

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
SEPTEMBER 19, 2016
MINUTES**

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

ABSENT: Members Cocks and Graziano

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

PUBLIC HEARING:

1. **Chabad of Orange County – Site Plan – (206-6-1.2)**
Present: John Petroccione, P.E.; Rabbi Burston

Chairman Parise explained that this was a continuation of a public hearing from August 15, 2016 and requested that the applicant's engineer review the questions from the public hearing. Any additional questions will be taken after the review. Engineer Petroccione described the minor modifications which were made to the plan based on input from the public comments as well as the planning board. The dumpster was moved to a corner in the parking lot closer to the building and the dumpster enclosure has been enlarged to accommodate two dumpsters. This was in response to concerns about the dumpsters not being large enough, and being placed too close to the property line. In addition the pool size has been modified to be smaller than originally proposed and the kiddie pool removed. This allowed the pool to be relocated to approximately 30 feet from the property line, as opposed to the required 15 feet. Engineer Petroccione stated the primary usage of the swimming pool is for the Rabbi and his family. The pool is proposed as a public pool for the purpose that the camp children could use it during the summer, but primarily the pool is for the Rabbi and his family.

A copy of Engineer Petroccione's written responses dated 8/29/16 is attached. Verbal comments added by Engineer Petroccione in addition to his written response include the following:

Since it has been requested by the Village to locate the sidewalk across the street from the Chabad project, a crosswalk will be added.

This project is no different from any other commercial site in the Village of Monroe and it is not anticipated to have anyone lingering or visiting the parking lot.

The pool will not only be fenced in with locking gates, but will also have a pool alarm.

There is no proposed egress or access to this site other than the driveway off of Gilbert Street.

The stormwater prevention plan shows how all runoff from the proposed impervious surfaces will be captured and treated before it is discharged from the site.

Regarding the concern about noise emanating from the parking lot “all hours of the day and night”...we are not building a 7-Eleven. We are building a religious facility which will have services, functions, guest speakers, etc., but nothing that would encourage people to come and spend hours sitting in a parking lot. It will function no differently than the existing synagogues and churches in the area.

There is no proposed emergency access through the two undeveloped parcels to Orchard Street.

There is no proposal for overflow parking lots on the two undeveloped parcels near Orchard Street.

Speed limit enforcement is the jurisdiction of the Monroe Police Department.

The cost of all construction proposed as part of this project will be borne by the developer.

Chabad is open to the public and encourages anyone to come who is interested in pursuing religious education and observance. It is not a private membership club. The pool is considered a public pool under NY State Law. It is not intended as a town pool. It is not by membership. You cannot buy entry. NY State Law defines a public pool as a pool which is not for only the immediate family and their guests, therefore this pool is defined as a public pool. This pool will be similar to the pool in the Mansion Ridge development, or the Timber Hills development, or the Hidden Creek development. Those are all classified as public pools but are only for the residents and their guests.

Attorney Reineke wanted to clarify that the term public pool is being used solely to identify the regulations that the person building the pool has to comply with. It does not mean the pool is open to the general public, it means that in addition to meeting the building codes and safety requirements established by NY State and enforced by the building department, the person proposing a pool that is other than a family pool must go through the NYS health department as well. It is a definition used to distinguish from a private pool. There are actually more safety features and review required than for a private pool. Chairman Parise added that the DOS website has more information regarding public pools.

Engineer Petroccione continued and added that questions were asked if the pool was going to be a mikvah. He explained that a mikvah would traditionally be indoors, and that no religious use is proposed for the pool other than being owned, operated and used by the congregation.

Chairman Parise opened the hearing to the public.

Adam Ross, Orchard St., - asked if the natural 35-40 ft. buffer to Orchard Street would be filled in with more plantings because in the winter he can see clearly up the hill. Engineer Petroccione stated no additional plantings are proposed however there will be a chain link fence which will run through the area, and added that the elevation of the parking lot is high enough that any headlights would shine over the rooftops of any homes on Orchard Street. Engineer O'Rourke commented that additional plantings would not grow under heavy tree cover that exists in that area, but slats through the chain link fence could be a possibility.

Myrna Kemnitz, High St. – requested that the old trees separating her property from the Chabad property remain. Engineer Petroccione stated the Village has requested that any proposed specimen trees to be removed are to be mapped and reviewed and approved by the Board.

Rabbi Burston addressed the Board and the public and described what the Chabad is and the different events that are offered. Chabad is a full service Jewish Community Center. It works to promote and strengthen Jewish awareness and observance through educational, religious, social and cultural activities to all Jewish individuals and families regardless of background, affiliation, observance, age or economic capabilities. Anyone is welcome to join. Some of the programs offered include Hebrew School, Sabbath Friday evening services, Sabbath Saturday services, Holiday events, High Holidays services, weekly adult education classes, weekly youth programs, monthly programs, administrative operations, seasonal events including guest speakers and films, and summer Jewish enrichment programs. In the future we are hoping to include a preschool. A full description of these programs is attached.

Myrna Kemnitz – asked if the Rabbi and his family will be full time residents. Rabbi Burston replied yes, he and his family would reside on the premises full time.

Adam Ross – asked what is the latest time that a program or event would go? Rabbi Burston responded it is very unusual for events to go later than 9:00 p.m.

Chairman Parise suggests that the public hearing be kept open to provide for the traffic study to be reviewed. In that time written comments will be accepted.

There were no more questions from the public.

On a motion made by Chairman Parise and seconded by Member DeAngelis, it was unanimously **Resolved, that the Public Hearing for Chabad of Orange County Site**

Plan be continued to the next regular meeting of the Planning Board of October 24, 2016.

REGULAR MEETING:

1. Chabad of Orange County – Site Plan – (206-6-1.2)

Present: John Petroccione, P.E.; Rabbi Burston

Engineer O'Rourke discussed engineering issues. The landscaping plan does not follow the zoning requirements for trees and landscaping. There seems to be a coordination issue between the landscaping plan and the site plan and these plans need to match. In addition the code requires for an inventory of existing trees and their preservation or replacement. The proposed overflow parking area should be screened from Gilbert Street. Overall the Village zoning code requirements for trees, landscaping and screening should be reviewed and followed. Chairman Parise commented that the Village should put up no parking signs on Gilbert Street. Chairman Parise also wanted to know how snow removal would be handled and where the snow would be placed, and this information should be noted on the plan. Snow cannot be placed onto the roadways and cannot take up parking spaces. Member DeAngelis questioned if the two other lots could be developed. Engineer Petroccione stated the two undeveloped lots are not slated to be developed as per this application. Engineer O'Rourke clarified that they are existing single family residential lots and someone could apply for a building permit to build a house on those lots, all they would have to do is meet the bulk requirements. Individual driveway access for each lot is off of Orchard Terrace.

2. Monroe Florist – Amended Site Plan – (201-1-9.4)

Present: Shawn Arnott, PE, McGoey, Houser & Edsall; Margaret Barry, Owner

Chairman Parise acknowledged receipt of the 239 review from Orange County planning which recommended local determination. At this time there is nothing else outstanding for this application.

On a Motion made by Member DeAngelis and seconded by Member Karlich it was unanimously **Resolved that the Planning Board types this application as an unlisted action, and issues a negative declaration under SEQRA.**

On a Motion made by Member Karlich and seconded by Member DeAngelis, it was unanimously **Resolved that a Conditional Use Permit for Monroe Florist for use of the second floor as an apartment is issued for a period of one year from the date the Certificate of Occupancy is issued at which time the applicant must reappear before the Planning Board for review.**

On a Motion made by Member DeAngelis and seconded by Member Karlich, it was unanimously **Resolved, that the Planning Board approve the amended site plan for**

Monroe Florist last revised 7/14/2016; all fees, bonding and administrative actions are paid; and subject to a final review by Lanc & Tully prior to signature.

3. Lenza – Amended Site Plan (223-1-4)

Present: Steve Brown, Hudson Valley Realty

Chairman Parise stated the board took a field trip to the property after the workshop meeting to see if the proposed new layout would help the flow through the parking lot. The board set up their cars and saw that there was plenty of room for vehicles to pass around cars stacked in the drive thru lane. A bus even came into the parking lot and was able to maneuver around the lot. Mr. Brown stated the words “drive thru” with arrows would be painted on the pavement. Chairman Parise added that landscaping was discussed during the site visit as well and it was agreed that the split rail fence would come down from the entrance to the planting island and it would be replaced with tall grasses. Engineer O’Rourke stated that all engineering issues have been met. Building Inspector Cocks added that the freestanding sign requires a set back variance. Attorney Reineke stated in the resolution it can be noted that the sign location as proposed requires ZBA approval, but if the ZBA does not grant approval then the applicant would need to return to the Planning Board. Chairman Parise and Member DeAngelis agreed that would be satisfactory to grant approval with the condition of the ZBA variance being granted. Member Karlich did not agree to move forward with the approval without knowing if the ZBA granted the variance and added that the applicant didn’t provide the 100 mph wind certification. Engineer O’Rourke stated that the 100 mph wind certification would be handled through the building department and that the Planning Board approves the sign only as to location and can approve the location subject to a variance, as Attorney Reineke explained. Member Karlich stated the applicant didn’t do the other things on the site plan the way they were supposed to be done so why should we grant approval now. Member DeAngelis stated the approval would be based on a variance being granted so it is covered. Attorney Reineke clarified that any approval given would be for a site plan approval with the exception that the free standing sign can only be put in place with ZBA approval. Member Karlich commented that the ZBA tends to change things that the planning board does not agree with. Attorney Reineke asked the planning board if they had an issue with the proposed location of the sign. Building Inspector Cocks added that the ZBA typically grants 15 ft setback variances for signs on Route 17M and that is where it is shown, since the zoning requirement of 60 ft is ridiculous as it puts the sign behind the building. The planning board is satisfied with the location. Member Karlich stated there is no note that landscaping has to be maintained in perpetuity. Engineer O’Rourke stated that this is an amended site plan for a portion of the site, and there is an original site plan that is still in effect. There is a note on this amended site plan which refers to all other conditions and other sheets from the original approved site plan still apply, which covers the landscaping in perpetuity, specifically note #7. Attorney Reineke clarified that the board approved a site plan which was built, and the applicant has returned with an as built site plan which covers certain specific changes but all prior issues from the original

site plan are still in effect. Any approvals now are only for the changes done as a supplement to the prior approval. Attorney Reineke added that the changes proposed would be a valuable safety improvement. Member Karlich is upset the applicant did not follow the plans and does not want to approve the amendment until he has everything done. The planning board always grants conditions and nothing is ever built the way it is approved and nothing is ever followed up. Chairman Parise acknowledged issues in the past, but felt that the changes addressed now have alleviated problems which did not show on paper but appeared once the project was built and feels that holding up approval now would delay the fixes which would make the site safer. Chairman Parise was concerned that holding this approval until after the ZBA made their decision could cause safety issues and would prefer to see the site safe now. Chairman Parise added that a C.O. cannot be issued until all work is completed and added that the Village is holding a bond. Member Karlich stated the applicant is open and operating there's no penalty to them. Building Inspector Cocks stated the C.O.'s issued were for the individual store fit ups only and that the site work permit was still open. Mr. Brown added that he cannot delay the issuance of the site work C.O. because it will affect his loans. Member Karlich continued that nothing is ever built the way it is approved and there's never any follow up. Building Inspector Cocks disagreed and informed Member Karlich that the only reason the applicant was back before the board was because he did his job, and did follow the site plan in the course of his inspections and failed the applicant during inspections, which left the applicant two options; either correct the issues and build according to plan, or go to the planning board for an amended site plan, therefore follow up was done. Member DeAngelis felt the applicant met all the demands for improvement when the board visited the site, and agreed the site is dangerous the way it is and agrees that approval should be granted now to allow work to begin, as long as it is conditioned on ZBA approval for the sign. Mr. Brown added that if they could not get approval now and had to wait for the ZBA it would cause the project to carry into the time of year where paving cannot be done and the site won't be able to be finished until next year. Attorney Reineke added that if members of the board are concerned that the applicant will not follow through with the ZBA application, approval can also be conditioned that the applicant apply to the ZBA within two weeks or approval is lost. That could alleviate the concern of the applicant not following the rules.

On a Motion made by Member DeAngelis and seconded by Chairman Parise, it was unanimously **Resolved, that the Planning Board grant amended site plan approval for Lenza last revised 9/15/2016 conditioned upon a) the Village ZBA granting a variance for the proposed pylon signage; b) the applicant must submit to the ZBA application within 2 weeks; and c) the applicant cannot do anything with the sign until the ZBA grants the setback variance. If the ZBA does not grant the variance then the applicant must return to the planning board for further discussion; and adding a note that "drive thru" and arrows stenciling to be added to the pavement in the striped drive thru lane.**

4. **Cumberland Farms – Site Plan – (215-1-13)**

Present: No appearance

On a Motion made by Chairman Parise and seconded by Member DeAngelis it was unanimously **Resolved that the Planning Board declare itself Lead Agency for Cumberland Farms Site Plan.**

On a Motion made by Chairman Parise and seconded by Member DeAngelis it was unanimously **Resolved that the Planning Board refer the plans to Orange County Department of Planning for 239 review.**

On a Motion made by Chairman Parise and seconded by Member DeAngelis it was unanimously **Resolved that the Planning Board request the Village Board approve the use of an alternate traffic engineer, WSP Parsons Brinkerhoff, due to the applicant using the Village's traffic engineer, Creighton Manning.**

On a Motion made by Chairman Parise and seconded by Member DeAngelis it is unanimously **Resolved that a Public Hearing be set for Cumberland Farms Site Plan on Monday, October 24, 2016 on or about 7:00 p.m. Monroe Village Hall, 7 Stage Road, Monroe, NY.**

The minutes for August 10, 2016 and August 15, 2016 are tabled until the October meeting due to two members being absent.

ADJOURNMENT

On a motion made by Member DeAngelis and seconded by Member Cocks it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 8:50 p.m.