

**VILLAGE OF MONROE  
ZONING BOARD OF APPEALS  
MEETING  
MARCH 8, 2016  
FINAL MINUTES**

**PRESENT:** Chairman Baum, Members Margotta, Vitarelli and Zuckerman; Assistant Building Inspector Cocks; Kelly Naughton, Esq.

**ABSENT:** Member McCarthy

Chairman Baum called the meeting to order at 8:00 pm with the Pledge of Allegiance to the flag.

Chairman Baum acknowledged the departure of Deborah Proulx who is becoming a Code Enforcement Officer for the Village. He stated that Debbie was an excellent Board member who was always here, had great insights, and will surely be missed! He further welcomed Howard Zuckerman as a full Board member who will serve out the remainder of Debbie's term (until December 2018).

**1. Crystal Run Healthcare – Area Variance – (238-1-1)**

**Present: Elizabeth Manning, Lewis Sign Company**

The application of CRH Realty III, LLC, 855 State Route 17M, for an area variance, pursuant to the Table of Bulk Requirements Use Group (r) Front Setback 60', to permit the installation of a 6'8" tall 8' wide freestanding monument sign to be set back 27' from the front property line, not the required minimum 60'. The property, which is the subject of said action by the Board, is located in a GB Zoning District and is identified as Section 238, Block 1, Lot 1 on the tax map of the Village of Monroe.

Secretary Doherty said that the certificates of mailing had been received in a timely fashion.

Chairman Baum advised Ms. Manning, representative of the applicant, that in the event of a tie vote an application would by law, be denied, because there were only four Board members present. Ms. Manning had the option to postpone her appearance another month when there might or might not be a full board. Ms. Manning chose to proceed with the appeal at this meeting.

Ms. Manning began by saying that this is a new construction on Route 17M. The building is based on a model being used by Crystal Run Healthcare throughout the Hudson Valley. Recently a building with the same plan and the same monument sign was finished in Newburgh.

Ms. Manning explained that the options open to Crystal Run Healthcare were to place the monument sign 60' from the road, but they felt that it would not be visible enough to people driving by. There is a bit of a curve in the road which makes it difficult for patients to see the place. Or, they could have made the sign internally illuminated but then the sign would not have been in conformity with other Crystal Run Healthcare facilities. Instead the sign is externally illuminated with spotlighting. They also could have made the sign taller but then it would have obstructed the views of people driving in the parking lot. In addition, there are two driveways. One is an exit driveway and one is an entrance. The placement of the monument sign at the entrance driveway will help cut down on confusion.

Chairman Baum asked if the sign was already approved by the Planning Board? Assistant Building Inspector Cocks said that the Planning Board approved everything except the setback.

Member Zuckerman asked if this was the only sign? Ms. Manning confirmed that it was the only free-standing sign.

Member Margotta pointed out that there was nothing to show how the lines of sight would be affected if the monument sign were to be placed 60' from the front property line. There were no sight distance lines, no dimensions, no details showing proof of the claim that the applicant was making. How could we know for certain that there would be a sight issue? Chairman Baum said at 60' the sign would not be seen. Assistant Building Inspector Cocks said at 60' the sign would be in the middle of the parking lot. Not necessarily, responded Member Margotta. Member Vitarelli said that at 60' the sign would be out of your peripheral vision as you drove past. The chance of you seeing a sign set that far back were slim to none. Assistant Building Inspector Cocks said that common practice in the past was for free-standing signs to be placed 15' – 20' off the road. Assistant Building Inspector Cocks reminded the Board that the Village's code is being changed and that the proposed setback will be within the parameters of the new code.

Member Vitarelli asked if there would be a sign on the building as well? Ms. Manning said yes and presented further documentation. Chairman Baum said the documents showed that there would be two signs, one on the building (26' wide and 2½' high) and one on a canopy.

Member Zuckerman said the paperwork submitted said that the placement of the signage was needed to inform the public that this was an urgent care facility, but Member Zuckerman pointed out that the signs don't say anything about an urgent care facility.

Chairman Baum said that from the site plan submitted with the application it looked like the distance from the existing property line was 23.4'. However, there was also a right-of-way (ROW) line because there was going to be a dedication given to the state. He couldn't tell how far back the sign was going to be from the new proposed ROW line. Member Vitarelli

said, so what you're saying was that the biggest concern was because of the dedication the sign could be encroaching within 10'. Chairman Baum said, yes, that was his concern. When this dedication was given and the new property line was going to be the right of way line, how far back was that sign going to be? Discussion ensued about the location of the sign.

Chairman Baum read §200-50 (E) from the Village's code book, "Freestanding signs. Signs, other than those attached to a building wall, shall meet setback requirements for that district from any street line." Where was the street line? Chairman Baum felt that it would be the edge of the new ROW. Looking at definitions, §200-5. Street Line. "The dividing line between a lot and the ROW of a street." So it would be the new established property line after the ROW. The site plan measured from the existing property line, not the edge of the new ROW line.

Assistant Building Inspector Cocks retrieved the site plan filed with the Building Department which showed a scaled drawing of the monument sign location. Chairman Baum determined that it would be 11' from the new ROW property line. He stated that in the application they requested 27'. If you measured 27' from the new ROW line the sign would be back by the edge of a retaining wall in front of the sign. If you measured 20' from the new ROW property line the sign is going to start right about where the rear of the sign is now.

Chairman Baum asked Ms. Manning if she wanted to confer with her client about moving the sign to 20' from the new ROW property line. Ms. Manning felt that 20' from the new ROW property line was a reasonable suggestion. Chairman Baum said that it would be about 36' from the existing property line.

Chairman Baum read into the record the recommendation from the Orange County Department of Planning for review pursuant to General Municipal Law which recommended remanding for local determination.

On a motion made by Chairman Baum and seconded by Member Vitarelli, it was: **Resolved to classify this variance as a Type 2 SEQRA Action and no further environmental review was necessary.**

**Ayes – 4**

**Nays – 0**

**Absent – Member McCarthy**

Chairman Baum opened the hearing up to the public; no one from the public was in attendance.

On a motion made by Chairman Baum and seconded by Member Zuckerman, it was:  
**Resolved to close the public hearing.**

**Ayes – 4**

**Nays – 0**

**Absent – Member McCarthy**

On a motion made by Member Margotta and seconded by Member Vitarelli, it was:  
**Resolved to grant a variance to permit the sign to be constructed 36' from the existing property line and 20' from the proposed new right-of-way line.**

**Ayes – 4**

**Nays – 0**

**Absent – Member McCarthy**

#### **ADOPTION OF MINUTES FROM JANUARY 12, 2016 MEETING**

On a motion made by Chairman Baum and seconded by Member Zuckerman, it was: **Resolved that the minutes be adopted.**

**Ayes – 4**

**Nays – 0**

**Absent – Member McCarthy**

**ADJOURNMENT:**

On a motion by Chairman Baum, seconded by Member Margotta, with all in favor, **there being no further business, the meeting was adjourned at 8:46 pm.**

**Ayes – 4**

**Nays – 0**

**Absent – Member McCarthy**

Respectfully submitted,

A handwritten signature in cursive script that reads "Elizabeth A. Doherty".

Elizabeth A. Doherty  
ZBA Secretary