

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
MARCH 20, 2017
MINUTES**

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

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.

1. Crystal Run Lab 807 Rte. 17M – Amended Site Plan – (203-2-2.2)

Present: John Loch, AFR Engineering

Chairman Parise explained that Lanc & Tully has a conflict of interest with Crystal Run and the board had Tom DePuy Engineering as an alternate. The board was just informed that Engineer DePuy has been hired by Crystal Run and now has a conflict of interest as well. The board will have to find another alternate engineer to review the submitted plans therefore this application cannot be heard tonight.

2. Threetel Holdings – Conditional Use/Site Plan – (203-3-3.2)

Present: Larry Torro, P.E., Civil Tech Engineering

Engineer Torro stated that the signed parking cross easement declaration has been forwarded to the board, as well as the use and occupancy agreement with DOT. Attorney Levinson reviewed the easement declaration and found same acceptable, conditioned that the Village receive a certified filed copy. Engineer Torro submitted proof of filing of the cross easement with Orange County. Engineer O'Rourke stated that all engineering issues have been satisfied. Construction cost estimates have been submitted and are found acceptable. Chairman Parise commented that it is the board's hope that the site remains clean and maintained.

On a motion made by Member Cocks and seconded by Member Karlich, it was unanimously **Resolved that the Planning Board make a recommendation to the Village Board to accept the construction cost estimate in the amount of \$25,147.70 which estimate has been reviewed and approved by John O'Rourke, P.E.**

On a Motion made by Member Cocks and seconded by Member Graziano, it was unanimously **Resolved, that the Planning Board grant approval for the site plan for Threetel Holdings subject to all conditions and notes on the site plan last amended 3/17/17, and on condition of receipt of a certified filed copy of the**

declaration of shared parking easement, and all fees, bonding and administrative actions are paid.

On a Motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously **Resolved, that the Conditional Use Permit for Threetel Holdings, LLC is issued for a period of 6 months from the date the Certificate of Occupancy is issued at which time the applicant must reappear before the Planning Board for review.**

3. Luke & Friends Day Care – Amended Site Plan – (201-1-9.3)

Present: David Niemotko, Architect

Chairman Parise described the site visit made by some of the planning board members. Discussion was held regarding dropping off and picking up at the rear of the day care center; adding parking spaces behind the house; adding signage at the driveway entrance and driveway exit of the day care center, and no parking and no entrance at the front of the building. In addition the handrail at the front of the building is damaged and needs to be repaired. A new site plan was submitted showing the proposed signage as well as additional parking spaces in the rear of the property and along the playground. Architect Niemotko stated the property owner did not want parking behind the house. Attorney Levinson added that any signs erected must be done on this parcel only. Member Cocks added that the handle should be removed from the front door of the building making that door exit only, to alleviate parents from attempting to use the front door despite the signage. Chairman Parise read an email from the MW bus garage which indicated that there are 9 documented students who are bused to the site and utilize the day care center. This is in direct conflict from what has been represented by the day care center in the past, as they have indicated no students would arrive by bus. Architect Niemotko submitted two emails from Jennifer Lenoci whereby she indicated that 8 students are delivered to her day care center by MW school bus. The emails also state that the children are with an adult at all times and do not ever walk from the bus to the site by themselves. Chairman Parise discussed the draft conditional use permit that was prepared. Chairman Parise noted that it is up to the day care center to monitor the children. Whether there is a crossing guard, or other type of employee, someone must be present to monitor drop off and pickups to make sure the children are safe. The specific conditions were discussed, specifically: (1) accessibility, adequacy and feasibility of the number of parking spaces to accommodate the site; (2) to confirm that the new location for drop off/pick up at the rear of the building is the only drop off/pick up location being utilized; Architect Niemotko confirmed that the front doors could be used as emergency exits. (3) to ensure that Luke & Friends Day Care will provide outside monitoring of the safety of the children as well as ensure proper parking and drop off locations are adhered to by their patrons; (4) to ensure that no Luke & Friends Day Care Center patrons or employees are parking on neighboring properties. Chairman Parise added this pertains mostly to Monroe Florist. There should be absolutely no parking by day care center patrons or employees at Monroe Florist.; (5) to ensure that no Luke & Friends Day Care Center patrons or employees are parking on or blocking Talmadge Court; (6) to ensure that children

being dropped off by MW school buses on Gilbert Street are attended to by an adult and have a safe passage to walk to the day care center. Chairman Parise noted that the number one issue is the safety of the children. The remainder concerns the other issues raised at the public hearing. The issues need to be monitored. Chairman Parise asked the board if they had anything else to add to the conditions of the permit. The board had no additions. Attorney Levinson noted that typically the conditional use permit timing begins to run upon the issuance of a C.O. Chairman Parise commented that since this is an active business, the safety of the children and the potential liability on the neighbors cannot wait for construction to be completed, and felt the conditional use permit needs to be implemented now. The board agreed, and decided to limit the period of time for renewal to 3 months given the issues surrounding the site. Attorney Levinson made some changes to the conditional use permit, specifically #3 Luke & Friends day care *shall* provide outside monitoring; and #6 should add “and escorted by an adult” will be added after “attended to by an adult”. Member Karlich asked if the second floor was completed enough to allow the rear entrance to be used. Architect Niemotko stated the construction has not begun. Building Inspector Cocks stated the rear door is in use today as that is the way they access the playground. Building Inspector Cocks stated that the signs can be installed and the drop off and pick up can begin at the rear entrance right away. Attorney Levinson added that the signage should be installed according to DOT standards, and the owner of the property should give authority to Monroe PD to enforce traffic violations on the property. Engineer O’Rourke commented that the 3 new proposed spaces should be noted as employee only parking as they don’t meet the code requirements. Attorney Levinson advised the board to not render any approvals until the wording on the site plan and application match the actual documented name of incorporation of the day care business, documentation of the corporation name to be provided by the applicant. In addition there are notes on the site plan which need to be adjusted. Architect Niemotko requested conditional approval so that construction inside the building could begin. Attorney Levinson granted permission for the applicant to obtain a building permit for the interior renovations, as the outstanding issues were all site issues. A site work permit will have to wait for site plan approval. Meanwhile, the applicant should clean up the wording on the application and site plan, adjust the date, add the remaining sign language and notes, and submit for next month. Engineer O’Rourke added that the construction cost estimate submitted in the amount of \$32,153.90 is acceptable.

On a motion made by Member DeAngelis and seconded by Member Graziano, it was unanimously **Resolved that the Planning Board make a recommendation to the Village Board to accept the construction cost estimate in the amount of \$32,153.90 which estimate has been reviewed and approved by John O’Rourke, P.E.**

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

4. **577 Route 17M – Conditional Use Renewal – (220-5-16.1)**

Present: John Loch, PE, AFR Engineering; Shulem Brach, Manager

Chairman Parise summarized what was discussed at the workshop meeting. It was understood that the site is not conforming to the approved site plan, and the conditional use permit is expired. Counsel advised that this board cannot entertain an amended site plan until the site is no longer in violation, and the applicant was informed to bring the site into compliance, specifically by removal of the unregistered cars, and removal of an illegal shed. Engineer Loch stated the applicant was previously approved for storage of dumpsters and now the applicant has a new tenant who wants to store vehicles. The applicant was told last month to repair the potholes, clean up the site, and submit an amended site plan with his proposed changes. The potholes have been repaired and the garbage has been cleaned up, and the applicant would like to discuss amended the site plan. Chairman Parise stated that the board discussed at the workshop and agreed the applicant has two weeks to bring the site into compliance. If the site is brought into compliance then the applicant can submit for the next workshop to discuss possible changes. The planning board is tired of having to babysit this applicant. Every time the conditional use permit comes up for renewal the site is found to be poorly maintained and not in compliance. The applicant is notified, he cleans up the site, receives conditional use permit and then goes back to doing what he wants. The applicant should have gone to the building department as soon as he had a prospective tenant with a new type of use. He should have inquired as to whether or not the use was permitted and if it was in line with the approved site plan. The building department would have guided him. Instead he does what he wants and the site is not in compliance with what was approved. The board has had enough. The applicant has two weeks to bring the site into compliance. If the site is not in compliance in two weeks then violations will be issued and the applicant can answer to the court. No new proposals will be considered until the applicant is in compliance. The vehicles need to be removed, the shed needs to be removed, and the site must be clean and maintained. Mr. Brach stated if he removes the cars and shed he will lose his tenant. Chairman Parise stated he should have done his homework prior to allowing these tenants to occupy the site. Their occupancy is making the site illegal. The violations need to be cleared up. The applicant has two weeks otherwise violations will be issued.

APPROVAL OF MINUTES

On a motion made by Member DeAngelis and seconded by Member Graziano, it was Resolved **that the Minutes of the February 22, 2017 meeting be approved.**

On a motion made by Member Karlich and seconded by Member DeAngelis, it was Resolved **that the Minutes of the February 27, 2017 meeting be approved.**

On a motion made by Member Karlich and seconded by Member Cocks, it was Resolved **that the Minutes of the site visit to Luke & Friends of March 5, 2017 be approved.**

ADJOURNMENT

On a motion made by Member Cocks and seconded by Member Graziano it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 8:10 p.m.