 2023 workshop meeting to discuss the lighting and landscaping plan but they do not need to be at the November 28, 2023 regular meeting, providing they get the digital files and paperwork submitted by November 3, 2023.

Application:

Somni Restaurant

Present: Luis Naula, owner/applicant

Chairman Boucher stated Somni was before the Board and this is a late addition to the agenda. There is some confusion between the Town of Monroe and the Village of Monroe which delayed the applicant from moving forward. The Town of Monroe owns the building and has a lease-to-purchase agreement with the owner but the building is being used for a non-Town business. Because there are two municipalities involved there were questions on who does what. The Board told Mr. Naula as soon as he has his paperwork together come back to the Board. We will not be able to resolve anything tonight but Mr. Naula needs to know what he needs to move forward. Mr. Naula will give us an update of what is going on and hopefully the Board can get them moving in the right direction.

Chairman Boucher stated the Village of Monroe Building Department got involved and the balancing test was used. We have a town owned building that is not being used for a town-use it is being leased to a private enterprise. Chairman Boucher stated the last time the Board heard from the applicant, was a solution to the trash and the Town of Monroe was promising some parking spaces behind the building. There is now a problem with the refrigeration. We are hearing this today so Mr. Naula can get the information we need to determine what needs to be done.

Board Engineer O'Rourke stated the applicant was before the Board for a Special User permit which has now expired. The Special Use permit will have to be voted on again. They want to install the refrigerator on another property with a different SBL from the original request. It is a separate lot that the Town owns and is not adjacent to the building. The electric will be a problem. They would need to go before Zoning Board of Appeals (ZBA) to get permission to do that. They are only asking for refrigeration boxes to be added to another lot, which the Village code does not allow. The Village code does not allow for accessory items to be on the lot without a building etc. on it. The problem will be the electricity. Where and how is it getting to that lot. This is also a problem as they will be losing parking as well. The Special Use permit is not the issue. The issue is going to come down to the refrigeration coolers. Chairman Boucher stated there is a utility pole there and they are pulling electricity to the main building currently so they would have to pull it back.

Board Attorney Cassidy stated the accessory use has to be to something on that same lot. They are asking for an accessory use on another lot. And, the lot is not adjacent to the property where the building is located, they would have to go to the ZBA to get an area variance.

Chairman Boucher stated the Town of Monroe authorized the use of that lot for an accessory use but it is a separate lot with another property between the lots.

Board Attorney Cassidy stated that when the Special User permit was approved there were conditions that had to be met. These are the conditions from March 22, 2022 resolution they are as follows:

1. Applicant to address all outstanding comments by Lanc & Tully Engineering as set forth in their memo of March 2, 2022.
2. Applicant shall install dumpster enclosure pursuant to § 200-34(F). Such dumpster enclosure shall be as approved by the Building Inspector.
3. Approval is limited to the first floor for 58 dining and 11 bar seats. Future phases and signage subject to approval as required by Village of Monroe Code.
4. Parking pursuant to § 200-35 to be addressed by the Village Board.
5. Applicant to pay all outstanding fees.
6. In the event title to the property is transferred, an easement granting the right to use the parking lot for a dumpster shall be recorded on the Orange County Land Records.
7. Applicant to obtain all permits including Village of Monroe Building Department as applicable to the project.
8. Applicant to comply with Chapter 145 of the Village of Monroe Village Code, "Noise."
9. Applicant to commence construction within one (1) year pursuant to § 200-72 of the Village of Monroe Village Code. Applicant may request an extension.
10. Chairman shall be authorized to sign the site plan upon the advice of the Planning Board Engineer and Attorney that the final plan set conforms to the conditions of this site plan approval.

Board Attorney Cassidy stated the dumpster issue still needs to be addressed and approved by the Building Department. The parking in lieu needs to be addressed. If the building is transferred the parking will need to be addressed as stated. The applicant has one year and the plan needs to be signed. At this time the plan is not signed. Board Attorney Cassidy has not record of this being done. There was no record of the refrigerator being requested at that time.

Board Attorney Cassidy continued the Board did receive a letter stating there will be a shared dumpster but the Board needs to see a signed agreement in regards to who is sharing a dumpster and a back-up plan for the dumpster. With the respect to the refrigeration coolers how are you getting there as you do not have the rights to cut across someone else's property. This is the same problem for the dumpster but the dumpster is easier as there is no electricity used.

Board Attorney Cassidy stated the applicant did submit permission for more parking and an agreement for a shared dumpster. The dumpster needs to be addressed first. There needs to be a back-up plan for the dumpster. The electric easement needs to be discussed. How are you getting the electric to the refrigerators? How will you get to the refrigerators?

Board Engineer O'Rourke stated there is a problem with the electricity as it would have to go across someone else's property.

Chairman Boucher asked Mr. Naula if he had spoken with the owner of the property between his property and the other property. Mr. Naula stated he has not met the owner of 13 Lakes Street which is the Market Place. The owner of 13 Lakes Street owns the five parking spaces right behind Mr. Naula's building. Board Engineer O'Rourke stated the refrigeration coolers

would go over to the next property and that would eliminate those parking spaces as well. Board Engineer O'Rourke stated the best action at this point is that the applicant goes to the Village Building Department and get a Land Use Determination letter which will tell the applicant which Board they need to go to. It looks like you will need a ZBA variance and then re-apply for the site plan Special Use as it has expired. When all that is done, the applicant will appear before this Board so we can make our comments in writing. The reason this Board cannot approve the refrigeration coolers is the owner of that lot could sell the lot and the refrigeration coolers.

Chairman Boucher asked Mr. Naula if the lease-to-purchase agreement included the other lots. Mr. Naula stated no, those lots are not included.

Board Attorney Cassidy asked if there was any way they could get refrigeration into the building as that would solve the problem. Mr. Naula stated no there is no room in the building.

Board Attorney Cassidy stated the building permits were issued by the Town of Monroe and that is part of the problem. The applicant has already built out the restaurant.

Chairman Boucher stated the Town of Monroe gave the permits to build out the building which is already done. If the property was all under one entity it would not have happened. Which is where government did a great disservice to them. This board does not have the authority to waive the Board's fees but if they had to come back to this Board, the Board would appeal to the Trustee's to waive the fees.

Board Engineer O'Rourke stated the electricity easement would have to cross over the property lines so it would need an easement. Board Engineer O'Rourke stated the applicant needs to get a Land Use Determination letter from the Building Department. The letter will state which Board they need to go to. And, the Board will need to vote on the Special User permit again.

Board Engineer O'Rourke stated it will be a very hard "ask" for the ZBA to grant the variance they are looking for. It would be a use variance and they are hard to get approved.

Chairman Boucher asked if the town is willing to sell the applicant the parking spaces. Mr. Naula stated he has not spoken to the Town about that and he is closing on the restaurant in a couple of weeks. Chairman Boucher suggested the applicant may need to renegotiate for the parking spaces. Board Engineer O'Rourke stated that things can change with the Town and unless there is a contract or something in place about that, the other lots can cause problems in the future. It is for your protection as well. Chairman Boucher strongly encouraged Mr. Naula get the Land Use Determination letter from the Building Department. And, to go back to the Town and tell them what he is up against.

Board Attorney Cassidy stated there needs to be a back-up plan for the dumpster in case there are problems in the future. There should be an easement or at the least a contract for the dumpster back up plan.

Board Attorney stated we have set the date for the 208 Business Center public hearing but we do not have dates to use the Town Hall. It was decided the public hearing will be held at the Village Hall on the original date of November 28, 2023.

Local Laws:

Two new local laws have been amended. The Floor Area Ratio (FAR) law has been amended. Any sub-division that is approved but not yet built will have to compile with the new FAR law.

On a motion by Member Halfenecker and seconded by Member Kelly it was resolved: **approve the amended FAR Local Law.**

Aye: 5

Nay: 0

Absent: Members Karlich, Iannucci

The second local law that is being amended is in regard to bulk. No bulk can be added to a non-conforming set-back. This applies to principal and assessor.

On a motion by Member Kelly and seconded by Member Allen it was resolved: **approve the amended bulk Local Law.**

Aye: 5

Nay: 0

Absent: Members Karlich, Iannucci

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

Aye: 5

Nay: 0

Absent: Members Karlich, Iannucci