

VILLAGE OF MONROE
PLANNING BOARD
Workshop
Monday June 9, 2025 @ 7:00 P.M.

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

Absent: Member Kelly

Pledge of Allegiance.

On a motion made by Member Umberto and seconded by Member Hafenecker it was resolved to:
Open the Meeting.

Aye: 6 Nay: 0 Absent: 1

Site Plan Review – Pool Installation / Grading
10 Webb Court – (219-3-96)

Present representing the applicant: Larry Mallory, owner

Mr. Mallory described the project. The applicant wants to put above the ground pool in and will require some leveling. They went to the building department were told they needed to come to the Planning Department. They received letters from the Attorney and the Engineer stating that there would be an exception to the rule that prompted them to go to the Planning Board. Attorney Cassidy stated that she was asked to prepare a letter to the Village Board regarding grading and the need for certain projects to come to the Planning Board per §200–31 (attached) which relates to land disturbance. This exempts basic things grading due to gardening foundations for single-family homes, swimming pools, etc. She specifically asked to have that provision reviewed with the Building Inspector. She asked the Building Inspector to prepare his interpretation, and if this exemption applies to this application. She went over her comment memo (attached). This is a type two action pursuant to SEQRA and a public hearing is optional. Engineer Higgins went over his memo (attached). Engineer Higgins mentioned it is possible that this project is exempt per the code referenced above and he noted if this was not exempt, they would have to submit a site plan. Chairman Boucher stated that the applicant would probably want to wait for the Building Inspector's determination. Mr. Mallory stated that he would call the Building Inspector in the morning since this has been lengthy and expensive. Chairman Boucher noted that and so did Attorney Cassidy who will contact the building inspector ASAP to get a ruling.

Site Plan Review – French Drains / Fencing / Grading

16 McGarrah Rd. – (233-3-10)

Present representing the applicant: Edgar Aguilera, owner

A brief description of the project was given by Mr. Aguilera. They want to redo the patio and put a fence around it with French drains around the patio. The patio is in the backyard of the house. There is a pool on the property and it needs to be fenced in. Currently there is a temporary fence in place. Attorney Cassidy went over her review memo (attached) and noted that it is possible the same exemption may apply from the previous application. The Building Inspector was asked to do an interpretation on the code for this project as well. The applicant noted that there was grading across the property and the question is the extent of that grading. Attorney Cassidy feels this may be exempt, but it depends on the grading which will be determined by the Building Inspector. She also said if this does need to come to the Planning Board being that the property borders the Town of Monroe, a 239 review would be necessary. Chairman Boucher noted that this would mean a 30-day delay. Per Attorney Cassidy, if we need a site plan review a Public Hearing is optional and said she will follow up with the Building Inspector tomorrow. Engineer Higgins went over his memo (attached) he stated it is unclear where the French drains are proposed, and the extent of the grading. If the Building Inspector determines that this is not exempt, they would need a site plan and survey with grading so that the extent of the grading would be known. He also mentioned that fencing is subject to the Village code §200–2 6.5. Attorney Cassidy suggested that she will follow up with the Building Inspector to see if a site plan is necessary and the applicant should wait for that determination. Details of the French drains and grading were discussed however, this application is still dependent upon the Building Inspector's interpretation. Engineer Higgins said that they want to make sure that diverting the water would not make a problem for neighboring properties.

Site Plan Review – Proposed 2 Story Office Building

573 Route 17M – (220-5-19)

Lakeside Pet Lounge between Monroe Pharmacy & Orange Collision autobody

Proposed new 23,342 SF 2 story office building

Present representing the applicant: Michael Morgante from Arden Consulting Engineers, and Joel Weiss from Brach & Mann Associates

Engineer Higgins went over his comment memo (attached). Applicant responses are as follows:

Item 1: The Village code §200-17d has an allowance for overhang of the building and asked is the part of the building counted as a side? Mr. Morgante answered that what he has on the plans is the setbacks only and the setback coincides with the line of the sidewalk and there's still another 6+ feet to the building. If he showed the property line to the building, he would exceed the requirement. Mr. Morgante believes that there is enough room but he will check and make sure that it meets code.

Item 2: Per Mr. Morgante and Mr. Weiss architectural plans will be submitted in the future

Item 3: Mr. Morgante will mail the plans to be signed

Item 5: Mr. Morgante stated that this calculation is done in HydroCAD, and if those calculations are checked, it will show all of the necessary information

Item 10: Mr. Morgante said that some of the curbs are taller than 6 inches and they would provide details

Item 11: Code §200-34 H3 Per Mr. Morgante this is the reason the dumpster was placed where it was so was to try to minimize more disturbance in the DEC adjacent area. Mister Morgante noted that he would move the dumpster to the adjacent area and since they still have to apply for a permit for the piping and storm water so he would include this in his permit.

Item 14: Per Mr. Morgante the missing fixture will be fixed. It was an oversight.

Item 15: A submittal was made for this

Item 17: This will be included with the next submission

Item 20: Per Chairman Boucher this was sent

Mr. Morgante said that they take no exception to these comments and gave the responses above. He asked that we take a look at §200–34 G&H and wondered what the difference was since it states that a dumpster enclosure shall not be located any closer than 5 feet to a lot line. Engineer Higgins presumes that this may be a zoning district where the setback is less than 5 feet. Mr. Morgante agreed to move it within the adjacent area. Chairman Boucher stated that before we send the plans out to the fire department, we would like to see more detail on the fire lane on the plans. Mr. Morgante would rather have it sent now to see what they were looking for and noted that the fire department has already been given a turning analysis using their truck. However, Engineer Higgins said that they may want no parking or no standing signs painted on the street prior to sending it to the fire department. Attorney Cassidy went over a few of her comments in her memo (attached). Due to the involved agencies she recommends at the next meeting we do a resolution declaring our Intent to be Lead Agency and then a circulation and refer to 239 and Emergency Services for review. She also noted that the 24th meeting is canceled and moved to July 7th. This action could be done at the July 7th special meeting. Mr. Morgante will make the changes to the EAF required before the next submission. The traffic study was already sent to the Planning Board's traffic consultant John Canning. Attorney Cassidy noted the need for a stormwater maintenance agreement and Mr. Morgante said it was in the back of the SWPP. Planner Fink's review memo was mentioned and is attached, but was not discussed at this meeting. It was noted that planner Fink believes a long form EAF is necessary. Since this is not a Type I action Attorney Cassidy does not feel a full EAF is necessary. Engineer Higgins said that this was just a recommendation. Chairman Boucher noted that the Planning Board did not have enough time to review Planner Fink's memo, and believes that more time is necessary before this determination is made. Mr. Morgante asked if the circulation could be done with the short EAF and then if a full EAF was necessary it could be done at a later date. Attorney Cassidy feels this is possible and the way that we will proceed. Engineer Higgins

said that the applicant should address everything that was already brought up regarding the EAF and the Board reserves the right to require a full EAF upon review. Attorney Cassidy noted upon the next submission we can do the Intent to be Lead Agency as well as the circulation for 239 and Emergency Services. This will be done in July and we will be ready to go in August.

Attorney Cassidy noted that she needs to make sure that we will have a quorum on the July 7th meeting as it is changed to a special meeting. As of now it looks like we have a quorum, but we will have to confirm that for the applicant that is scheduled to have their Public Hearing that day.

Site Plan Review – Proposed addition / Condos

581 Route 17M - Monroe Pharm Plaza Condo (220-5-16.312)

Proposed 14,370SF 2 story office addition – condominiums

Present representing the applicant: Avi Weinberg, WeinbergLim Engineering

Mr. Weinberg stated that the project is moving along nicely. The one big item that needs to be taken care of is the code in the Village of Monroe requiring a subdivision plat when turning office space into private units in addition to going through the Attorney General's office. A subdivision plat was submitted a few weeks ago and comment memos were received back from Attorney Cassidy and Engineer Higgins. Mr. Weinberg would like to go over some of those comments.

Beginning with attorney Cassidy's comment memo (attached) the following items were discussed:

Item 7: Regarding the Board declaring Lead Agency this is informational

Item 8: We are agreed to be down to 73 and Attorney Cassidy agrees.

Item 13: Mr. Weinberg states that they provided renderings for the proposed building, but the existing building will not be changed. He asked if there was anything we needed to provide and Attorney Cassidy said it is outstanding since the board is still reviewing it. The question for the board is how far does the architectural review extend and does it include the older building? Chairman Boucher asked for photos of the existing building and the Planning Board acting as the Architectural Review Board can review those photos for changes if they are deemed needed.

Item 19: There will be a commercial equivalent of an HOA and Attorney Cassidy stated that she needs the details of that agreement. She needs to know the structure and how the site will be maintained. Mr. Weinberg will submit the requested information to the board.

Item 25: Mr. Weinberg noted the comment about the orientation of the condominium plan. He stated that it was originally the opposite and then was flipped. Attorney Cassidy asked that this be corrected so the documents don't have to be flipped upside down to make sense she asked for that to be corrected. Mr. Weinberg is concerned that they may have submitted the wrong plan before it was flipped to the Attorney General's office.

Item 22: Attorney Cassidy said that the most urgent comment that she has is how the internal layout will be. Mr. Weinberg will work with the architect and have the plans cleaned up.

Item 11: Mr. Weinberg circled back to this item regarding site maneuverability and noted the Fire Department is OK with the plan. This is more of an engineering item and will be covered on Engineer Higgins, comment memo.

The items discussed from Engineer Higgins comment memo (attached) are as follows:

Item 1: They will supply the detail details for the porous pavers

Item 2: Regarding the existing asphalt ramps, Mr. Weinberg feels a site visit would be the best way to determine this issue. Engineer Higgins said that the curb walkway on the north side and details also need to be on the plans. Mr. Weinberg wondered if it is worth doing a site visit for the one existing concrete ramp. Engineer Higgins said that if they could confirm that this ramp would meet ADA requirements and the curb ramp detail is updated on the plan then it is fine. Mr. Weinberg confirmed that the changes to the landscaping plan are OK and they just need to update the list and Engineer Higgins agreed.

Item 3: Chairman Boucher believes the landscaping plan looks OK

Item 4: They've met the code for landscaping calculations

Item 5: Mr. Weinberg believes that it may be beneficial for his team to meet with Engineer Higgins regarding the lighting to review the plan

Item 6: They will put the note on the plan.

Item 7: Photos of the existing building will be submitted.

Item 8: Regarding the subdivision, Engineer Higgins noted that some of these comments were taken directly off of the Orange County Clerk's office checklist. He recommends that they submit to the County to do a preliminary review to make sure that the plans have all of the information that they are expecting to see prior to the signing by the Planning Board. This will avoid trying to file a plan with the town that does not include what the County requires. Mr. Weinberg will make the necessary changes.

Mr. Weinberg noted that a lot of these comments left are subdivision related and technical in nature to get it to a point where it can be filed. Because of this, he asked that we could begin the SEQRA process and refer the job out for Public Hearing. Attorney Cassidy stated that SEQRA has to be completed before a Public Hearing for a subdivision. She noted that we have declared Lead Agency and are in a position to assume Lead Agency. In order to finish SEQRA a negative declaration is required or a determination that there is an environmental impact which would lead to a greater review. Attorney Cassidy needs to know how the common areas on the site would be managed. She does not need a full detail reporting. Mr. Weinberg noted that this was something that could be emailed and asked if they could begin the process of Public Hearing? Attorney Cassidy said the Board could authorize her to draft a Negative Declaration. Chairman Boucher suggested waiting until the site management information was submitted. Attorney Cassidy said that the Public Hearing could be scheduled for August 26th at the July 7th meeting where she could also be authorized to draft a Negative Declaration. The Negative Declaration would be reviewed

and voted on and if adopted, the Public Hearing will commence. If there are any issues brought up by the Public Hearing that alter the environmental impacts, SEQRA can be reopened. Attorney Cassidy asked that Mr. Weinberg submit all outstanding documentation as discussed, prior to the June 26th deadline. Engineer Higgins asked if the landscape plan shows the tree line? Mr. Weinberg replied that there is no actual tree line and referred to the plan showing the planting ledger. Member Hafenecker mentioned that the new addition will look much nicer than the old existing building and wouldn't it make sense to make them look the same. Mr. Weinberg said he would speak to the applicant about it but cost is a factor and there may be some cosmetic changes they can add. Chairman Boucher asked for a materials list showing exactly what colors and materials will be used. This is needed for the Architectural Review specifications which are in the Village code. The Planning Board acting as the Architectural Review Board will do the review prior to the Public Hearing. Member Hafenecker asked if the drive thru will remain and it will. Per Mr. Weinberg they will make adjustments so it will not be a blind spot where people would be backing into a traffic lane. Mr. Weinberg will work on getting a framework on how the site will be managed. Attorney Cassidy stated an outline of the agreement and overall structure would suffice. Member Umberto feels that there should be some screening and Mr. Weinberg replied that they have done what they can do with a site that was paved over. They will look at the plans and see if they could add some landscaping on the rear of the property. They will work within the parameters that exist to add as much greenery as possible potentially removing the rear sidewalk and adding some shrubbery. It was noted that the grass area bordering the property is owned by the bank and if they would like some screening it was on them to do it. Attorney Cassidy confirmed the schedule going forward would be the applicant to make a submission for the July 7 meeting and at that meeting a she will be authorized to draft a Negative Declaration and the Public Hearing would be set for August 26.

Other Business

Attorney Cassidy was directed to look into the unintended consequences of the code regarding grading which could be costly for applicants who wanted to do relatively minor improvements. She came across §200-31 (attached) and was wondering if this exemption applies to §200-68 D and §200-72 (attached) and feels that either way we need clarification. Attorney Cassidy explained how the interpretation of the code works within the Village noting that if the Building Inspector makes a determination based on his interpretation of the code. If that is not what the Village Board wants, they can amend the code to clarify. Attorney Cassidy noted that since we have these questions, clarification is needed as we do not want to be in a situation in the future where 2 similar jobs are treated differently due to different code interpretations. She stated that she will follow up with the Building Inspector and the Village Board and that the Planning Board should review the aforementioned codes.

Member Umberto brought up the photos that were submitted showing the flooding at the 330 Stage Road site from a rain storm where we received 1 – 1.5 inches of rain. He wondered what would happen with 3-4 inches of rain? Attorney Cassidy feels the appropriate course of action is to send the photos to the applicant. Member Umberto feels that the original building should not have been built in a flood plane and he feels that the Planning Board should send a letter to the Building Inspector stating that the basement of this building be condemned for further use. Attorney Cassidy believes that the applicant should be sent the pictures and with respect to condemnation proceedings, there are regulations in place and a building could comply and still flood. Regarding a condemnation, it is the condition of the premises

and if it meets the uniform building code or property maintenance code. If the damage is sufficient and if it is full of mold there may be a basis for condemnation and it is an issue that will need to be addressed. The temporary flood measure is working somewhat and Engineer Higgins' guess is it was not running fully but it is hard to tell from the photos. Member Umberto said that he has asked the applicant on numerous times what their flood mitigation plan is. Attorney Cassidy stated that their proposal is waterproofing the walls but that is a building permit issue and NYS approval issue. She does not want to get too deep into this conversation without the applicant present, however, the pictures should be forwarded to them and that they may be expected to address it. As Planning Board members, when something like this is witnessed, reporting it is allowed as long as the observations are disclosed. The Planning Board will put the applicant on notice and mentioned that we are on hold until they get a ruling from the ZBA. Regarding the other application where a new building is proposed next door, this observation will be noted and added to the file.

On a motion made by Member Umberto and seconded by Member Hafenecker it was resolved to:
Adjourn the Meeting.

Aye: 6 Nay: 0 Absent: 1

Village of Monroe Planning Board meetings may be viewed in their entirety at:
<http://www.youtube.com/@monroevillagehall2935>

LAW OFFICE OF ELIZABETH K. CASSIDY, PLLC
7 GRAND STREET
WARWICK, NEW YORK 10990
P: 845.987.7223 | F: 888.549.3886
WWW.EKCASSIDYLAW.COM

June 6, 2025

MEMO

TO: Village of Monroe, Planning Board
Applicant

CC: Terri Brink, Planning Board Clerk
John O'Rourke, Village Engineer
Ted Fink, Village Planner

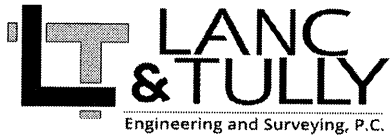
FROM: Elizabeth K. Cassidy, Esq.

RE: Attorney comments on application of Barbara and Lawrence Mallory for site plan approval pursuant to 200-72(C)(e) of the Village Code to level the ground to permit the installation of an above ground pool.

I have reviewed the application of Barbara and Lawrence Mallory for site plan approval pursuant. I offer the following comments:

Comment	Status
1. The Property is located in the SR-20 zoning district	For Information
2. The Application is being referred pursuant to 200-72(C)(e) on the basis that the proposed improvements will require. I ask the Building Inspector to issue a determination as to whether the proposed improvements fall within the exception as set forth in 200-31(A)(2) which provides, <i>"Exempt acts and activities are those that include excavations for basements and footings of one- or two-family detached dwellings, septic systems, wells, swimming pools, soil testing and gardening and activities related to the maintenance of landscape features on existing developed lots"</i> .	
3. A public hearing is optional	

4. Application is a Type II action pursuant to SEQ. See 6 NYCRR 617.7 (c)(9)	For information



Village of Monroe

Planning Board Review

Project: 10 Webb Court
Tax Lot No. 219-3-96
Reviewed by: David Higgins
Date of Review: 6/6/2025

Materials Reviewed: Application materials submitted by applicant; Survey Map entitled, "Survey of Property for Lawrence P. & Barbara Mallory, Jr." ,dated February 14, 2003, as prepared by Frank M. Hoens, NYS PLS; Land use Determination from Building Inspector Watson dated April 26, 2025; Sketch of proposed pool

The items below are provided to help you complete your submission to the Planning Board. Please note that this is a general guide—additional items may be requested at future meetings. Ensure all listed items are completed and submit revised plans to the Planning Board at least fourteen (14) days before the next regularly scheduled meeting. If you need further assistance, feel free to contact our office.

Project Description

The submitted application indicates that the project involves construction of a new 24-foot diameter above ground swimming pool. The Land Use Determination Form provided by Building Inspector Watson indicates that Planning Board approval is required subject to §200-72 of the Village Code.

We have the following comments on the submission:

1. It is our understanding that §200-31.A(2) exempts certain applications, including swimming pools and activities relating to the maintenance of landscape features on existing developed lots. The extent of proposed grading for the pool appears to be fairly limited, with the excavation being an area extending beyond the swimming pool a distance of about 5 feet for a depth of about 2 to 3 feet. If the Planning Board's counsel agrees that this project qualifies for an exemption from the requirement for Site Plan approval and the grading is limited to what has been described, I believe that no further action from the Planning Board would be required.

If you have any questions, or require any additional information, please do not hesitate to contact our office.

LAW OFFICE OF ELIZABETH K. CASSIDY, PLLC
7 GRAND STREET
WARWICK, NEW YORK 10990
P: 845.987.7223 | F: 888.549.3886
WWW.EKCASSIDYLAW.COM

June 6, 2025

MEMO

TO: Village of Monroe, Planning Board
Applicant

CC: Terri Brink, Planning Board Clerk
John O'Rourke, Village Engineer
Ted Fink, Village Planner

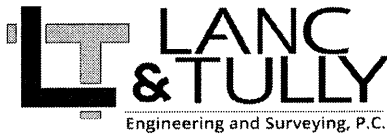
FROM: Elizabeth K. Cassidy, Esq.

RE: Attorney comments on application of Edgar Aguilar and Yanet Brito for site plan approval pursuant to 200-68(D)/200-72(C)(e) of the Village Code

I have reviewed the application Edgar Aguilar and Yanet Brito for site plan approval pursuant to 200-68(D) for the installation of french drains around the existing pool, installation of 450 linear foot fence together with general site grading. I offer the following comments:

Comment	Status
1. The Property is located in the SR-20 zoning district	For Information
2. The Application is being referred pursuant to 200-72(C)(e) on the basis that the proposed improvements will require tracked equipment in excess of 1000 pounds. I ask the Building Inspector to issue a determination as to whether the proposed improvements fall within the exception as set forth in 200-31(A)(2) which provides, " <i>Exempt acts and activities are those that include excavations for basements and footings of one- or two-family detached dwellings, septic systems, wells, swimming pools, soil testing and gardening and activities related to the maintenance of landscape features on existing developed lots</i> ". In addition, it should be clarified whether the proposed improvements will result in a change in grade. If there is	

no real change in grade then site plan review is not likely warranted.	
3. Application is subject to GML 239 due to its proximity to Town of Monroe	For Information
4. A public hearing is optional	
5. Application is a Type II action pursuant to SEQR.	



Village of Monroe Planning Board Review

Project: 16 McGarrah Road
Tax Lot No. 233-3-10
Reviewed by: David Higgins
Date of Review: 6/6/2025

Materials Reviewed: Application materials submitted by applicant; Copy of Application for Building Permit dated April 5, 2025; Map entitled, "Survey Prepared for Yanet Brito and Edgar Aguilar", as prepared by W.E. James Engineering and Land Surveying, PLLC, dated May 1, 2025; Vinyl fence specification sheet

The items below are provided to help you complete your submission to the Planning Board. Please note that this is a general guide—additional items may be requested at future meetings. Ensure all listed items are completed and submit revised plans to the Planning Board at least fourteen (14) days before the next regularly scheduled meeting. If you need further assistance, feel free to contact our office.

Project Description

The submitted application indicates that the project involves installation of French drains around a pool, installation of 450 linear feet of vinyl fence, and grading of entire property, topsoil, seed and straw. Based upon Google Earth imagery, it appears that the property has been occupied by the existing residential building and the swimming pool has been in place since before 1994.

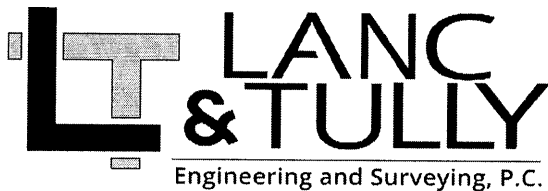
We have the following comments on the submission:

1. It is unclear from the provided map where the proposed French drains, fence and grading is proposed. Applicant to explain what is being proposed including the location of these improvements, why they are being made, and to what extent the property is being graded. What is the estimated amount of material being added to or removed from the property? What is the average and maximum depth of cut or fill proposed?
2. It is our understanding that §200-31.A(2) exempts certain applications, including swimming pools and activities relating to the maintenance of landscape features on existing developed lots. At this time it is unclear if the proposed action would be exempt from the requirements for a Site Plan approval from the Planning Board. If Site Plan is required,

applicant should provide a Site Plan showing the locations of the proposed improvements with topography showing existing and proposed elevations. The Site Plan should bear the seal and signature of a licensed surveyor or licensed professional engineer.

3. Fences are subject to §200-26.5 of the Village Code.

A written response letter addressing each of the above comments should be provided with the next submission. If you have any questions, or require any additional information, please do not hesitate to contact our office.



Village of Monroe Planning Board Review

Project: 573 Route 17M
Tax Lot No. 220-5-19
Reviewed by: David Higgins
Date of Review: 6/6/2025

Materials Reviewed: Response Letter dated May 27, 2025; Site Plan set entitled, "Amended Site Plan for 573 Route 17M", last revised May 27, 2025 consisting of 18 sheets as prepared by Arden Consulting; Short EAF revised dated 5/27/25; Traffic Impact Study prepared by LaBella Associates dated April 24, 2025; Stormwater Pollution Prevention Plan prepared by Arden Consulting dated May 13, 2025; Survey Map entitled, "Survey of Property Prepared for 573 Route 17M", dated 8/13/24, as prepared by Edward Gannon, PLS. (previously submitted)

The following items are listed to assist you in completing your submission to the Planning Board. This is only a guide and other items may be listed at future meetings. Please complete all items and supply the Planning Board with revised plans fourteen days prior to the next regularly scheduled meeting. If you need further assistance please contact this office.

Project Description

This application is for the construction of a two-story office building. The Project Site is 50,502 square feet in the General Business (GB) District where general office is a permitted use.

We have the following comments on the plan:

1. The bulk table indicates a proposed side yard of 48.5 feet. The Village Code requires that one side yard must be at least 50 feet. Design engineer to revise to provide a minimum 50-foot side yard or a variance will be required. Also, the total side yard proposed is exactly the 80 feet minimum required which does not provide for any tolerance in construction. It is recommended that the side yard be revised to account for tolerance during construction.
2. Applicant to confirm height of the proposed building, which is listed as being 35 feet, the maximum permitted in the GB District.

3. Sheet 2 of the plans provided includes the wetland boundaries and the 100-foot adjacent area. It appears that the wetland boundary was validated by the New York State DEC however the map does not include a signature and stamp by the New York State DEC or the surveyor of record. A copy of a validated map bearing the signature and stamp by the DEC and surveyor should be provided.
4. A total of 234 square feet of disturbance is proposed within the wetland and 1,301 square feet in the adjacent area. A permit from the New York State Department of Environmental Conservation and the US Army Corps of Engineers is required prior to any issuance of Amended Site Plan approval. This should also be noted on the plan.
5. In some areas, drainage pipes with a 12-inch diameter and a slope of 0.5% are proposed. Design engineer shall provide calculations confirming the capacity of the stormwater collection system.
6. The plans have been revised to replace the two existing driveway entrances onto New York State Route 17M with a single new entrance located in between the existing two. Approval of plans from NYSDOT should be provided prior to any issuance of Amended Site Plan approval. A permit from NYSDOT will be required prior to construction. Applicant has advised that plans have been sent to NYSDOT for review.
7. The proposed driveway grade coming off of Route 17M appears to be about 6% and is sloped toward Route 17M. It is noted that NYSDOT typically requires a low point to prevent runoff from discharging into the highway.
8. A Landscaping Plan has been provided. Landscaping area calculations shall be provided to confirm the compliance with 200-45.J requiring that a minimum of 10% of the total parking area shall be devoted to landscaping. Planning Board should also consider the adequacy of the submitted landscaping plan.
9. A timber guiderail is proposed along portions of the parking lot. Details for the timber guiderail should be provided.
10. On Sheet 5 of 18, it appears from the grades shown and the labels that a curb is being proposed along the northern property line to serve as a short wall. Details of the curb for this use shall be provided.
11. §200-34.H(3) prohibits dumpster enclosures within required setbacks. Dumpster enclosure location as shown is within the required side yard setback and should be revised accordingly.
12. §200-34.D requires that all nonresidential uses shall provide for a fire lane to allow access for emergency vehicles at all times. Plans should be referred to emergency

services for input.

13. Signage for parking and traffic control should be provided.

14. Regarding the submitted lighting plan:

- a. It appears that there is one "SW2" fixture missing from the plan along the southern side of the building.
- b. Plan should confirm that the proposed color temperature is 3,000 Kelvin or less as required.
- c. In some areas, the illumination along the property line exceeds the 0.2 footcandles permitted. Plan shall be revised to comply.

15. The proposed sewer connection shall be subject to review and approval by Orange County Department of Environmental Facilities.

16. A 4" dia. Ductile iron water service is shown on the plan which appears to connect to an existing service. The size and material of the existing service shall be noted on the plan, or provisions made to replace the connection if necessary.

17. Plan should indicate if sprinkler system will be provided. Backflow prevention will need to be approved by the Orange County Department of Health prior to issuance of a building permit.

18. Application will need to be made to Orange County Environmental Facilities/ Sewer District #1 for the sewer lateral connection. Orange County Environmental Facilities should also be included on the EAF as an agency from which a permit or approval is required.

19. Regarding the Submitted Short EAF:

- a. Question 13.b should be answered "yes" as disturbances to the on-site wetland is proposed. The extent of the disturbance should be clarified in the space below the checkbox.
- b. Question 16 should be answered "yes" as the 100-year floodplain encroaches into the very rear portion of the property adjacent to the existing stream.
- c. Question 17.a should be answered "yes" as site runoff discharges to the stream which then flows across and through adjacent properties.
- d. Applicant/sponsor name should be filled out and document signed

20. A traffic impact study has been provided. The Planning Board should consider referring the submitted report to their traffic consultant for review and comment.

21. The submitted Stormwater Pollution Prevention Plan is under review. Comments on the SWPPP will be provided as the review is completed.

22. Plans should be referred to Orange County Department of Planning under GML 239.

23. A public hearing is required.

A written response letter addressing each of the above comments should be provided with the next submission. If you have any questions, or require any additional information, please do not hesitate to contact our office.

LAW OFFICE OF ELIZABETH K. CASSIDY, PLLC
7 GRAND STREET
WARWICK, NEW YORK 10990
P: 845.987.7223 | F: 888.549.3886
WWW.EKCASSIDYLAW.COM

November 21, 2024
Revised February 4, 2025
Revised June 9, 2025

MEMO

TO: Village of Monroe, Planning Board
Applicant

CC: Terri Brinks, Planning Board Clerk
John O'Rourke, Village Engineer
Ted Fink, Village Planner

FROM: Elizabeth K. Cassidy, Esq.

RE: Attorney comments on application of
573 Route 17M, LLC

I have reviewed the latest submission of 573 Route 17M, LLC seeking site plan approval to authorize the demolition of the existing veterinary office and kennel and for the construction of a two-story 23,342 sq. foot office building. New material is in bold. I offer the following comments:

Comment	Status
1. Building Inspector Cocks issued a Land Use Determination dated October 16, 2024 that the proposed use is classified as an "Office" use as defined by the Village of Monroe Zoning Code.	For Information
2. Application is subject to site plan review subject to § 200-72.	For Information
3. Application is subject to GML 239 et seq. review due to its proximity to NYS Route 17M	For Information
4. Application is subject to a public hearing.	For Information
5. <u>SEQR</u> : Applicant submitted a short form environmental assessment form dated October 15, 2024. The proposed action is an unlisted action pursuant to SEQR. Interested and involved agencies include: NYS DOT (curb cut onto NYS Route 17M); NYS DEC (wetlands), SHPO	Comment Satisfied.

Applicant to complete question 8 b and 8 c. Applicant to address yes answer in question 12a. Referral to SHPO is recommended. Applicant to address yes answer to question 13 a. Applicant to address yes answer to question 17. 2-4-2025 – Applicant has provided a revised EAF and we consider this comment complete. With that said, the Planning Board should be evaluating impacts to wetlands (question 13) and impacts associated with drainage (question 17) as part of its overall SEQR analysis	
6. Applicant to address traffic impacts of the proposed action. Given the site's location on Route 17M, its proximity to the fire house and ambulance building, a traffic study is recommended. 6-9-2025 Traffic study prepared by LaBella, dated April 24, 2025 has been submitted. Recommend referral to John Canning at Kimley Horn for review and comment.	<i>Pending</i>
7. Wetlands/Stream. SEAF and site analysis identify presence of water courses both on and in the vicinity of the project site. Applicant to address impacts of the proposed project on said water courses. Hudson Valley Natural Resource Mapper indicates potential wetlands on site. Recommend a study confirming the location of wetlands. Presence of wetlands may require deductions pursuant to § 200-20.1 6-9-2025 – Applicant indicates lot area calculations have been revised to reflect area wetlands. I defer to David Higgins as to the accuracy of such calculations.	<i>Pending</i>
8. Site Maneuverability. Applicant to demonstrate turning radii for emergency vehicles and trucks. The site turning appears very tight. Engineer and Building Inspector to determine one way with parallel parking provides adequate fire access. 6-9-2025 – Maneuvering plan has been submitted. Planning Board and Village Engineer to evaluate.	<i>Pending</i>
9. Lot coverage/landscaping. The proposed application seeks to clear the entire lot. The initial plan does not identify any landscaping or trees anywhere on site. The applicant is referred to requirements of § 200-32 including but not limited to F(1) which requires trees to be planted around the perimeter of the parking area where there are more than five vehicles. Parking lots shall devote 10% of the total required parking area to landscaping. See 200-45(J).	<i>Pending</i>

6-9-2025 – A landscaping plan has been submitted. Planning Board to review and evaluate for sufficiency.	
10. Architectural Review. Application is subject to Architectural Review pursuant to § 200-73 of the Village Code. See § 200-73(C).	<i>Comment outstanding</i>
11. Plans identify a rock wall. If said rock wall is a retaining wall, Applicant to demonstrate that the proposed retaining wall complies with § 200-26.5. Per response letter dated January 27, 2025, the applicant indicates the wall is a rock wall and not a retaining wall.	Comment Satisfied
12. Applicant to address waste removal and dumpster enclosure. 6-9-2025 – Detail has been provided	<i>Pending</i>
13. Applicant to address signage. 6-9-2025 – Detail has been provided	<i>Pending</i>
14. 6-9-2025 – Stormwater maintenance agreement to be provided for review and approval prior to signing of the site plan.	

These comments are preliminary in nature and our office reserves the right to provide additional comments upon further submission by the applicant.

GREENPLAN

MEMORANDUM

To: Jeff Boucher, Chairman
Village of Monroe Planning Board

From: J. Theodore Fink

Date: June 9, 2025

Subject: 573 State Route 17M Review

GREENPLAN INC.
302 Pells Road
Rhinebeck, NY 12572-3354
T 845.876.5775
E JTFink@greenplan.org

The above revised application requiring Site Plan review and approval has been reviewed and comments prepared below. This application was last reviewed on November 26, 2024. The applicant seeks to develop a $\pm$ 1.48 acre parcel with a two-story office building, parking, and other improvements on the parcel, located at 573 Route 17M. The documents below have been reviewed:

- Amended Site Plan for 573 Route 17K, dated as revised May 27, 2025. The 18 sheet drawing set was prepared by Arden Consulting.
- Short Environmental Assessment Form (EAF) dated May 27, 2025. The document is not certified by the applicant and no attribution to the preparer is provided.
- Stormwater Pollution Prevention Plan prepared by Arden Consulting Engineers, PLLC dated 5/13/25
- Traffic Impact Study prepared by LaBella Associates dated 4/24/25

This review is provided for the Planning Board's workshop meeting on June 9, 2025. I may have additional comments as further information is provided. The applicant should provide a response to the comments herein (in addition to the Planning Board Engineer's and Attorney's comments) in a future submission.

1. Short EAF. The following are my comments on the SEQR process:
 - a. The Short EAF form has not been certified by the applicant.
 - b. I recommend that a Full EAF be provided for a number of reasons. First, the site is contiguous with the Monroe Village Historic District, listed on the National Register of Historic Places. While it does not appear as if the proposed action is a Type I Action, the thresholds for Type I are close to being reached. A resolution to declare the Board's intent to be Lead Agency should be considered at the Planning Board meeting scheduled

for June 24, 2025. There are a number of other agency approvals required,¹ as shown on the Short EAF. The existing 1930's era building on the site was surveyed for its historic significance and the applicant has stated that coordination with SHPO has been initiated. Additional studies, such as a Cultural Resource Survey to identify the potential for pre-historic or historic resources appear warranted.

- c. There is a need for further information on the environmental sensitivity of the site than a Short Form can provide. This includes a New York State Department of Environmental Conservation (DEC) Protected Freshwater Wetland, 100 foot Wetland Adjacent Area, and a State Classified Stream with 100 and 500 year FEMA floodplain areas located on the site. Riparian Buffer Areas identified by the New York Natural Heritage Program are located on the site, according to the DEC's Hudson River Estuary Program. These areas may include "unique and diverse habitats, and often serve as wildlife travel corridors." [see Hudson Valley Natural Resource Mapper]. The Full EAF and an on-site ecological survey are needed to determine the potential impacts of the proposed project on identified surface waters and potential wildlife habitats among other issues.
 - d. A coordinated review using the Full EAF is warranted. There are multiple other agency approvals required, as shown on the Short EAF and a coordinated review will streamline the process and create one environmental review process for the proposed project. Once the applicant submits a Full EAF, then the coordinated review process can commence following the action's classification as an Unlisted Action and the Board's declaration of its intent to be lead agency.
2. **Preliminary Environmental Issues.** The following have been identified from the Short EAF as potential issues to be further addressed in the SEQR review process, once the applicant submits a Full EAF and the coordinated review process has been completed. There may be additional issues identified once a Full EAF has been submitted.
- a. The site appears heavily forested in the areas that have not been previously developed with the existing building and parking areas. The site also appears from aerial photography as if it represents a link in wildlife corridors that exist both north and south of the site as shown on the screen shot from Google Earth found on the last page of this Memo. The answer to question 1.5 should be corrected to include "Forest" land uses on the site and in the lands adjoining the site.
 - b. The answer to question 1.8.a indicates the action will not result in a substantial increase in traffic. The applicant has submitted a traffic impact analysis to support that claim. The Planning Board should consider referring the traffic study to the Village's Traffic Engineers, Kiley Horn for review.
 - c. The answer Yes to question 1.9 requires a further response.

¹ The EAF identifies Involved Agencies as the Village Building Department, NY Department of Transportation, Department of Environmental Conservation, State Historic Preservation Officer, and Orange County Department of Environmental Facilities and Services.

- d. The answer to question 1.12.b requires clarification. Has a cultural resource survey examining archaeology been completed on the site. If so, was there a map that identified the APE or Area of Potential Effect previously?
- e. Question 1.13.a states there will be no encroachment to the regulated wetland or waterbody on the site. However, the Grading and Utility Plan (Sheet 5 of 18) and Erosion and Sediment Control Plan (Sheet 6 of 18) clearly shows construction activity within the State Protected Wetland Adjacent Area. A stormwater discharge is also proposed into the Freshwater Wetland and Upper Ramapo River tributary. The environmental assessment of the project's impacts on water resources will need to be further examined once the Full EAF has been submitted.
- f. Question 1.14 asks for "typical habitat types" but the answer does not provide further information other than "suburban." Since the site appears to be a "link" in a network of larger habitats, additional coordination with the New York Natural Heritage Program is warranted.
- g. Portions of a FEMA 100 year floodplain are shown on the 5/27/25 Site Plan drawings. The answer to question 1.16 needs to be corrected.
- h. The answer to question 1.18 should be clarified or corrected. The question concerns impoundment of water, and the answer is No, there will be no impoundment. The Stormwater Pollution Prevention Plan states that: " On-site retention and recharge of stormwater is necessary and has been provided to mitigate the increases in stormwater runoff rates and pollutants..." [see page 12].

3. Zoning and Site Plan Considerations.

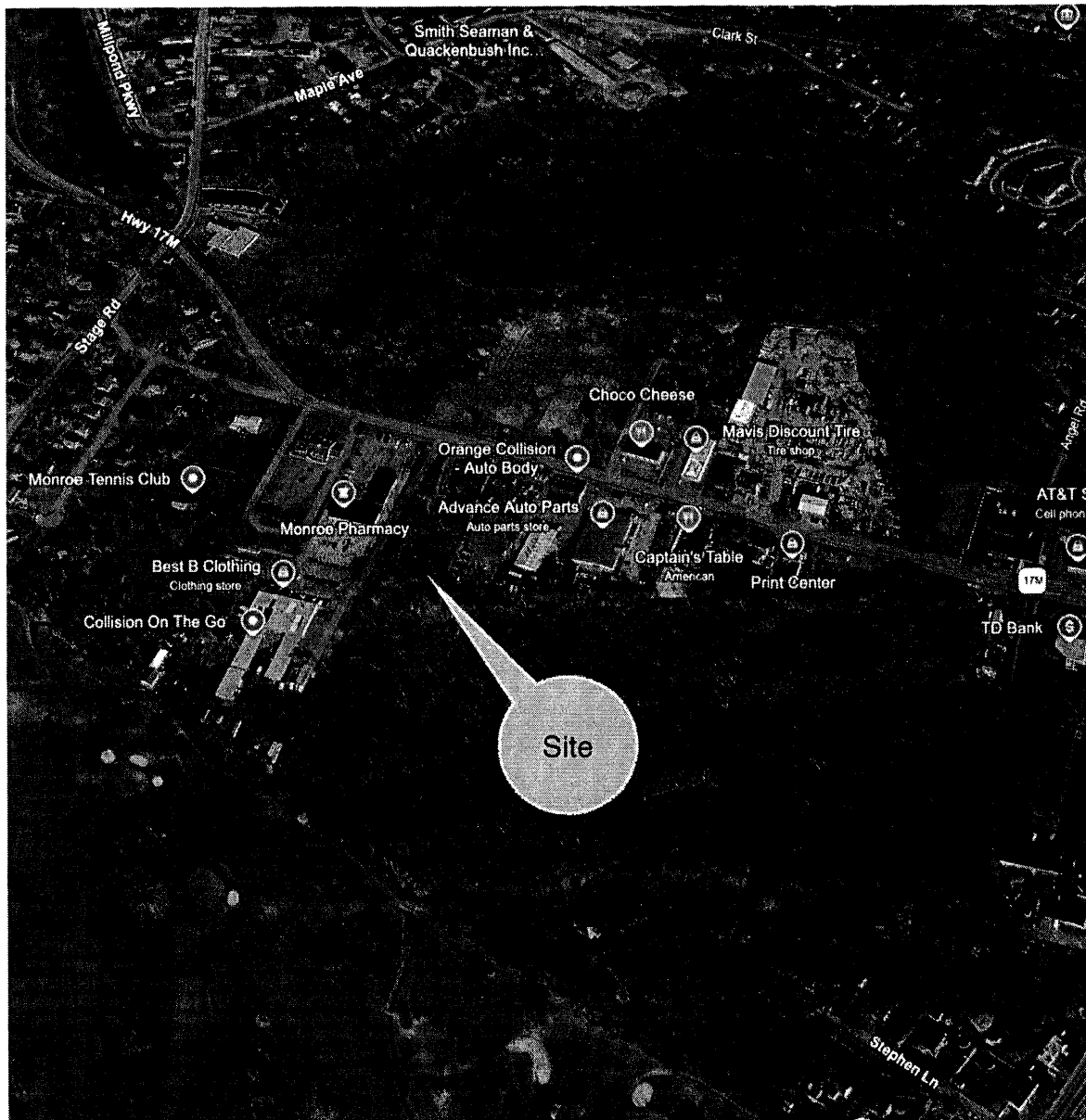
- a. The project is for a two-story office building within the GB District. A Land Use Determination made by the Village's Building Inspector dated October 16, 2024 found the use is "permitted" and subject to Site Plan approval as well as State wetlands and floodplain issues. In addition to Site Plan review and approval, the Planning Board is also designated as the Village's Architectural Review Board (ARB) and compliance with Section 200-73 of the Zoning Law is required. The Planning Board is also designated as the Village's Historic Preservation Commission (HPC). The HPC is responsible for review of proposed changes to properties within the Historic District that adjoins the site. While the project site is contiguous with the Historic District and therefore does not require a Certificate of Appropriateness to be approved, SEQR requires that properties that are substantially contiguous with a State/National Register site or district must be considered in the environmental review process so that potential adverse effects on designated historic and/or pre-historic resources are analyzed and evaluated.

The reference to the potentially historic 1930's structure evaluated on the site (see page two first paragraph above) applies to the determination of its ineligibility as a State or Nationally significant historic resource. However, the Planning Board acting as the Historic Resource Commission is empowered to make recommendations for additional landmarks and districts of local significance as per Section 200-79.C(1). A review of the

project's potential impacts on the contiguous Historic District and any potential Historic Resources of local significance on the site will need further examination under SEQR.

- b. The site plans should include a separate list of all information required by Section 200-72.I and whether it has been included on the proposed site plans or whether a waiver from the requirements of such Section will be requested along with the reasons for a requested waiver.
- c. The application is subject to Section 200-20.1. Deduction of constrained lands from lot area; avoidance of constrained lands during construction. The applicant should provide its analysis of how compliance with this section of the Zoning Law has been assessed.
- d. The application is subject to Section 200-32, Trees and landscaping. As stated in this section: "It is the purpose of this section to ensure that the greatest number of trees possible are preserved and left standing before, during and after the subdivision, site plan and construction process...[and]...It is the intent of this section to have the developer provide for additional landscaping which goes beyond the replacement of trees removed..." [see 200-32.A]. The "Tree Plan" requirements are in addition to the landscape plan and details provided in Site Plan Sheets 8 and 9 of 18 provided on the plan set. The applicant should review and become familiar with these additional requirements. A "tree plan" needs to be submitted along with the Site Plan drawing and should be provided in an upcoming submission.

cc: Elizabeth Cassidy, Esq.
David Higgins, PE
Jim Cocks, Building Inspector



Source: Google Earth

LAW OFFICE OF ELIZABETH K. CASSIDY, PLLC
7 GRAND STREET
WARWICK, NEW YORK 10990
P: 845.987.7223 | F: 888.549.3886
WWW.EKCASSIDYLAW.COM

November 21, 2024
Revised 1-9-2025
Revised 2-6-2025
Revised 5-6-2025
Revised 6-9-2025

MEMO

TO: Village of Monroe, Planning Board
Applicant

CC: Terri Brinks, Planning Board Clerk
David Higgins, Village Engineer
Ted Fink, Village Planner

FROM: Elizabeth K. Cassidy, Esq.

RE: Attorney comments on application of
Yoel Weisz/BSD Y&U Realty LLC – 581 Route 17M

I have reviewed the application of Yoel Weisz/BSD Y&U Realty LLC seeking amended site plan approval to construct a 14,370 square foot 2 story office addition with unfinished basement storage attached to an existing 2 story office retail. The most recent submission contains a revised application to further seek subdivision approvals of the existing structure and proposed edition to subdivide the property in 18 commercial condominium units together with common space. New materials since our last comment memorandum is in bold.

I offer the following comments:

Comment	Status
1. Building Inspector Cocks issued a Land Use Determination dated February 7, 2024 that the proposed use is a classified as an “Office” use as defined by the Village of Monroe Zoning Code.	For Information
2. Application is subject to site plan review subject to § 200-72.	For Information
3. Application is subject to GML 239 et seq. review due to its proximity to NYS Route 17M	For Information
5-6-2025 – Local determination by letter dated February 27, 2025	

4. Application is subject to a public hearing.	For Information
5. I note the comments of Building Inspector Cocks, dated February 20, 2024 and the comments of Engineer David Higgins, dated February 12, 2024. I join in those comments.	For Information
6. Application materials to be updated and resubmitted to identify the property owner BSD Y&U Realty LLC as applicant. 2-6-2025 – repeat previous comment: 1-9-2025 – Although a revised application was submitted to reflect the subdivision, this comment has yet to be addressed. 5-6-2025 – Application still reflects Usher Weiss as applicant. In some areas the application has been updated using PDF software. Any revisions should be reflected by a new signature and notary of an individual with authority.	Comment Satisfied 6-9-2025
7. <u>SEQR</u>: Applicant submitted a short form environmental assessment form dated March 8, 2024. The proposed action is an unlisted action pursuant to SEQR. Interested and involved agencies include: NYS DOT (curb cut onto NYS Route 17M); NYS DEC (wetlands), SHPO Applicant to address no answer to question 9. Applicant to address yes answer in question 12a. Referral to SHPO is recommended. Applicant to address yes answer to question 13 a. 2-6-2025 – Revised EAF submitted. Engineer’s response to comment indicates “no items of historical significant value are located on the project site” but does not provide citation. Given the proximity to various know historically significant sites, referral to SHPO is recommended. No response was received in connection with question 13a. 2-25-2025 – Applicant has submitted a revised EAF. Although the applicant has provided a discussion of historical sites, referral to SHPO is recommended. Board has declared lead agency at its February 25, 2025 meeting.	
8. Applicant to address parking and its request for fewer spaces than set forth in the code. Applicant to traffic impacts of the proposed action. Response to comment letter indicates 87 parking spaces while plan set indicates 96. Applicant to correct for consistency.	

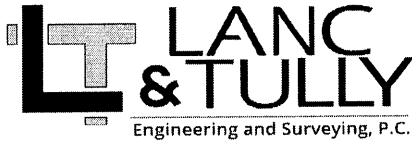
1-9-2025 – Planning Board discussed reduced parking based upon the ITE calculations provided by Colliers Engineering. While the Board generally accepted the calculations as presented by Colliers pursuant to its authority found in § 200-46, applicant must update plans for consistency and provide appropriate landscaping (See comment 12). I note Engineer Higgins' comments regarding parking in his most recent memorandum. 2-6-2025 David Higgins to confirm plans have been made consistent I note the parallel spaces on the west side of the property appear to show only 4 spaces instead of the 5 noted.	
9. Applicant to correct bulk table (Lot Width, side yard setback)	Comment Satisfied
10. Wetlands/Stream. SEAF identify presence of water courses both on and in the vicinity of the project site. Applicant to address impacts of the proposed project on said water courses. Hudson Valley Natural Resource Mapper indicates potential wetlands on site. Recommend a study confirming the location of wetlands. Presence of wetlands may require deductions pursuant to § 200-20.1 2-6-2025 – Response to comments indicates a study by EcolSciences, Inc. on December 19, 2024 shows no wetlands on site but that study is not found in the file. Applicant to submit the study. 2-25-2025 – Study has been submitted.	Comment Satisfied
11. Site Maneuverability. Applicant has included turning radii for emergency vehicles. Engineer to evaluate. It appears the turning radii jump the curb in the southwest corner of the proposed addition. 2-6-2025 – revised plans show revised turning movements. Engineer to evaluate for sufficiency.	Remains Outstanding
12. Lot coverage/landscaping. The initial plan does not identify any landscaping or trees anywhere on site. The applicant is referred to requirements of § 200-32 including but not limited to F(1) which requires trees to be planted around the perimeter of the parking area where there are more than five vehicles. Parking lots shall devote 10% of the total required parking area to landscaping. See 200-45(J). See also 200-44(J). 2-6-2025 – A landscaping plan has been submitted. Planning Board to evaluate.	Remains Outstanding
13. Architectural Review. Application is subject to Architectural Review pursuant to § 200-73 of the Village Code. See § 200-73(C).	Remains Outstanding

2-6-2025 – Renderings of the addition have been provided. The applicant does not address any architectural changes to the front of the building. Planning Board to evaluate.	
14. Applicant to address any changes to signage. 2-6-2025 – applicant indicates no alteration to existing site signage. Any approval shall incorporate sign review for future alterations of signage.	Comment Satisfied
15. Applicant indicates a lighting plan and stormwater plan will be submitted. Such plans are not included in this submission. 2-6-2025 – Lighting Plan has been submitted. Dave Higgins to advise as to sufficiency	Remains Outstanding

Subdivision Comments:	
16. Subdivision is governed by Chapter 175 of the Village Code which defines subdivision as “The division or any parcel of land or structure into two or more lots, blocks, sites or units , with or without streets or highways. Such divisions shall include resubdivision of parcels of land for which an approved plat has already been filed in the office of the County Clerk and which is entirely or partially undeveloped.”	For Information
17. The applicant is to submit a sketch plan in accordance with § 175-3. The required elements are identified in subsection “C.”	For Information
18. The subdivision as proposed appears to be a major subdivision as defined by your code: “Any subdivision not classified as a minor subdivision, including, but not limited to, subdivision of five or more lots, or any size subdivision requiring any new street or extension of Village facilities.” The Planning Board should adopt a resolution to classify as a major subdivision and follow the procedure as set forth in § 175-6 of the Village Code. 5-6-2025 – Building Inspector issued a determination that the project is to be classified as a minor subdivision. Planning Board is awaiting submission of a sketch plan. 6-9-2025 – The applicant has submitted a proposed minor subdivision plat. Please refer to comments 22- 29 below.	
19. Applicant to address the maintenance and management of common area elements such as the parking lot and provide a declaration setting forth the same.	Remains Outstanding

6-9-2025 – Applicant indicates that “maintenance and management of common areas will be unchanged from the current maintenance setup.” At present, the property is owned by one entity responsible for maintenance. Upon conversion to condominium, there will be several owners. The applicant to provide a declaration setting forth the responsibility of those owners and whether there will be an association to operate the common areas.	
20. Condominiums are subject to the Martin Act. Applicant to obtain required approvals from the New York State Attorney General.	Remains Outstanding
21. Applicant to address whether proposed conversion to condominiums will result in any building alterations not shown on the site plan.	
6-9-2025 – Applicant indicates that no interior construction is proposed.	
22. The units and existing interior walls appear to be defined utilizing the same line style making it challenging to see where each individual unit is included. It appears that areas of the building including potentially shared bathrooms are to be common areas. Applicant to clearly define interior and exterior common areas.	
23. Condominium Plan and subdivision plat shows windows and doors where the proposed addition is to be constructed. Applicant to confirm that is the intent. Applicant to further address the treatment of interior stair cases terminating at proposed addition.	
24. 5’ proposed interior corridor shown on the site plan is not carried over into the subdivision of units. Is such corridor to be a common area or part of a defined unit.	
25. Recommend that the orientation of condominium plan be oriented so that North arrows match to facilitate review and coordinate of condominium plan and site plan.	
26. Condominium floor plan appears to show portions of stairs within individual condominium areas. Is this an under stair space or actual stairway?	
27. Condo Unit S13 has an area identified as both common space and as a commercial unit. Applicant to clarify designation.	
28. Applicant to add measurements to units S15 and S16 as well as clarify linework to make condo consistent with the rest of the plan set.	
29. Unit N 20 to be added to subdivision plat.	

These comments are preliminary in nature and our office reserves the right to provide additional comments upon further submission by the applicant.



Village of Monroe Planning Board Review

Project: 581 Route 17M
Tax Lot No. 220-5-16.312
Reviewed by: David Higgins
Date of Review: 6/6/2025

Materials Reviewed: Amended Site Plan titled “581 Route 17M”, as prepared by Weinberg-Lim Engineering. Revisions dates of plan sheets 1, 2, 4 and 7 being May 29, 2025; Minor Subdivision Plat prepared by Weinberg-Lim Engineering dated May 26, 2025; Cover letter from Weinberg Lim Engineering dated May 28, 2025

The following items are listed to assist you in completing your submission to the Planning Board. This is only a guide and other items may be listed at future meetings. Please complete all items and supply the Planning Board with revised plans fourteen days prior to the next regularly scheduled meeting. If you need further assistance please contact this office.

Project Description

Project involves the construction of a new 7,185 square foot two-story office building (14,370 total floor area with basement for storage only) on a (1.63 acre parcel in the GB Zoning District. The property is currently developed with a retail shopping center with parking and access off Route 17M. The area being developed for the proposed building is currently a paved parking lot.

The Land Use Determination Letter provided by the Village Building Inspector indicates that the proposed building meets all setback requirements and number of stories with basement storage only and that the application requires an amended Site Plan approval with the plan showing the addition of a drive-thru for the pharmacy dated 2/12/2018.

We have the following comments on the plan:

1. Details for the proposed porous pavers shall be provided.
2. All existing asphalt ramps shall be removed and replaced with concrete curb ramps meeting ADA requirements and grading shown accordingly. Details for the curb ramps shall be included in the plan set.

3. A landscaping plan has been submitted proposing Flowering Dogwoods as replacements for previously specified Red Maple and Honeylocust trees. These changes were made due to potential conflicts with adjacent structures caused by the mature tree spread (40–50 feet) of the Red Maple and Honeylocust. The planting table and legend must be updated to reflect the revised species and quantities. All plant labeling on the plan shall clearly indicate the species abbreviation and quantity.
4. Landscaping calculations have been shown on sheet 2 and demonstrate compliance with Village Code §200-45 J. The Planning Board should review the updated landscaping plan for adequacy.
5. A revised lighting plan has been submitted and shall be revised to comply with Village Code §200-34 A.(5). House-side shields or similar light-directing fixtures shall be modeled with lighting direction and foot-candle values provided.
Code §200-34 A.(5) is as follows:
 - a. Light sources, including bulbs and LED arrays, must not be visible from public rights-of-way or neighboring residential properties.
 - b. All outdoor lighting must be fully shielded to prevent any light from being emitted above the horizontal plane, with no more than 10% of the lamp's lumens allowed at or above an 80° angle.
 - c. LED lights must have a color temperature of 3,000 Kelvin or lower (This has been addressed.)
 - d. Light levels measured along any property line adjacent to a vacant or residential lot must not exceed 0.2 footcandles.
 - e. Individual lighting fixtures shall not emit more than 3,000 lumens.
6. On sheet 9, it appears that the vehicle used to model truck turning path is a rear loading garbage truck which is inconsistent with the ability to pick up the proposed dumpster in the proposed location. The cover letter indicates that while the vehicle modeled was rear-loading, the front-loading truck would have the same dimensions and turning radius. Assuming that the rationale for the inconsistency is that the design engineer's software does not have the front-loading truck available for analysis, the plan should note that while the turning motion shown is for a rear-loading truck, removal of refuse will require a front-loading truck which is not shown due to software limitations.
7. The project is subject to architectural review by the Planning Board. Renderings showing the general appearance of the proposed building addition were previously provided by the applicant. Board should consider the proposed building addition appearance and applicant shall provide colors and materials of construction.

8. Submitted documents include plans for dividing the buildings into individual condominiums. Approval of condominium projects is subject to Chapter 175 of the Village Code (Subdivision of Land). I defer to the Board's legal counsel with regards to procedure for review and approval of the condominium plan, maintenance agreements, etc... The following comments are offered relative to the submitted Subdivision Plat:
 - a. Record Owner should be noted on the plan.
 - b. Total Lot Area should be provided.
 - c. Map should include the seal and signature of a licensed surveyor.
 - d. Metes and bounds must be provided with closure of perimeter of common area.
 - e. It is unclear which areas are common areas and which are individual condominiums. It is recommended that some hatching or coloring be used to help clarify the various areas being represented.
 - f. As the map will require filing in the Orange County Clerk's Office, it is recommended that the applicant submit the plan to the County for preliminary review and comment so that any required notes or other information needed may be shown.
9. The board adopted a resolution to declare intent for lead agency on February 25, 2025.
Board to consider SEQR determination.
10. A public hearing is required.

A written response letter addressing each of the above comments should be provided with the next submission. If you have any questions, or require any additional information, please do not hesitate to contact our office.

§ 200-31. Land disturbance.

It is the purpose of this section to protect public health, safety and welfare in the Village of Monroe by regulating site preparation and construction activities, including excavation, filling, grading and stripping, so as to prevent problems related to erosion, sediment or drainage.

- A. Applicability. No land shall be disturbed by any person, entity, or a public agency other than the Village, unless the applicant has filed with the Building Inspector an application and plan, and said application and plan shall have been approved by the Building Inspector and/or Planning Board (see § 200-68). If such work covered by the application is also subject to Planning Board approval, this process may be accomplished simultaneously with conditional use authorization, site plan approval or subdivision review. A SPDES General Permit for Construction Activities must also be obtained from the NYSDEC prior to soil disturbance activities as necessary (Chapter 168, Article I). For the purpose of this section, the word "disturbed" shall include any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated and any activity, including clearing, grading, transporting, filling or other activity, which causes land to be exposed to the dangers of erosion, increased runoff, pollution, unnecessary destruction of trees, increased slope instability and unnecessary modification of actual topography or unique geological features. **[Amended 6-13-2017 by L.L. No. 5-2017]**
- (1) Acts and activities requiring approval are those that include site preparation on slopes which exceed 1 1/2 feet of vertical rise to 10 feet of horizontal distance; excavation and/or filling which affect more than 50 cubic yards of material; and grading and/or stripping which affects more than 5,000 square feet of ground surface.
 - (2) Exempt acts and activities are those that include excavations for basements and footings of one- or two-family detached dwellings, septic systems, wells, swimming pools, soil testing and gardening and activities related to the maintenance of landscape features on existing developed lots.
- B. Referrals. Copies of the plan, and accompanying data, may be referred to the Soil Conservation Service, Village Engineer and any other agency deemed necessary by the Planning Board for their review. These recommendations shall be considered prior to approving the plan. All related costs are to be borne by the applicant.
- C. Necessary information. The plan shall address the following elements:
- (1) Location and description of existing natural and man-made features on and surrounding the site (within a distance of 300 feet).
 - (2) Location and description of proposed changes to the site, including the showing of the now existing and the proposed finish ground contours, with a two-foot interval.
 - (3) Measures for drainage, soil erosion and sediment control.

- (4) A time schedule indicating when phases are to be initiated and completed and when temporary and permanent vegetation, drainage, erosion and sediment control facilities are to be completed.
- D. Action. The Planning Board shall approve (or disapprove) the plan within 60 days of the date of filing a complete plan and any accompanying data. In approving the plan, the Planning Board shall fix a reasonable time limit and may attach any conditions which it deems necessary to assure compliance with the provisions of this section.
- E. Performance bond and/or cash deposit. The applicant may be required to file with the Village Board a performance bond and/or cash deposit sufficient to cover the cost of all improvements and treatment outlined on the plan. The sufficiency of such bond or deposit shall meet the requirements of the Village Engineer's estimate.
- F. Inspection. The Building Inspector, the Department of Public Works Superintendent and/or the Village Engineer shall inspect the site as frequently as necessary to assure compliance with the terms of approval. [Amended 6-21-2011 by L.L. No. 2-2011]

§ 200-32. Trees and landscaping.

A. Purpose.

- (1) It is the purpose of this section to promote and improve the appearance of land within the Village by providing for the installation and maintenance of trees and landscaping for aesthetic quality and screening.
- (2) It is the purpose of this section to ensure that the greatest number of trees possible are preserved and left standing before, during and after the subdivision, site plan and construction process. Where it is not possible to preserve them, it is the intent of this section to ensure, wherever possible, that the developer replaces the trees removed with a like number and species of newly planted trees.
- (3) It is the intent of this section to have the developer provide for additional landscaping which goes beyond the replacement of trees removed to provide for trees along existing roads, new roads and screening around parking areas in order to cut down on noise from vehicular traffic and to screen accessory structures and to ensure that the development blends with the environment.

B. Findings.

- (1) Properly planted trees are needed to create sound barriers to reduce the noise level made by vehicular traffic.
- (2) Properly planted trees are an effective means of providing sight barriers around accessory buildings, mechanical devices, parking lots and other nonnatural structures created during construction.
- (3) Replacing trees removed during construction is necessary to assist in soil conservation and in reducing stormwater runoff, since development usually increases stormwater runoff and the growth of trees and their roots are integral to absorption of stormwater.

- (8) Copy of Orange County Electrical License for contractor performing any electrical work.
- B. Street access. No building permit shall be issued for the construction or structural alteration of any building upon a lot without access to a street or highway as stipulated in § 7-736 of the Village Law.
- C. Professional seal. No building permit shall be issued for the construction or structural alteration of any building with a total floor area of more than 800 square feet unless the plans and specifications are prepared by and stamped with the seal of a registered architect or a licensed professional engineer in New York State.
- D. Earthwork or earthmoving activities. When application is made for any building permit that involves earthwork or earthmoving activities, such as excavation, clearing, stripping, filling, grading or removal such that one or more of the following thresholds are met, site plan review and approval shall be required in accordance with Article XV of this zoning chapter before any building permit is issued: **[Amended 9-14-2023 by L.L. No. 11-2023]**
- (1) A change in proposed grade that involves the use of any tracked construction equipment or equipment in excess of 1,000 pounds.
 - (2) A change in the finished grade by more than three vertical feet at any single point on the lot.
 - (3) A change in the average finished grade by more than one vertical foot of any horizontal area exceeding 100 square feet.
 - (4) A change in the average finished grade adjoining the foundation of a principal structure by more than one vertical foot.
 - (5) A change in the grade plane as defined in § 200-5 of a principal building or use by more than one vertical foot.
- E. Hours of construction. The building permit shall limit the hours of construction activity to 8:00 a.m. to 8:00 p.m. Eastern standard time (7:00 a.m. to 7:00 p.m. Eastern daylight standard time), Mondays to Saturdays.
- F. Lot on filed subdivision map. No building permit shall be issued for a lot in a subdivision requiring approval by the Planning Board, unless the subdivision map has been properly filed in the office of the County Clerk.
- G. Site plan approval by Planning Board. No building permit shall be issued for any building where the site plan of such building is subject to approval by the Planning Board, except in conformity with the plans approved by said Board.
- H. Copies. Two copies of the building permit application supporting documentation shall be submitted. On the issuance of a building permit, the Building Inspector shall return one copy of all filed documents to the applicant.
- I. Action. The Building Inspector shall, within 10 days after the filing of a complete and properly prepared application, either issue or deny a building permit. If a building

- C. Complicity. Any agent, contractor, architect, builder, corporation or other person who commits, takes part or assists in such violation shall also be guilty of such an offense.
- D. Continuance. Each day's continued violation shall constitute a separate additional violation. Such period shall be deemed to have begun 10 days after written notice, evidenced by postmark or certification of service, by the Building Inspector, setting forth the applicable regulations and the elements of the offense, such notice to be certified mail, return receipt requested, or by personal service. **[Amended 6-13-2017 by L.L. No. 5-2017]**
- E. Separate legal action. The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to restrain, correct or abate a violation or to prevent the illegal occupancy of a building, land or premises.
- F. Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is proceeding in violation of the provisions of the applicable building laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications upon which a building permit was issued, or in any unsafe and dangerous manner, he shall notify the owner of the property or the owner's agent or the person performing the work to suspend all work, and any such person shall forthwith stop such work and suspend all building activities until the stop order has been rescinded, which notification shall be served upon the person to whom it is directed, either by delivery of it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail to the address stated in the application. **[Added 7-6-1999 by L.L. No. 3-1999]**

ARTICLE XV

Site Plan and Special Permit Review and Approval⁸⁸

§ 200-72. Regulations. [Added 6-13-2017 by L.L. No. 4-2017]

- A. Purpose. The purpose of this article is to standardize the procedure for the review of site plans and the requirements for site plan applications, regardless of district.
- B. Authorization; approval required.
 - (1) The Village Board hereby authorizes the Planning Board, pursuant to Village Law §§ 7-725-a and 7-725-b, to review and approve, approve with modification or disapprove site plans, prepared as hereinafter set forth in this chapter, and, where provided in this chapter, the Planning Board is further authorized to issue special use permits upon determining that the public health, safety and welfare

88. Editor's Note: L.L. No. 5-2017, adopted 6-13-2017, renumbered former Article XVII as Article XV, and renumbered former § 200-87 as § 200-74, and §§ 200-87.1 and 200-87.2 as §§ 200-72 and 200-73, respectively. Said local law also repealed original § 200-86, Powers and duties, as amended 3-20-1996 by L.L. No. 3-1996, 7-6-1999 by L.L. No. 3-1999, 5-16-2000 by L.L. No. 4-2000, and 5-1-2012 by L.L. No. 2-2012. Former §§ 200-72 and 200-72.1 are now included in Chapter 56, Planning Board.

shall be served and neighboring properties will not be affected. The procedure for a special use permit shall be the same as a site plan.

- (2) Further, the Planning Board is authorized to implement its architectural review responsibilities, as provided in § 200-73 of this article, as part of the site plan review process.

C. Applicability.

- (1) In all districts, site plan approval by the Planning Board shall be required for:
 - (a) The erection or enlargement of all buildings in all districts other than single-family dwellings in SR-10 and SR-20 Districts, except that single-family dwellings shall be subject to site plan approval where they exceed the thresholds of § 200-25.1 (Out of character dwellings) or are located in the areas of special flood hazard as defined in § 107-4 of the Flood Damage Prevention Chapter of the Village of Monroe Code. **[Amended 9-14-2023 by L.L. No. 17-2023]**
 - (b) All uses of vacant land.
 - (c) Any change in use from one principal permitted or accessory use to another principal permitted or accessory use, including changes in use within a permitted multiple use, e.g., a shopping center. Where no exterior alterations or additions are proposed, the Code Enforcement Officer shall determine if a formal application to the Planning Board is required based on a completed Land Use Determination Form, as well as any significant impact the change in use will have on the site including, but not limited to, traffic volume, access, parking, circulation, noise, the need for landscaping or screening, environmental uses, loading, access, drainage, utilities or other municipal services or character of the neighborhood.
 - (d) Any application for a special use permit.
 - (e) Earthwork or earthmoving activities, such as excavation, clearing, stripping, filling, grading or removal such that any of the following thresholds are met whether or not such activities are proposed individually or as part of an application involving building construction. Where building construction is involved, site plan approval will be required for the entire proposed construction and shall not be limited to the earthwork activities. **[Added 9-14-2023 by L.L. No. 11-2023]**
 - [1] A change in proposed grade that involves the use of any tracked construction equipment or equipment in excess of 1,000 pounds.
 - [2] A change in the finished grade by more than three vertical feet at any single point on the lot.
 - [3] A change in the average finished grade by more than one vertical foot of any horizontal area exceeding 100 square feet.
 - [4] A change in the average finished grade adjoining the foundation of a principal building or use by more than one vertical foot.

[5] A change in the grade plane as defined by the building code of a principal structure by more than one vertical foot.

- (2) In any cases where an amendment of any such plan is proposed, the applicant must also secure the approval of the amendment by the Planning Board.
- (3) Site plan approval shall be obtained prior to the issuance of a building permit, and no certificate of occupancy or certificate of use shall be issued unless all requirements of the site plan approval have been fully met. No lot or parcel of land shall be used except in conformity with an approved site plan, when required. Where required, site plans shall be referred to the Orange County Department of Planning and other agencies.

D. Objectives and design requirements. In reviewing site plans, consideration shall be given to the public health, safety and welfare; the comfort and convenience of the public in general and of the residents or users of the proposed development as well as of the immediate neighborhood; and appropriate conditions and safeguards as may be required to further the expressed intent of this chapter and the accomplishment of the following objectives:

- (1) That the site plan is in conformance with any relevant portions of the Comprehensive Plan of the Village.
- (2) That the design of all structures is compatible with that of surrounding structures. Compatibility shall be determined by a review of the proposed use of materials,