

ORIGINAL

STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF MONROE TOWN BOARD

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IN THE MATTER
OF
THE TOWN OF MONROE COMPREHENSIVE
PLAN UPDATE
MINUTES OF PUBLIC HEARING

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Town of Monroe Senior Center
101 Mine Road
Monroe, New York
October 16, 2017

B E F O R E :

- ANTHONY CARDONE, COUNCILMAN
- MICHAEL MCGINN, COUNCILMAN
- RICHARD COLON, COUNCILMAN
- GERRY McQUADE, COUNCILMAN
- BRIAN D. NUGENT, COUNCIL
- MARY ELLEN BEAMS, CLERK
- VALERIE BITZER, DEPUTY CLERK

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MR. CARDONE: Good evening everyone. I would like to welcome you to the seven p.m. public hearing on the Sterling LLC hardship variance.

I will turn it over to council Brian Nugent.

MR. NUGENT: Thank you, Mr. Cardone, anybody here from the applicant Sterling Monroe LLC?

All right. This is on for a hardship variance. There was a submission of verified petition presented by Sterling Monroe LLC. that was received, and this public hearing was set to allow them to come and discuss the application. I have not heard one way or another. And the last correspondence, I think, we received was September 7 from Blustein, Shapiro, Rich & Barone as attorney. There are some issues, which I guess, I will put on the record with this verified petition. And then we can always continue the public hearing until the next town board meeting.

We would note that with respect to this

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2 petition, that there is a problem with the
3 deed, a copy of the deed they provided was
4 notarized September 26 of 2017, although the
5 deed itself is dated May 26 of 2017. So, we
6 will probably need corrected document with
7 respect to that.

8 And in addition, there is a signature of
9 Abraham Schwartz [ph], but nothing indicating
10 the other owner of the LLC, Martin Schwartz,
11 had consented to the application. Nor is
12 there a resolution from Sterling Monroe LLC
13 as an entity. So, we will probably follow up
14 with the applicant, request those documents
15 and we would recommend that the town board
16 continue this public hearing until your next
17 town board meeting. We need a date for that.

18 MR. MCGINN: Actually, I will make a
19 motion to change the date of the public
20 hearing -- of the town board hearing so that
21 we can have the public hearing reflect that
22 date.

23 MR. NUGENT: Okay.

24 MR. CARDONE: Well, we can't do that
25 now. We have to do to the town meeting,

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right?

MR. NUGENT: I think you noticed -- I mean the town meeting was also noticed for 7:00 as a recall, right? Both the meeting and the public hearing start at seven.

MR. COLON: 7:30 is town meeting. Did we make it seven or 7:30.

MR. CARDONE: I don't think we changed it.

MR. NUGENT: The agenda indicates 7:30.

MR. CARDONE: So, why don't we make a motion that we continue the Sterling LLC at the next town board meeting.

MR. NUGENT: The problem is we need a date, so why don't we do this. We can put this on hold for now and we will pick it up again at 7:30 so that Mr. McGinn can make the motion with respect to the changing the meeting date.

THE CLERK: Just so the board notes, that after the last town board meeting when we set this public hearing, the next day I did reach out to the applicant and spoke with Mr. Barone and let him know that we needed a

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correction on the notary page, and that they needed to do the LLC application or the form.

MR. NUGENT: Okay.

THE CLERK: So, they have been notified to the things that we needed. And they were given the public hearing notice, date and everything. So, I will reach out to them again tomorrow and let them know the new date contingent, that they supply us with the proper --

MR. NUGENT: Okay. One last thing, while on this, in paragraph 21 in the petition they also, in paragraph five they indicate there is no application before the town planning board, but in paragraph 21 they're talking about an extension of a preliminary or conditional approval, so that might be a typo. But we need to get that clarified. So, I will work with the town clerk to follow up with them, and if you want we can continue the public hearing. But we will set the date for continuation at 7:30 during the regular meeting. Okay.

MEMBER OF THE AUDIENCE: Will the public

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2 be allowed to speak on this tonight?

3 MR. NUGENT: You can speak now if you
4 would like.

5 MEMBER OF THE AUDIENCE: Thank you.

6 MR. CARDONE: Open it up for comment
7 from the public.

8 SPEAKER: Good evening. Mike Goldstein,
9 Town of Monroe. According to Chris McKenna,
10 on October 4, 2017 in a complaint filed on
11 September 24 in the U.S. District Court in
12 White Plains the Town Board of Monroe is
13 accused of suspending construction and taking
14 up zoning revisions to prevent homes from
15 being built for the Hasidic community. Two
16 of the land owners already have cases pending
17 in Supreme Court to fight the moratorium.

18 I bring this issue up because the
19 hardship variance that we were discussing
20 tonight has many more complications than just
21 the hardship being claimed. The article goes
22 on to state, the intent of the moratorium,
23 which is now been extended for nearly a year
24 and a half, without an end insight is
25 obvious. If the projects and others that

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have been approved from the town are allowed to proceed it will make available housing that could be purchased or occupied by the Hasidic Jewish community. Notice that they're naming who they are going to be marketing these things to.

Conveniently, the Sterling suit leaves out the plan marking of these homes to a specific population. Since we now know that the intention is to sell to the Hasidic population, I feel it is incumbent upon the town planning board to require a new SEQRA before any discussion is made about filing final maps.

The 30-year old project did not foresee the number of occupants that will live in these houses. Using bedroom counts will not produce realistic environmental impacts.

Viewing the recent planning board work shop, and I thank you for putting that on the website, the chair stated, of the planning board, she was not aware of these facts. I therefore, respectfully request that this and all other further litigation be referred to

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2 the planning board so that they can make
3 rationale decisions about the true impacts of
4 the developments in question.

5 It is interesting to note that the names
6 of the developments flip so often that the
7 federal lawsuit is using outdated names for
8 the various projects. It will be necessary
9 to provide the judge with a flow chart of the
10 names to make heads or tails of the suit.
11 When I first read what the LLC's were saying
12 I didn't know where the projects were.

13 I suggest all concerned citizens FOIL
14 the federal suit and pay particular attention
15 to pages starting at number 33. Thank you.

16 MR. CARDONE: Thank you.

17 MR. NUGENT: Thank you.

18 MR. CARDONE: Anyone else?

19 SPEAKER: Ward Brower, private citizen.
20 I just want to echo what was stated by
21 Mr. Goldstein. Was at the planning board two
22 meetings back, raised these concerns, and I
23 have been sort of perplexed by the responses
24 coming from both the planning board and their
25 consultants, in that their hands are tied

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2 with regards to the head count or otherwise
3 known as the bedroom count. And they keep
4 pointing fingers back to the county board of
5 health. And we never get to the crux of the
6 matter, which I'm sorry to say, we don't have
7 Bonnie here. Because this is part -- when
8 you look at these lawsuits, one of the
9 fundamental points is that this whole
10 emphasize and whole exercise in the
11 comprehensive plan is really a rouge, that
12 with no real public consequences other than
13 to stall selling houses to a certain group.

14 Comprehensive plan -- we used to have
15 master plans with master plan committees.
16 Those committees were composed of members of
17 the public, members of the town board and
18 consultants. Well, we don't have that in
19 this case. All we have is a firm that does
20 all of this work. We don't have -- citizens
21 aren't involved, the town board not directly
22 involved, we don't have meetings to reflect
23 this. This, I think, was a mistake. So,
24 we're forced to make all of our comments at
25 this time here, which is really restricting.

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2 Because I remember in the 1990's and the
3 revisions, and the turn of the millennium, we
4 had a lot of input went on for a great length
5 of time, and a lot of data. And a lot of
6 these important questions we're raising about
7 like bedroom counts, not bringing up, they're
8 not being brought up. I bring them up.
9 Mr. Goldstein brings them up. There is no
10 interaction here between the different
11 boards.

12 By the way, there also member in those
13 comprehensive plans, master plan committees
14 there were representatives from planning
15 board, town board and conservation
16 commission. They are all represented. This
17 is not happenstance. This is a flawed
18 process, that I will agree with. But the
19 purpose should not be relegated to
20 irrelevant, just a stalling tactic to stop
21 this thing. That's not the verb. I wish
22 Bonnie was here so we could start getting to
23 the real issues. The real --

24 MR. NUGENT: Mr. Brower, I don't want to
25 cut you off. But we're still on Sterling

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SPEAKER: I understand. This is all still part of the process.

MR. NUGENT: I know we have a comprehensive plan coming up next, so --

SPEAKER: I will duck tail on that. I will bring that up again. But that's my point. Is we really need -- we should have had all of these various agencies should have been involved in this. We put this over on Bonnie's hands. And Bonnie is sometimes -- she's a great -- I know Bonnie for years. She does a great job. But she's only one part in a complicated mechanism. And I think that was a short sided here. I will bring it up on comment on the later on. Thank you.

MR. COLON: Thank you, Ward.

MR. MCGINN: Thank you.

MR. CARDONE: Thank you. Anyone else?
Okay.

We need a motion to continue the Sterling LLC hardship variance hearing public hearing.

MR. MCGINN: I make a motion we continue

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the public hearing to the next town board meeting date to be set at the regular meeting at 7:30.

MR. COLON: I will second that.

MR. CARDONE: Any discussion? Call to question?

MR. COLON: Aye.

MR. MCGINN: Aye.

MR. CARDONE: Aye.

So moved.

We have -- I will make a motion to open up the continuation of the public hearing by our comprehensive plan update.

MR. MCGINN: I second it.

MR. CARDONE: Call to question?

MR. COLON: Aye.

MR. MCGINN: Aye.

(Gerry McQuade is now present.)

MR. MCGINN: Anyone like to speak on this matter? This is on the comprehensive plan update.

SPEAKER: Comprehensive plan update, Ward Brower, private citizen. To be continued. Again, I wish Bonnie was here.

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2 And Gerry just walked in, so I'm going to
3 repeat some of this.

4 In past when we had master planning
5 committees. They were composed of members of
6 the town board, planning board, conservation
7 commission and members of the public, as well
8 as the planners. We did not do that in this
9 process. I believe it's going to set us up
10 for a fundamental flaw.

11 The lawsuits I looked at fundamentally
12 are charging that this comprehensive plan is
13 really a stalling tactic. It's not a
14 stalling tactic if it's done properly. And
15 to do it properly there are many issues that
16 need to be addressed.

17 One of my pet peeves has been the
18 bedroom count. Bedroom count traditionally
19 has been 4.1 to 4.5 individuals per
20 household. These were numbers where it came
21 down through statistics coming from the
22 school board. And it's been the standard
23 for, ever since I have been going, my short
24 tenure of 30 years.

25 Always the shoe size that everyone seems

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2 to fit into. The problem is, we're now
3 experiencing where these are being marketed
4 to, what I call, supersized families, it
5 doesn't matter what ethnic group they're from
6 the supersized family still has a mega
7 impact. The impact is at least twice of what
8 the impact of what a standard sized family
9 would be. But this has never been addressed
10 in the SEQRA process. Now we have -- and
11 since we ignored it, we have lawsuits, which
12 the town is being specifically singled out
13 for denying LLC's, in particular, their
14 vested property rights. While, excuse me,
15 the people or the organizations or former
16 companies that had those almost vested
17 rights, they're not quite vested rights.
18 They got to a certain stage and it stopped.
19 It stopped because they didn't want the maps
20 signed because they didn't want their taxes
21 to go up. But they were almost to that
22 stage. They almost had vested rights. But
23 the vested rights was reflected for a certain
24 size family, which was 4.5 at max.

25 And all of the SEQRA information, all of

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the SEQRA'd ramification, traffic, sewer, water, social services, you name it, were all based on that size family. We know from these lawsuits, these are not marked to the standard sized family. They told us that. In fact, in these lawsuits they said this action is prejudicial against large Hasidic families. So, we know that.

It's time to address this issue and stop ignoring it. And I brought this up at the planning board and I keep getting (not heard) it's the Board of Health's problem.

Well, the trouble with the Board of Health, County Board of Health that is, they are working on numbers they have never, to my knowledge, never have received an application from a supersized family. So, they're based on all statistics too, outdated in this present scenario. They need to be brought up to speed. But if no one notifies these people, like the planning board, it's responsibility of the lead agency. Because I happen to go personally to the engineer at the county board of health. I presented this