

**VILLAGE OF MONROE PLANNING BOARD  
WORKSHOP MEETING  
MARCH 9, 2016  
MINUTES**

**PRESENT:** Chairman Parise, Members Cocks, DeAngelis, Karlich,  
Engineer O'Rourke, Attorney Levinson, Building Inspector Cocks

**ABSENT:** Member Graziano

Chairman Parise opened the workshop meeting at 7:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

**1. 603 Stage Road – 4 Lot Subdivision - (219-3-7)  
**Present:** Ross Winglovitz, P.E.; Phil Evans, Lanwin-Olympia**

Chairman Parise referred to Engineer O'Rourke's review, specifically regarding the lack of wetland delineation. Engineer Winglovitz stated that the wetlands are not on their property therefore does not know how they can delineate something that is not even on their property. Engineer O'Rourke suggested contacting DEC and explain the situation and they can provide guidance as to how to proceed. Chairman Parise and Member DeAngelis both commented that the wetland delineation should be completed before continuing on. Engineer Winglovitz requested addressing the rest of Engineer O'Rourke's comments, however Chairman Parise and Member DeAngelis felt the applicant should take care of the comments and the wetland delineation and return to a workshop meeting. Member Cocks agreed. Attorney Levinson added that the wetland delineation is necessary as it could signify any additional agencies that could be involved in the approval process. Member Cocks requested renderings of the proposed houses to be built. Attorney Levinson added that the square footage of each house should be provided on the map. Building Inspector Cocks suggested discussing items #12 and #15 in Engineer O'Rourke's comments as they may not need to be put on the plan depending on the Board's decision. Member DeAngelis requested the style of the houses to be built should complement the existing house style.

**2. Bridges at Lake Parc – Site Plan – (211-1-1)  
**Present:** Joseph Haspell, Esq.; Liz Mello, Brooker Engineering;  
Mr. Frank, Applicant**

Chairman Parise noted that comments were received in the form of a note from a resident of the Village who lives near the property. The resident claims the layout on the current plan violates a Stipulation of Settlement which was a result of an Article 78 that this individual filed. The second item in the note was regarding vested rights and how many lots can be allowed on the plan. This note was given to counsel and Attorney Levinson and Attorney Lipman have been discussing the issues received from

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

*On a motion by Trustee Dwyer seconded by Trustee Chan, it was: RESOLVED, in regard to the Bridges at Lake Park subdivision application before the Planning Board, the Village of Monroe Board has decided to NOT move forward with accepting the Smith House and corresponding real property that W C Lincoln Corp previously offered*

*to donate to the Village of Monroe. Be it further RESOLVED, In addition while it is the understanding of the Village Board that the applicant is also willing to donate the dams located on the subject property, the Village Board is NOT interested in taking ownership of the dams. It is further RESOLVED, the Village Board respectfully requests that the Village Planning Board move forward with the legislative authority that requires the applicant to make the necessary and appropriate payment of money in lieu of land in accordance with the requirements contained within the Village's Zoning Code.*

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

*BOARD COMMENT: Trustee Dwyer gave an update on his assessment / inventory of the Roscoe Smith Estate for restoration. Trustee Dwyer feels the property is worth acquiring and asked the Board to consider sending a letter to the Planning Board and/or the current owner. Trustee Chan asked what the condition is and the cost for refurbishing it. Based on Trustee Dwyer's assessment he said \$1,000,000 to \$1.2*

million dollars tops. That assumes certain conditions. The building is relatively intact. It has been vandalized but is structurally sound. A lot of the space is still original. It will require gutting and saving the millwork, flooring and architectural details should remain in place. It is a great building. The rooms have been beat up by vandalism. Door knobs and light switches are missing. Trustee Chan asked how long it would take to restore. Trustee Dwyer said his proposal would be to develop a plan. He hopes to gather interest from the community for the building. A committee who would create a foundation; find new sources including outside grants so the burden is not put on the Village as a whole. Because of that, a timeline of perhaps 5-10 years would be required. The biggest part of the plan is acquiring the land, safe-off the building and let it dry out. Once that is done you won't have vandalism or the elements. Then, start working on the property. Trustee Chan commented, if it will cost one million to restore, would we have to pay prevailing wage or would the work be volunteers doing the work? Trustee Dwyer said we are not looking for a project for the Village to undertake. The Village would own it but under the guise of a project like the Sabre Jet Plane. Trustee Dwyer feels a lot of people will step up both monetary and labor by craftsmen who want to be part of the solution. Trustee Chan asked, once restored, what then? Trustee Dwyer said he sees it used by the Town and Village Historian's, for certain projects, weddings, conferences, Art Council events and people leasing it for certain events. Trustee Chan asked who is going to maintain it. Trustee Dwyer said it may become some of the village's responsibility or perhaps it can be self-sufficient. That is the goal. Trustee Dwyer said he's seen a lot of not-for-profits sell a window for different parts of projects. Roscoe Smith was the founder of Orange and Rockland and Museum Village. He gave the land for Smiths' Clove Park. He gave us Village Hall. He was involved with the Crane Park land being given to the Village. He was a visionary. Trustee Chan asked Trustee Dwyer if he has spoken to the developer. He was introduced through DPW Supt. Smith. Mr. Frank, the developer was interested in having a conversation. Supt. Smith said originally the developer was giving the Village the house. Trustee Chan said originally the Village had the whole house with the front of the property. The Board a few years ago negotiated to give the house back for additional fees. Supt. Smith spoke to Mr. Frank who is moving forward with his project and is negotiable for whatever we want. Trustee Chan asked how much are all the fees? Mayor Purcell said about \$150,000 in Parkland Fees that would be lost. He was going to take the house down at his expense. Mr. Frank was getting two building lots that would give the village two ratable properties on the tax roll. Trustee Dwyer said there was an agreement some time ago. When the Village tried to acquire it, it wound up in court. Through that court case, there was a settlement. Mayor Purcell said it never made it to court. In 2000 the Village tried to take it by eminent domain. There was a threat of a lawsuit. Negotiations started in 2006 with the owner. The Smith family under Mayor Mancuso said the Village could have the property for 1.8 million dollars. The only lawsuit was the cul-de-sac proposed for the top of Sunset Heights. That was an Article 78 Proceeding. Trustee Dwyer in August 2014 put the motion forth to reject the property as it was cost prohibitive. He is ashamed of that decision today he said. He is glad to have the opportunity to come back and make it right. Mayor Purcell asked, if the project does not make it five years from now, what do we do? What is the fall out? Trustee Dwyer said the artifacts are critical and speak volume about Roscoe Smith. If the plan fails in a certain time frame, we would have to

*make a hard decision about the house or someone would pick-up the ball and continue to run with it always moving forward. If we can get this project started by summer of this year, Trustee Dwyer will do a full financial analysis of cost. If we agree, Trustee Dwyer said he will move forward and won't stop. His payment is honoring Roscoe Smith. Mayor Purcell said the dam and bridges are coming out. There will be a retention basin, Supt. Smith said. The stream will continue only smaller. The failing dam will be lowered 2 feet. There will be a wetland after the spillway. The structures get removed. The upstream spillway dam is coming out. The stream goes around the basin to the other side. On the other side of that pond is a road with a house. Trustee Dwyer will keep in contact with Mr. Frank. Mr. Frank has both sets of plans, the original showing us owning the house and a second showing it as part of the subdivision. PUBLIC COMMENT: Lorraine Loening commented on the Roscoe Smith property asking Trustee Dwyer about the 5.7 acres. That land would become parkland? It would stay off the tax roll? The million is that for the property or fixing the building? The house and repair to some of the landscaping there, is that budgeted for the 2016 budget? Trustee Dwyer is hopeful we can create some type of foundation, another funding venue outside the Village's budget. His purpose is to acquire the legacy of Roscoe Smith. Attorney Bonacic said for clarification, it is not parkland, it would be village property Michelle Hieronoyimi asked if the project would be put to a Permissive Referendum. Trustee Dwyer said we are looking to acquire this for nothing. Mrs. Hieronoyimi said someone would have to pay the taxes. Trustee Dwyer didn't have any feeling about it one way or another. He said he was totally sensitive to tax dollars as he is setting as a Trustee representing the people of this community. He is looking at this property and saying this is where one of the founders of our community has lived all of his life. You have to maintain that. If you don't know your past, how do you look to your future? That's why he took on this challenge – to honor Roscoe Smith. Mike Goldstein commented, you are going to get the house for nothing and it is going to cost one million dollars to rehabilitate it and if it all works and people come to see it, where are they going to park on that property? Trustee Dwyer said he hadn't thought about it. On the right side of the property he is looking to see if we can acquire that along with the house. We would develop a parking area there. Mr. Goldstein` said you want to pay homage to Roscoe Smith for a million bucks. We could certainly build a small museum that maybe could house some of the artifacts, some of the pictures of the family, a place accessible with parking. I believe in saving where it is due but a million dollars is really pricey, Mr. Goldstein said. Museum Village has the General Store that is not used. Maybe, make a deal with them to honor this man for a lot less money and they have parking and you're not taking property off the tax roll, Mr. Egan said.*

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

Attorney Levinson noted that in 2014 the Village Board resolved they did not want the house, dams or property. Now it appears that without setting aside the 2014 Resolution they appointed Trustee Dwyer to do an investigation to possibly keep the house. Member DeAngelis confirmed that Trustee Dwyer was handling this now and stated he

is supposed to report back to the Board of Trustees. Chairman Parise asked when is he supposed to report back as no time limits seem to have been set. Trustee Dwyer is now causing this project to stall. A letter will be drafted to the Village Board regarding these issues.

Jim Rodgers asked if the wheel and bridges were remaining on the property, and at what location would the park begin. Chairman Parise stated that at this point nobody knows for certain because Trustee Dwyer has intervened and nobody knows which way this is going to go now. Engineer Mello showed Mr. Rodgers what the current plan shows, but added that this can change depending on what the Village Trustees decide to do. Mr. Rodgers was happy with the layout Engineer Mello showed and thought it was a nice proposal.

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

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

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

## **ADJOURNMENT**

On a motion made by Member Cocks and seconded by Member Karlich it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 7:50 p.m.