

**VILLAGE OF MONROE  
PLANNING BOARD  
WORKSHOP AGENDA**

**MONDAY MAY 10, 2021  
7:00 P.M.**

**PRESENT:** Chairman Boucher, Members Allen, DeAngelis, Hafenecker, Karlich, Kelly, and Parise; Attorney Cassidy, Engineer O'Rourke, Planner Fink, Building Inspector Cocks, Engineer Connell, Traffic Consultant Carlito.

Chairman Boucher opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the flag. Chairman Boucher stated that this meeting is being held via Zoom in conformance with Executive Order 202.10 from the Governor Cuomo.

**Informal Discussion**

1. **Jennings Informal – 216-3-7**

**Present:** Sharon Jennings, Owner;

Mrs. Jennings provided an overview of the proposed project. She owns a Cape Cod style house with a double detached garage. Mrs. Jennings would like to create an accessory apartment in the half of the garage and utilize the upstairs portion for her daughter who recently moved back in. A variance may be required for the second floor due to the height, and raising the roof may be required. Building Inspector Cocks provided his comments. There are zoning issues that need to be resolved. There is currently an open permit from the 1970's when the garage was originally built that needs to be closed out. The applicant should go to the Building Department to do a zoning verification and land use determination before going to the planning board. Mrs. Jennings stated that the garage was built long before she bought the house and asked why the open permit did not appear during a title search. Building Inspector Cocks responded that the open permit should have appeared but he was not working as Building Inspector in the Village of Monroe when she purchased the house so he cannot answer that question. Mrs. Jennings had questions on what the process for closing out the permit is and what specifically the zoning issues are for this project. Building Inspector Cocks advised Mrs. Jennings to file with the Building Department so that the process for uncovering all issues can be started. Discussions regarding any issues should be started with the Building Department before Mrs. Jennings applies to the planning board. A land use determination form can be found on the Village of Monroe's website and once Mrs. Jennings files that with the Building Department a review will be done and the applicant will be advised on what needs to be done. Chairman Boucher stated that the Village of Monroe zoning encourages accessory dwelling units. Member Parise and DeAngelis stated that they have no comments to provide as the details and issues of the project aren't known yet.

2. **208 Business Center - 201-3-3, -4, -7 and -8)**

**Present:** Kirk Rother, PE;

Chairman Boucher stated that 208 Business Center removed themselves from the agenda as there were still a number of outstanding **comments in the scope** and the consultants did not have enough time to go through the entire revised scope and comments submitted. 208 Business Center anticipates appearing at the May 25, 2021 regular meeting once the reviews from planning board consultants are complete.

On a Motion made by Member Parise and seconded by Member Hafenecker, it was unanimously: **Resolved that the May 10, 2021 agenda be formally revised to include the removal of the 208 Business Center project.**

3. **548 Rt 17M - 220-4-8**

**Present:** Larry Torro, PE, Civil Tech Engineering; Rodger Braley, Architect, Rodger W. Braley Architects;

Engineer O'Rourke provided his comments. This project and the adjoining property are on different tax parcels but are under the same ownership. The two properties are kind of intermixed with traffic and flow. Although a site plan was submitted for this half, it would be ideal if the lots could be combined. If combining the lots is not possible then the applicant will have to work on establishing cross easements. The board will have to review both sites to see what the traffic flow is. Engineer Torro stated that the owner does not want to combine the two lots. When this project progresses further the lot owner's attorney and Village attorney will come up with the language necessary for the cross easements. Engineer O'Rourke stated that even with cross easements the board will still need to see a comprehensive site plan if there will be intermixing of storage and traffic between the two lots. There are also still unresolved issues with this project. There is a floodplain in the rear of lot 220-4-8. There is stockpile in the floodzone. There is encroachment on the stream in the rear of lot 220-4-8. A lighting, landscaping, and construction details plans are required. There will also need to be a plan for how to prevent further stockpiling in the floodzone in the future. The project site is located on state road Route 17M so a 239 referral is required in the future but this application is not at that point yet. Engineer Torro provided an overview for the board on what is proposed with this project. Currently the project involves a proposed warehouse and a proposed open shed, and

Engineer Torro clarified that the cover letter had not referenced those details correctly. The warehouse is going to be strictly for warehouse storage for materials that cannot be left outside, such as bags of cement and stone that arrives in cardboard boxes. The proposed open shed will not be where equipment is kept, topsoil will be stored in the open shed. The equipment will continue to be kept outside. On the adjoining lot the PVC piping is stored. Would a general outline of the adjoining lot be sufficient. Engineer O'Rourke stated that depicting the flow through the two parcels is important, mostly for emergency access. Currently on the 220-4-8 lot only one way in is shown, but truck turning radius and other factors depends on the other lot. Engineer Torro stated that details regarding the flow between the two lots will be shown on paper. Building Inspector Cocks requested that the circulation through the two lots for trucks be shown on the plan as well. The ride side property is in the AE flood zone. The products being stored there should be identified as there could potentially be issues with a flooding event. Anything that could float away or move could be a problem. The surface of the lot has to have a pervious surface, so the ground cannot be paved with blacktop. Notes regarding product stored in the AE flood zone and the requirement of the surface to remain as gravel should be added on the plan. Engineer Torro discusses circulation between the two lots and stated that anything beyond the existing building is not accessed by any customers. The rest of the yard is for the workers to load trucks among other activities. Are 26 ft. wide pathways required in those areas. Engineer O'Rourke stated that the circulation requirements are more for fire access as well as the onsite vehicles moving around for truck turning. As the flow is shown currently it is difficult to tell how the trucks are crossing over. Even though these are two separate lots they both act as one siteplan. Engineer Torro asked if a meeting with the fire department regarding this application would be recommended. Building Inspector Cocks stated that he would set a meeting up for this application with the fire department. Planner Fink stated that he did not have a memo prepared at this time for this application and will not have one prepared until a site plan with both of the lots is completed. Attorney Cassidy provided her comments. A site plan with both lots should be provided. On the comment memo she provided, dated May 8, 2021, item #7 should be determined by Building Inspector Cocks. Attorney Cassidy is unsure of the nature and construction of the mulch area storage. It appears from the materials provided by the applicant that there are block walls and encroachment, as well as potential setback issues. Attorney Cassidy would prefer to see the two tax lots merged. Building Inspector Cocks recommended that the applicant begin the process of acquiring a flood permit. Member Parise asked about the trucks and turning radii. Will there be dump trucks or flatbed trucks. Will there be deliveries and pickups. Engineer Torro stated that many different materials are on the project site so there are many different trucks. Engineer Torro will find out what trucks specifically but speculates that small box trucks, dump trucks, and occasionally a flatbed truck may use the site. Engineer Torro confirmed that he will retrieve the information the board requested and a meeting with Building Inspector Cocks and emergency services will be set up as well.

4. **445 Route 17M - 222-2-2.1**

**Present:** Larry Torro, PE, Civil Tech Engineering;

Engineer O'Rourke provided an overview of the project and reviewed his comments for the board. This application involves a parcel of land near the Stop and Shop plaza. What is proposed is the construction of a two-story commercial building at around 36,000 square feet. The building will contain two floors and underground parking. Clarification on the clearance height for access to underground parking is needed. Clarification on which truck was used to determine the truck turning radius is required. The lighting plan and truck turning radius plan should be clarified because when each plan is laid overlaid it appears that the truck will collide with a light pole. Zoning code requires a vegetative buffer at the point where a non-residential lot abuts a residential zone. The project site abuts the UR-M zone on the east and south side. The landscaping plan should note the vegetative buffer. Item #4 requests that a sidewalk be shown on Route 17M. There are technical comments regarding the lighting plan. Existing utilities should be shown on the existing conditions plan. A SWPPP is forthcoming. A permit from NYSDOT is required as the project site has frontage with 17M. His office found the submitted revised EAF acceptable, but Engineer O'Rourke defers to Planner Fink. The endangered Indiana Bats are a concern in the Village of Monroe so the applicant will have to do a study or limit tree clearing between November 1<sup>st</sup> and March 31<sup>st</sup>. This project will require a 239 referral to Orange County Planning. There are minor comments regarding the dumpster area on the project site. Engineer O'Rourke stated that the applicant will not be ready for a 239 referral or DOT review until a SWPPP is provided. Engineer O'Rourke noted that the applicant may want to do the lead agency notice sooner rather than later so that DOT can be involved. Planner Fink provided his comments. SEQR looks good. Planner Fink provided an overview of §200-32 Trees and Landscaping located in the Village Code for the board. This section describes the need for all uses to include a tree and landscaping plan which is to be approved as part of the site plan review process. The tree plan needs to identify specific information for trees found onsite, such location, size, description of trees, among other factors. §200-32 requires that there be like kind and type of tree as replacement for any trees removed as part of the application. The requirements listed in §200-32 may not have been identified as necessary for site plans in the past as §200-32 was enacted a few years ago in 2017. Planner Fink's comments include that the applicant provide information on the existing onsite trees in accordance with the requirement for a tree and landscaping plan. Existing trees eight inches in diameter or more at breast height must be identified. Chairman Boucher asked Attorney Cassidy for her interpretation of §200-32. Attorney Cassidy stated that from her initial reading of §200-32 it appeared that a tree plan is required. Attorney Cassidy noted that in her tenure since October 2020 this is the first project before the planning board which requires a fair amount of tree clearing. There are a fair number of trees proposed to be cut down for this application. Member Parise stated that it appears to him that another sort of landscaping plan or overlay of the existing trees with their sizes, heights, and diameters listed. The trees to be removed are marked on the plan and then will be replaced with the same or similar trees and the position of these replacements will be shown as well. Attorney Cassidy confirmed that Member Parise is correct. Member Parise stated that

the board had done this with projects in the past, but not many trees were removed. Smith Farm only had 3 trees removed. The board hasn't seen a project where a lot of trees, like a forest, were proposed to be removed. Engineer O'Rourke stated that in the past there was a requirement that all trees onsite be identified. In the instance where all trees were to be cut down the board required a heavy landscaping plan. Engineer Torro stated that a tree plan detailing the existing conditions including size, height, and species as well. Planner Fink stated that §200-32 Subsection E lists exactly what is needed in a tree plan. Engineer Torro asked if item 9 on §200-32 Subsection E means that no trees over eight inches in diameter can be removed. Attorney Cassidy stated that item 9 on §200-32 subsection E means that trees eight inches or greater in diameter can only be removed with planning board approval. Member DeAngelis suggested providing a photograph of the existing tree conditions. Planner Fink stated that the applicant contacted the management for the adjoining Stop&Shop plaza regarding a potential easement but the management was not interested in pursuing that idea. Planner Fink wondered if although the management of the adjoining plaza may not be interested in a vehicular interconnection if pedestrian interconnection could be possible to alleviate the traffic on Route 17M. Engineer Torro stated that he will contact the management of the Stop&Shop plaza regarding pedestrian interconnection and provide the board with their response. Attorney Cassidy stated that the lead agency process can be started and lead agency can be declared at the regular May 25, 2021 meeting. Planner Fink stated that the long EAF submitted provides the planning board with what is needed to conduct the circulation. Chairman Boucher stated that the applicant will be seen that the May 25, 2021 regular meeting.

5. **The Q – Site Plan – (222-1-13, 14, & 15)**

**Present:** Steve Esposito, PE;

Engineer O'Rourke provided an overview of the project and reviewed his comments for the board. This is a project at the end of Stephen land and is a 144 multifamily development on a 10 acre parcel. Engineer O'Rourke's office is satisfied with the standard layout. The applicant addressed the board's concerns with curbing and lighting on Stephen Lane. A review on the submitted SWPPP will be completed soon. This is a heavily treed site. A revised EAF was submitted and minor comments have been provided for the applicant to review. A traffic report has been submitted. Traffic Consultant Holt provided his comments regarding the submitted traffic report. The applicant made an effort to addresses the majority of the comments provided. There were questions about if the applicant would provide curbing along Stephen lane, and the plan now shows the proposed curbing. The curbing provides the vertical deflection between the sidewalk along Stephen Lane on the north side. The applicant now proposes to provide a sidewalk on the east side of Still Road with a crosswalk connecting to the proposed sidewalk along Stephen Lane. There was some discussion in the Collier's response memo that the proposed sidewalk on the eastern side of Still Road will depend on the availability of right-of-way. Traffic Consultant Holt stated that if

the board were to vote in favor of the application the board should ensure as part of any resolution of approval that money be available for portions of sidewalk that require right of way. The majority of the sidewalk should be outside of any private right of way. No details for signage regarding crossing were provided at the crosswalks. Traffic Consultant Holt recommends that at minimum pedestrian warning signs be provided. The board may consider supplementing pedestrian warning signs with rapid rectangular flashing beacons, which are pedestrian activated. These rapid rectangular flashing beacons would link to the sign to let approaching drivers know that there is a pedestrian in the cross walk. Regarding land bank parking, the applicant is now proposing 119 spaces to be constructed initially with 14 other potential parking spaces land banked. The applicant also provided a statement that the proposed dwelling units are going to be high end two-bedroom units, which is the reason for providing parking beyond what the zoning code requires. Traffic Consultant Holt stated that regarding ITE the latest parking generation manual has a trip rate per bedroom, which excludes looking at parking from a unit basis and instead reviewing based on total units in the development. The average rate would indicate that a requirement of 96 parking spaces, but the 85<sup>th</sup> percentile rate would require a total of 124 parking spaces. Using that analysis means that what parking the applicant proposes to construct initially and then additionally with the land banked parking spaces is adequate. Chairman Boucher stated for the board that with the proposed 14 land banked parking spaces the applicant will be providing less parking. Member Parise stated that the board should consider potential visitors to the site and snow removal. It's better to have more parking spaces than less. Member DeAngelis agrees that more parking is needed. Planner Fink believed that any reduction in parking would be a positive direction for both the community and for reducing impacts on the environment. The more impervious surface in an area the greater the stormwater load and greater the pollutants. Aesthetics is important in a living environment. Opportunities to land bank parking would be a step in the right direction. ITE and parking generation are based on many studies nationwide. In a village environment Planner Fink recommends not to overdensify parking arrangements, especially if sidewalks are provided. Member Parise stated that the board has one chance to add parking to the application, as after the project is approved no parking can be added afterwards. The project site is out of the way and in a wetlands, off a dead end road, and there will be visitors coming to the area. It would not be ideal to have people parking on the landscaping. Member Allen agrees with the concerns of having adequate parking. Member Allen asks if there are going to be designated parking spots. Attorney Cassidy reminds the board that land banking essentially reserves parking and the land banked spots would be listed on the plan as areas that could be used as parking. Land banking is often used as a compromise between having more and less parking. There is a standard, and in the event the parking standard is met the owners could go back to the Building Department so that the parking spaces could be built in the land banked areas. The area would have to be left in such a manner that land banked spots could be easily converted back to parking spots, no structures like sheds could be built there. Member Parise noted that if these land banked parking spaces were used then there would still be the issue of impervious surfaces and runoff anyway. Engineer Esposito stated that there are 72 units and the code requires 88 parking spaces. The goal is to have adequate parking

for residents and that the site is aesthetically pleasing. 133 parking spaces are being proposed, 45 over what is required by code. That's pretty significant. The possibility of land banking parking was reviewed, and the applicant agrees with Traffic Consultant Holt's numbers, and that the 119 spaces with the addition of 15 spaces land banked is in line with the ITE data. The land banked areas will be landscaped, and when the spaces are constructed they will be paved. The drainage analysis will consider the spaces, around 3000 square feet, as already paved, so that the applicant will not have to retrofit any storm water management facilities. Attorney Cassidy noted that by approving the land banked parking the applicant will not have to appear before the board should the land banked parking spaces be paved. Member Karlich is not in favor of land banking the parking spaces, she would rather the parking spaces be built. It will be difficult to create the parking spaces later because there is no way the building department or general public will know that the spaces can be created. Anyone can see right now that at Lois Lane there is not adequate parking for the houses there, and people park on the street all the time. Chairman Boucher asked what is the trigger for converting the land banked areas into parking spaces. Traffic Consultant Carlito stated that he has seen different ways the trigger of turning land banked areas into parking spaces is memorialized into a resolution. A majority of the time that decision is at the discretion of the Building Inspector, where if the inspector sees that there is not adequate parking they can inform the owner that they are required to construct the parking spaces from the land banked areas. The applicant could also submit a parking study when 50-75% of the units are leased to evaluate the parking ratio. Member Parise stated that if the board were to approve this now and if down the line there is a different planning board or building department the approval resolution will have to be really well worded so that there is no room for interpretation by attorneys, any building department, or the Village Board. The approval resolution will have to be precise. Member DeAngelis agrees with Member Parise. Attorney Cassidy recommends that if the board were to take this route the condition of converting the land banked areas into parking be included as a declaration as part of the approval. Chairman Boucher stated that requiring the applicant to submit a parking study at 50-75% occupancy would give a good indication of parking need. The board discussed and the potential of land banking the parking spots and reviewed how the land banking would appear on the site plan. The board discussed the potential for visitors at the site. The board discussed designating parking spots, and reviewed the example of how Cromwell Hill Condos has designated parking and parking is still crowded. The board agreed that the proposed land banked parking should be eliminated in favor of keeping the original 133 proposed parking spaces. Member DeAngelis stated that she is not in favor of the gray and black colors shown on the building elevations. There are enough gray and black buildings in the Village already, she would prefer to see softer colors, darker colors look dreary. Chairman Boucher stated that the board would also like to see renderings. The board agrees that they do not like the proposed design which includes gray and black colors on the buildings. Engineer Esposito stated that revised elevations were submitted and the colors were lightened from the previous elevations. The applicant is confident about the colors being proposed both for aesthetic and maintenance purposes. Before the applicant invests in the expense of creating a rendering they would like to receive the board's opinion on what design and colors are proposed on the elevations. The board

agrees that even with the lightened colors what is being proposed is still too dark. Member Karlich is not in favor of the window design, which is a combination of long windows and tiny windows. The proposed design makes the building look like a warehouse and does not fit in with the other houses in the area. The building looks commercial, which does not fit in with the residential look of the other houses in the area. Engineer Esposito stated that he believes the architect's approach was to create something more contemporary, and not a typical colonial house with shutters. Member Karlich stated that the area of this project is not a contemporary area, this is a colonial area. The board agrees that the design proposed does not fit in with the character of the neighborhood. Member DeAngelis stated that this application will be one of the largest apartment complexes in the area, and the buildings should be the nicest looking. The board agreed that the project is not ready for a public hearing yet as the board is not satisfied with the design, and there other outstanding technicalities like the SWPPP. Engineer Esposito outlined some of the changes made. Curbing along Stephen Lane has been installed. The sidewalk offsite will extend to Pope Drive, but the applicant does not have the wherewithal to get easements or take lane. The Sacred Heart Church's deed extends to the centerline of the road. Installing a sidewalk will benefit the church as parishioners can walk to the church. Someone should reach out the Sacred Heart Church to receive their input regarding a sidewalk, but if that is not possible then the applicant can post a bond for when the land becomes available. Building Inspector Cocks arranged a meeting between the applicant and ESOs, so the layout, location of hydrants and emergency accesses was discussed. The applicant addressed the needs and concerns of the emergency services. A part 2 and part 3 EAF was prepared. Aside from the review of the SWPPP, which is expected to be submitted soon, there is only one engineering comment left. There are no other traffic issues. A robust landscaping and lighting plan has ben submitted. The street lights along Stephen Lane have been alternated as per the board's request. The applicant still has to revise the design as the board is not satisfied with the current layout, but every other comment has been addressed. The applicant would like to get a sense that the project is moving forward and would be interested in setting up a public hearing. Chairman Boucher stated that although the applicant has addressed many comments there still might be pushback with the design and color. A contemporary look will not work for the Village environment. Engineer O'Rourke stated that at the May 25, 2021 regular meeting would be when the board could schedule a public hearing, and that public hearing would be four weeks away. The actual regular meeting is probably fairly light, so the applicant could potentially bring in new renderings that evening and discuss them with the board, and if the board is satisfied then a public hearing could be scheduled. Typically submissions are not accepted after the submission date but these would be just renderings. Chairman Boucher has no objection to this as the content of the submission would be cosmetic. Planner Fink stated that the part 2 and part 3 EAF submitted looks like a solid foundation for a negative declaration. Planner Fink will provide the remainder of his comments, which are minor, later this week. The next step is to have a negative declaration prepared and have it coincide with a public hearing. The landscape plan looks good, but it does not address the tree and landscape plan. Planner Fink reviewed §200-32 Trees and landscaping for the applicant. Engineer Esposito stated the applicant will try to replace in kind as many cut down trees as

possible. The applicant would be hard pressed to replace all cut down trees in kind. Planner Fink stated that part of the goal of §200-32 is to get an equal number of trees planted as are cut down. If 10 oaks are being cut down, 10 oaks are included in the landscaping plan. The landscape plan is integrated with the tree plan to bear some relationship to what's being removed. Planner Fink advised the applicant to review §200-32. Attorney Cassidy stated that in two instances in the code there was a statement listing that "the developer will replace on a one-to-one basis or as an alternative present a landscaping plan acceptable to the planning board". The tree plan is used as a basis to support the landscaping plan, and the landscaping plan is part and parcel of the site plan approval issued by the board. Planner Fink reviewed §200-32 Section I. Action. A portion of that code reads "The Planning Board shall approve, disapprove, or modify the plan within 60 days of the date of filing a complete plan and any accompanying data". It looks like the decision on the tree plan has to be filed in the same way as a site plan. Attorney Cassidy read a portion of §200-32 Section I which reads "When a proposal is subject to conditional use authorization and/or site plan approval, then the tree and landscaping plan review shall be conducted concurrently with said review and shall be subject to the conditional use authorization and/or site plan approval time periods.". The approval resolution will have to reflect the approval of the tree plan. Engineer Esposito stated that the majority of the 10 acre site will remain as open with restrictive covenant and he doesn't feel that it's necessary to map trees the applicant will put in their conservation deed. Chairman Boucher and Planner Fink agree that it would not be necessary to map those trees on the conservation deed. Member DeAngelis described how the planning board would visit other project sites and the trees to remain would be tagged. Attorney Cassidy stated that for this project nothing past the first row of trees to remain has to be tagged, since the size of the site would make tagging every tree an unreasonable effort. Attorney Cassidy suggested that the applicant include whatever tree data was gathered during the wetlands delineation. Chairman Boucher stated that for the public hearing the board will require the tree and landscape plan as well as the architectural revision, which includes the color and design of the buildings. As these items need to be addressed it may not be possible to schedule the public hearing at the May 25, 2021 regular meeting. Member Parise stated that this project will change the neighbors lifestyle, as those neighbors living there now are used to privacy and not much traffic passing their houses. The board will want to make sure everything with this project is spot on before presenting to the public. Engineer Esposito stated that if their architect can provide another conceptual design for the elevations the applicant would like to be on the May 25, 2021 meeting to receive feedback. The board was in favor of letting the applicant appear for the May 25, 2021 meeting. The board also wished to see the buildings designed with a more colonial feel and lighter colors.

6. **Ramapo St Neighborhood Shopping Center – (220-1-4**

**Present:** David Niemotko, Architect

Architect Niemotko stated that he was familiar with tree locating and building plans. 603 Stage Rd. Subdivision project required a tree plan be submitted to the building department as part of the permit process for one of the lots. Architect Niemotko was not familiar with the replacement aspect of the tree and landscaping plan. Engineer O'Rourke confirmed that the applicant will be required to submit a tree and landscape plan for the Ramapo project. Engineer O'Rourke provided his comments. A SWPPP, overall impacts, and a floodplain analysis will be submitted by the applicant soon. There are about 20 technical comments. The board is waiting for more information. Flood plain, stream disturbance, DOT's involvement, Army Corps involvement with the existing permit, coordination with the Harriman project are all still outstanding. There are technical comments on the lighting and loading zone. The water is depicted on the plans as located on the applicant's side of the road, but Engineer O'Rourke believes that the water line is on the other side of the highway. Architect Niemotko stated that a sketch from Ernie had been received and that was how the waterline was marked. The applicant received the markouts for water, sewer, and gas. Engineer O'Rourke stated that he will verify the location of the waterline for the applicant. Currently there is no landscaping plan proposed, presumably because of the existing trees in and around the site. Engineer O'Rourke does not believe the code allows that, per parking and per the site plan. The applicant will have to provide additional landscaping. The trees on site, the visibility break, and how the trees are laid out will have to be documented as well. There are a lot of outstanding issues. There are issues relating to SEQR and the part two and part three EAF. The biggest issues for this project are going to be DOT, DEC, the Army Corps, and the floodplain. The floodplain will affect the SWPPP. It appears to Engineer O'Rourke that the SWPPP will be done underground, under the pavement unless the applicant wants to modify the Army Corps permit. These are major issues that need to be resolved before this project moves forward. Architect Niemotko asked why the stormwater can't be shed off into the impact area as opposed to a collection system. Engineer O'Rourke stated that there are rules to stormwater. If the applicant can prove that there is a fifth order stream or there is no impact then the applicant does not have to retain onsite. The water quality is also a concern and especially when the project is so close to a Class B stream like the Ramapo. Architect Niemotko asked if water quality is triggering the collection, which Engineer O'Rourke confirmed. Engineer O'Rourke stated that the applicant has different options with stormwater management. There can be small collection basins or small infiltration basins in the roof of the parking. The water cannot sheet flow off into the wetlands. Planner Fink provided his comments. SEQR process should be started as early as possible. The EAF does not provide a complete picture of the full extent of the site disturbance activities that are going to happen with this project. As this project involves compensatory wetlands, the Village of Harriman needs to be included as part of the whole SEQR review process. Army Corps approval of the prior project on this site listed 48,000 square feet of constructed wetlands being proposed for the Village of Harriman. Until the SWPPP is prepared the board won't know the area that may be necessary to accommodate the stormwater runoff through detention, retention, or some other means. The board won't have a full understanding of the full acreage of physical alteration. Is there any change in soil or removal of any vegetation at all. Soil stockpiles that have to be accommodated as part of the construction process, and changes that may happen in the flood plain need to be considered. Those two factors may affect the acreage. The threshold for Type 1 action on this project is 2.5 acres, and currently there is just over 2 acres that are affected. The full acreage that will be altered in the Village of Harriman is unknown. The Village of Harriman is an involved agency, and will have to receive a letter from the Village of Monroe planning board requesting lead agency. The board needs to know how much land the area in Harriman is designated for not only for the constructed wetlands but for staging areas, areas for soil stockpile, and also provide accommodation for construction vehicles. This is all part of the physical alteration process. The landscaping plan may take additional land area. If the action is Type 1 then the presumption is that there will be significant impact on the environment, and so more likely that the applicant is

required to prepare an EIS. Engineer O'Rourke stated that currently it is proposed to fill in the flood zone. Oftentimes there is a balance; the floodzone is filled and other places are balanced out so that no flooding is caused. Engineer O'Rourke advised the applicant to begin the floodplain permit earlier rather than later. Attorney Cassidy stated that the board should send the Village of Harriman a letter requesting lead agency, sending a notice, and also sending a letter requesting that the Village of Monroe Planning Board be copied on the notices for the Harriman project. The municipalities will be noticing each other because this project hinges on the approval from both municipalities. Attorney Cassidy stated that she can prepare a letter to send to Harriman. Chairman Boucher asked Architect Niemotko where the Village of Harriman was at with their approval process. Architect Niemotko stated that he would have to review his records as it has been a while. The applicant did contact outside agencies and received comments back from DOT. Harriman is currently working through the floodplain. A specialty consultant was hired to address the floodplain with the DEC and coordinate. The applicant will return to the Village of Harriman when the floodplain is resolved. The calculations and plan suggest that the applicant will obtain approval from the DEC. Chairman Boucher asked what the SEQR classification was for the project. Architect Niemotko does not recall, the applicant has not been back to the Village of Harriman in around 16 months as the discussion regarding the floodplain is ongoing with the DEC. Engineer O'Rourke stated that the Harriman project not only deals with the floodplain but also filling in the floodway, which is typically not permitted. Attorney Cassidy asked what the address of the Harriman site, and Architect Niemotko replied with 44 North Main Street. Chairman Boucher asked if the steps the board is taking are out of order. Attorney Cassidy replied that the applicant taking these steps know is assuming the risk of the ramifications if the Harriman project is not approved. Legally the applicant can process the two applicants simultaneously, but the applicant assumes the risk. Attorney Cassidy advised that from a legal perspective it may not be appropriate to issue any sort of SEQR determination until the board knows the outcome of the Harriman project, unless there is a huge alternatives analysis done. Member Parise stated that there is not much for the board to review until these issues are straightened out. Chairman Boucher asked if there is a potential second mitigation site, to which Architect Niemotko replied that there is not. Attorney Cassidy stated that if the long form EAF is at the point where the project can be typed under SEQR then she is inclined to go down the scoping route. The scoping process would involve all of the relevant agencies early in the process and go through the list of what needs to be done. The applicant can start this process while the Harriman project is progressing. Architect Niemotko was in favor of scoping and stated that the applicant would like to get feedback from the Army Corps, DEC, and DOT. The applicant would like to get feedback on the project on the entrance ingress and egress. Attorney Cassidy stated that Architect Niemotko and Planner Fink should work together and clarify the acreage to see how close the project is to meeting the Type 1 threshold. Even if only an uncoordinated review is required the board can still circulate and scope. It's a positive declaration; a scope needs to be done. Elizabeth Cassidy also had comments regarding some de minimus changes to the EAF. Once the outstanding issues with the EAF are resolved then the board can declare intent to be lead agency and type the action. Planner Fink stated that the site in Harriman is proposed for the wetlands compensatory, and also for other development. Attorney Cassidy asked if Harriman declared lead agency on their project. Architect Niemotko does not recall and will look into it. Attorney Cassidy would like to pin down the status of that approval and find out if any notices of intent went out. At minimum a letter should be sent to the Village of Harriman planning board requesting that the Village of Monroe planning board be listed as an interested agency. Engineer O'Rourke stated that he will check with the engineer for Harriman. Attorney Cassidy stated that the board should learn the status of the Harriman project, the EAF is buttoned up. Depending on where those two items are this project can be evaluated at the next work session to decide if it is appropriate to declare intent to be lead agency, and even if it's appropriate to move forward. This would be at the applicant's own risk

as the approval of this project relies on the Harriman project being approved. Chairman Boucher stated that if the applicant receive comments from outside agencies than circulation must have happened at some point, so lead agency must have been declared. Architect Niemotko stated that comments were received from outside agencies but he isn't sure of the status of lead agency in Harriman as he doesn't remember. The plans were developed to a great extent, the plans reflected comments from DOT and the Harriman engineer. The applicant also appealed to the Village Board of Harriman which is how the applicant was able to get DEC approval on the process. Architect Niemotko requested to reach out the Planner Fink and discuss the EAF further. Documents Architect Niemotko has for the Village of Harriman can be made available for the board to review. There are renderings of that building for the Harriman project as well. Attorney Cassidy stated that she will prepare a letter requesting that the planning board be included in the Harriman notice circulation list which Secretary Doherty will send out.

### **Adjournment**

On a Motion made by Member Parise and seconded by Member Kelly, it was unanimously: **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 9:12PM.