

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
AUGUST 13, 2018
MINUTES**

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

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. 112 Forest 2 Lot Subdivision – (204-3-1.1)
Present: Mark Siemers, Pietrzack & Pfau**

Chairman Parise stated the public hearing was kept open from the prior month to address concerns of one of the neighbors, specifically a concern about runoff, and proximity of the proposed house to the neighbor's house. Engineer Siemers stated he gave the neighbor his card so they could contact him to schedule a walk of the site but they never contacted him. He also sent them a letter dated 8/6/18 informing them that the property had been staked out and to contact him to schedule a meeting at the site to discuss any concerns they had. The neighbors never contacted him. Chairman Parise confirmed that no written correspondence was received. Member DeAngelis stated that she felt the applicant's engineer made a good effort to satisfy the neighbor. Chairman Parise agreed that the board and applicant made an effort but the neighbor did not respond. Attorney Levinson was concerned that the neighbor might not have received the mail yet. Chairman Parise felt that a week was more than enough time to receive mail.

On a motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously **Resolved, that the Public Hearing for 112 Forest 2 Lot Subdivision be closed.**

**2. 104 Elm Street – Conditional Use Renewal – (207-2-8)
Present: Michael Sandor, PE, MJS Engineering**

Chairman Parise read the public hearing notice into the record and acknowledged receipt of mailings. Engineer Sandor described the project to the public as an amendment to a site plan which was approved two years ago. The property is located in a General Business Zone, and the use for the property requires conditional use renewal. Upon renewal review recently the planning board voiced concern over vehicles parking on the grassed area in the front of the property. As a remedy to the planning

board's concern the applicant is proposing to add 4 additional parking spaces on the grassed area. Chairman Parise opened the hearing to the public.

Tammy Rao asked if adding more parking spaces on the site would add to deliveries in the street. Currently the street is being blocked with deliveries. Engineer Sandor stated the parking spaces were being added because people were parking on the grass which was a concern to the board, and also because of an area in the lot near the dumpster which needed to be cleaned up and better utilized. That is all this proposal is for. The business is not expanding. Ms. Rao feels if there are more parking spaces then there is less room for a truck to make the turn into the property. Engineer Sandor stated the extra parking spaces will not affect the trucks. Ms. Rao does not understand how trucks can navigate in and out with the extra parking spaces. Engineer Sandor explained that the site plan is set up so that tractor trailers can back into the driveway with no problem, bring the lift down and bring the material into the building. Engineer Sandor acknowledged the concerns about tractor trailers parked on Elm Street to unload, and the owner had previously been informed and told the board that he frequently tells the truck drivers they cannot park in the road. Ms. Rao stated they park and unload in the street all the time. Attorney Levinson asked why on street deliveries were being made at all. Engineer Sandor stated this was discussed previously and addressed.

Jason, the next door neighbor stated they deliver in front of his house. The place is crap. He has lived next door for two years and their trash and deliveries and noise and they do demolition at 10:00 at night and fire codes are breaking. The unit is in shambles. They bar-b-que on a covered porch. They endanger children in the area with deliveries. The residents cannot get to the Heritage Trail safely because of them and their trucks and black SUV's parked all over the place. They control the area. They use it as a cut through. Trucks can't make the right turn with the power lines. It's completely unsafe. To add 4 more parking spaces won't work. He is already dealing with tons of garbage on his property.

Chairman Parise asked why deliveries were being made at night. Engineer Sandor was unaware of any night time deliveries. The neighbors complained there were renovations being done at night. Tammy Rao stated the second level has been renovated and is being used now. Jason claims he counted 13 LLC's using the property. Materials are being left outside on the property. When everyone is at work they are partying and playing guitars, smoking, drinking turning it into a fiesta. Chairman Parise commented that the applicant was not present and he should be. Chairman Parise asked the neighbors if they called the police or made any complaints. Tammy Rao said she has been complaining for a long time. Liz Walsh stated the police have been called and they respond but the owners of this property are not supposed to be doing this. They are exhibiting unneighborly behavior. Their conditional use was shady to begin with. The people who are there now are not good neighbors. Jason stated they are rude and unbecoming. Tammy Rao stated they do not maintain the lawn and the shrubs are continuously overgrown. There is also garbage piled up behind the garage. Ms. Rao stated the dumpster is never used, they pile all their garbage behind the building. Ms. Rao stated they have parties at night. She calls the

police and they come but they still shine their spotlights on her property. Ms. Rao feels they should not be renewed each year with this type of behavior. Chairman Parise stated this is the first this board has been hearing of this. There have been no complaints made to the building department. Chairman Parise stated that the board monitors the site frequently and have noticed some items such as the overgrown hedge and some materials left outside, but have never seen any parties. Tammy Rao claims there has been major construction on the second floor for months and wants to know what the use is. Engineer Sandor was unaware of activity on the second floor. Building Inspector Cocks stated no permits have been filed and he will make a visit to the site tomorrow. Engineer Sandor wanted to remind the board and the public that this is a permitted commercial use located in a commercial zone. While he does not speak for the owner, the conditions of the use is to keep the site neat and clean, and if it hasn't been then calls should be made to the building department to have the issue enforced. There have been no calls to the building department.

Chairman Parise stated that we need to know what is going on with the second floor, and Building Inspector Cocks will look into that. As for parties and other things mentioned that involved the police, police reports for the property will be obtained. Chairman Parise informed Engineer Sandor that the applicant must appear and answer for the issues that have been raised. He must be at the next meeting or the conditional use permit will be in jeopardy.

On a motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously **Resolved, that the Public Hearing for 104 Elm Street be continued to September 17, 2018.**

REGULAR MEETING:

1. **112 Forest 2 Lot Subdivision – (204-3-1.1)**
Present: Mark Siemers, Pietrzack & Pfau

Engineer O'Rourke stated a note regarding cross grading between the 2 lots needs to be added, as well as addressing some other comments from his 6/5/18 review. Engineer Siemers acknowledged he did not submit a revised site plan and would submit for next month. Member DeAngelis asked if any of the concerns of the neighbors were addressed. Engineer Siemers discussed the drainage concern and proposed installing a dry well in the back yard so the roof drains coming off of the house would empty into the dry well and take as much of the runoff away from the neighbors as possible. The other concern was site distance from the driveway which is addressed on the plans. Engineer O'Rourke will review the new submission when sent in. Engineer O'Rourke stated the other concern was regarding setbacks, but Engineer Siemers stated he staked the property which showed the setbacks for the neighbor to see. The subdivision meets all zoning setbacks. Discussion was held regarding the square footage of the proposed house. Attorney Levinson stated the proposed house is 5,280 sq. ft. Chairman Parise stated the minutes say the house will be 3400 sq. ft. Engineer

Siemers stated the proposed house is 3400 sq. ft. plus a 1950 sq. ft. unfinished basement. There was discussion regarding the size of the unfinished basement as what was listed in the July minutes differed from what is on the plan. Secretary Proulx stated she would check her notes and listen to the recording to clarify what was said regarding the square footage of the basement, it could have been a mistake. Engineer Siemers stated no numbers have ever been changed from the plans submitted and the number of 1950 sq. ft. for the basement has always been the same. Chairman Parise stated we need to confirm the size of the proposed house. Engineer Siemers stated that what is on the map is the size of the proposed house, it has never changed. Engineer O'Rourke confirmed the numbers have not changed in all of the submissions, and added that there is nothing in the Village Zoning that precludes the basement from being finished in the future.

Marie Whitton, a neighbor of 112 Forest Avenue, had a written comment to submit. Ms. Whitton read her letter and submitted it to the planning board. Ms. Whitton stated there is an influx of traffic at the existing house right now, and adding another house would only add to it and she is opposed to the house. Liz Walsh added that the school yard is across the way from this area and the board should be thoughtful about all the ways this project can impact North Main Street School. Ms. Walsh felt that adding that much housing into that space would impact the neighborhood.

Mr. Whitton stated that the existing house is being used to house residential workers working in Kiryas Joel and he does not think that should be permitted. There are 12-15 people living in the existing house. It should be a residential home not a home to house workers.

2. 104 Elm Street – Conditional Use Renewal – (207-2-8)
Present: Michael Sandor, PE, MJS Engineering

Chairman Parise summarized that the public hearing has been kept open, the applicant must appear next month to answer to the issues brought up by members of the public, the site needs to be cleaned up, and the building inspector is going to visit the site tomorrow regarding the supposed construction on the second floor.

3. Lenza – Conditional Use Renewal and Amended Site Plan (223-1-4)
Present: Ryan Smithem, PE

Engineer O'Rourke stated that all engineering comments have been addressed and Attorney Levinson's comments have also been satisfactorily addressed. The Board had a concern regarding traffic flow and signage and the applicant submitted a revised plan which engineering found acceptable but suggested the board discuss the traffic flow diagram. The banner that was on the fence has been removed. There is no issue with water or sewer demands. The board previously declared itself lead agency. Orange County Planning found local determination with no comments in their 239 review. The only outstanding issue is the traffic flow diagram. Chairman Parise asked the board if they reviewed the traffic patterns. Member Cocks stated he was satisfied with the traffic

patterns. Chairman Parise felt the less signage the better as it gets confusing. Member Cocks is upset with the state of the site and wants to know when the site will be fixed so it looks decent. Member DeAngelis stated the site looks like a junkyard. Member Cocks added the lawn isn't mowed, the plants are on the ground, and the fixture is still missing. Member DeAngelis stated the landscaping is terrible. Steve Brown stated there is a landscaping contract in place and the landscaping plan is being followed. The owner hired a landscaper and the landscape maintenance is in the works. The board was hesitant to approve the amended site plan because of the grass. Mr. Brown stated he was not of the opinion that the property was in such disarray as to not approve the amended site plan for the brewery and delay their opening. Mr. Brown reiterated that the owner has contracted a landscaper to take care of the landscaping. It has been raining continuously. The landscaping will be taken care of. Member Karlich asked if light industry is allowed in a neighborhood shopping center. Member Karlich was reminded that light industry is a permitted use in the GB zone, and will be incorporated under the special use permit for the neighborhood shopping center. This has been discussed already. Member DeAngelis acknowledged that the brewery cannot move forward with his licenses until he gets the amended site plan approval so he should fix up the site. Mr. Brown stated he felt the board's attitude towards this is very disappointing. There are contracts in place for landscaping and it is being taken care of. The owner understands that the property needs to be maintained in perpetuity and it is. Mr. Brown does not understand what specifically the issue with the property is and requested a specific list from the board. Mr. Brown disagreed with the board with their assumption that the site was not being maintained, and at no time at the prior meetings has this ever been mentioned, other than the light fixture which is on order, and a banner which has been removed. Mr. Brown did not understand how the board could consider this site so deficient that they could not move forward and not allow this tenant to move forward. Mr. Brown again requested a specific list from the board as to what they felt was wrong with the site, because other than a light fixture and cutting a small area of grass Mr. Brown was unaware of what the board felt was such an issue that the board would refer to the site as being "in shambles" because he did not agree. Mr. Brown added that there have been no notifications from the building department, no complaints, and no comments from this board before tonight. Mr. Brown stated it is unreasonable to hold this application up and demanded a list of particulars. Member Karlich stated the grass should be cut and the site should be the way it is supposed to be. It is not being maintained. Mr. Brown stated he was at the site today and does not understand what Member Karlich means. Specifics need to be provided. Eric Lenza, property owner, stated that he contracted with Laura Ann Farms to handle the landscaping. The striping of the parking lot has been redone. Mr. Lenza stated that there is not much soil on the site and it's not the best soil for growing things so they frequently die but he is working with his landscape contractor on this. Mr. Lenza apologizes to the board if they feel the site is so awful but contracts are finalized and maintenance is in the works and will be continuing, but he needs to get a tenant into the vacant space. Member DeAngelis commented on various plants that could be planted. Mr. Lenza appreciated her suggestions but stated that any time any variation is made from what is on the site plan it seems to present a problem with the board so he is keeping strictly with what is on the plan. Mr. Lenza needs to move forward and get his

tenant in the space. If the board sees any specific deficiency they need to let him know and he will take care of it, but he's trying to follow the plan. Member Cocks and Member Karlich both stated that applicants promise they will do things and they never do. The board stated the site does not look good. Mr. Brown again requested that a specific list of what the board thinks is not good needs to be provided, as he disagrees with the board and feels the site plan has been followed. Engineer Smithem commented that he understood what the board was saying, but noted that any ongoing maintenance issues such as tall grass or garbage, etc. were issues that would be handled through the building department and not the planning board. The board agreed that the planning board is not code enforcement, and agreed that the building department handles violations and Chairman Parise added that the Village definitely needs to hire more building inspectors to handle all of the responsibilities. The Village Board needs to address the fact that our building department needs more employees and resources.

Chairman Parise suggested approving the amended site plan, conditioned that the site plan will not be signed until the site is cleaned up. Member Karlich did not want to approve this plan until they did what they were supposed to do. Discussion was held as to whether or not to approve the site plan now or delay the tenant. A question was raised as to who would confirm that the issues were taken care of. Building Inspector Cocks agreed to inspect the property to make sure the issues are satisfied, however the board needs to provide a list of what specifically those deficiencies are as it has been pretty unclear in the discussion. Building Inspector Cocks wanted a list in writing from the board. Attorney Levinson advised the board that whatever they saw that they commented tonight was deficient they needed to provide in a list to the building department. Chairman Parise added there should be a deadline for the list to be provided. Mr. Brown added that the list should reflect the site plan.

On a Motion made by Member Cocks and seconded by Member DeAngelis it was unanimously **Resolved that the Planning Board types this application as an unlisted action, and issues a negative declaration under SEQRA; and it is further Resolved that the Planning Board grant approval for Lenza Amended Site Plan last revised 7/16/2018 subject to final review by Engineer O'Rourke; and subject to all items contained on a list to be compiled by the planning board are complied with, such list to be submitted to Secretary Proulx, the applicant and the building department no later than Friday 8/17/18. If the items on the list are not complied with, the plans shall not being signed by the Chairman and no building permits shall be issued, and compliance shall be confirmed by the building department; and subject to all conditions and notes on the plans; and all fees, bonding and administrative actions are paid.**

APPROVAL OF MINUTES

On a motion made by Member DeAngelis and seconded by Member Karlich, it was Resolved **that the Minutes of the July 11, 2018 meeting be approved.**

Attorney Levinson stated that approval of the July 16, 2018 minutes should be tabled until next month to allow Secretary Proulx time to listen to the recording and confirm the discrepancy over the square footage for 112 Forest Avenue.

ADJOURNMENT

On a motion made by Member DeAngelis and seconded by Member Karlich it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 8:15 p.m.