

**VILLAGE OF MONROE  
ZONING BOARD OF APPEALS  
MEETING  
JUNE 14, 2016  
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 8:01pm with the Pledge of Allegiance to the flag.

**1. Copy Center, Inc., – Area Variances – (202-1-3)  
The applicant was not present**

Application of Copy Center, Inc., pursuant to the Village of Monroe Zoning Law, Section 200-17, Schedule II, Table of Bulk Requirements, Use Group “r”, for area variances to permit the construction of a free-standing sign with less than the required minimum front and side setbacks. The proposed front setback is 18’ from the property line and the proposed side setback is 5’. The required minimum front setback is 60’ and the required minimum side setback is 50’. The property, which is the subject of said action by the Board, is located in a GB Zoning District and is identified as Section 202, Block 1, Lot 3 on the tax map of the Village of Monroe and is also known as the address 412 North Main Street.

The Chairman informed the Board that the applicant requested an adjournment for personal reasons to the next meeting scheduled on July 12, 2016. Chairman Baum advised that the meeting would not be re-noticed.

Member Zuckerman disclosed that his residence is within 300 feet of 412 North Main Street. Member Zuckerman said that he could be unbiased and fair in any determination. Chairman Baum suggested that Member Zuckerman make the same announcement at the July meeting so that the applicant is aware of it.

On a motion made by Chairman Baum and seconded by Member Vitarelli, it was unanimously: **Resolved that the Public Hearing be adjourned to July 12, 2016.**

**Ayes – 4**

**Nays – 0**

**Absent/Abstaining – Member McCarthy (Absent)**

**2. HRR Corp. – Review of Administrative Determination – (206-5-4.12)**

**The applicant was not present**

Application of HRR Corp., 12 Sergio Lane, Monroe, NY for a review of an administrative determination of the Assistant Building Inspector and an interpretation to permit the use of an “Assistant Living Facility/Adult Care Facility” in a SR-10 Zone as a pre-existing “Adult Home for the Mentally Disabled” or as a single family dwelling. The property, which is the subject of said action by the Board, is located in an SR-10 Zoning District and is identified as Section 206, Block 5, Lot 4.12 on the tax map of the Village of Monroe.

Chairman Baum said that the Village of Monroe adopted a moratorium on June 13, 2016 with regard to any applications involving residential facilities in SR-10 and SR-20 zoning districts. The moratorium will last for six months during which time the Zoning Board cannot hear this application. The Chairman recommended that the applicant re-apply and re-notice the public when they come back at the end of the moratorium.

On a motion made by Chairman Baum and seconded by Member Margotta, it was unanimously: **Resolved that the Public Hearing be adjourned until the applicant re-applies at the expiration of the moratorium or pursuant to a waiver granted by the Board of Trustees; and at that time the applicant re-notify all the property owners in the same manner as in the initial public hearing.**

**Ayes – 4**

**Nays – 0**

**Absent/Abstaining – Member McCarthy (Absent)**

**3. Cumberland Farms, Inc. – Area Variance – (206-5-4.12)**

**Present: Richard J. Olson, Esq., McCabe and Mack LLP and James Galella, PE, Catapano Engineering PC**

Application of Cumberland Farms, Inc., 502 State Route 17M, for the following area variances from the requirements of Section 200-66 (M)(2) and Table of Bulk Requirements pursuant to Zoning Schedule I-F, Table of Use Requirements GB District, Column C- Conditional Use #2, Table Q to permit the construction of a 16 pump gasoline service station with associated 4,786 square feet of retail store; two (2) new underground gasoline storage tanks; one (1) new canopy over the pump islands; one (1) new ground price/ID sign and all associate work. The property, which is the subject of said action by the Board, is located in a GB Zoning district and identified as Section 206,

Block 5, Lot 4.12 on the tax map of the Village of Monroe: (a) A variance reducing the front yard setback from the required 50' to 15' to permit the erection of a freestanding sign; (b) A variance from the maximum size curb cut of 25 feet to permit two curb cuts of 30 feet one on Freeland Street and one on 17M; (c) A variance from the side yard setback from the required 25' to 24' 6" for the location of the building; (d) A variance from the maximum permitted building sign area along Freeland Street from 44 square feet to 45.7 square feet.

Secretary Doherty noted for the record that the certificates of mailing for this Public Hearing and for the Public Hearing on May 10, 2016 had been received in a timely fashion.

Mr. Olson corrected the number of pumping stations sought by the applicant that appeared on its application. Cumberland Farms will be constructing four gasoline pumps, or eight pumping stations, not 16 as stated on the application. He then went on to say that based on the concerns expressed by the Board in May he and engineer James Galella went back to the applicant to revise the plans for this project. The new site plan: (a) Eliminates the need for the front setback variance for Freeland Street; (b) Eliminates the curb cut distance variance at the intersection of Freeland Street and 17M; (c) Increased the setback for the new free-standing sign to 15'; (d) Leaves the underground storage tanks in the same location where they currently are. This reconfiguration now requires a 6" side-yard setback variance. It is the only setback variance necessary for the building. In addition, the applicant now needs a 1.7 sq. ft. variance for the sign on Freeland Street. Other than that, the applicant has met the issues that were raised at the last meeting.

Chairman Baum noted for the record that this application was referred to the Orange County Department of Planning pursuant to General Municipal Law L, M and N and was remanded for local determination.

Member Vitarelli thanked Mr. Olson and Mr. Galella for taking into consideration the Board's recommendations from the last meeting. Member Margotta concurred, saying that the new site plan is a drastic improvement over the previous one. Member Zuckerman agreed. Chairman Baum agreed as well, saying that it was a much better plan with the need for the variances having been minimized.

Chairman Baum then said that he had been in communication with the Village engineer over some of the safety issues and traffic concerns raised in the first application, especially allowing the curb cut to be closer to the intersection than 100' (current plans place the curb cut beyond 100' of the intersection). Discussion ensued about whether

the Planning Board should take a look at the issue of the width of the curb cuts prior to the ZBA voting on the application. Chairman Baum said that the Planning Board can determine if there are any safety issues or planning issues that the ZBA may not be aware of. He felt that the ZBA can act and if the Planning Board wants them wider, they can make them wider; if the DOT wants to narrow them, the applicant will have to comply. Mr. Galella said that the 30' curb cut is necessary without a doubt, and also, existing curb cuts there now are up to 32". He said that they were actually make one of the existing curb cuts smaller. Member Vitarelli said he didn't know how the ZBA decision would impact the Planning Board or the DOT. Member Zuckerman asked why the curb cuts are limited in the Code to 25'? No one on the Board had an answer.

Chairman Baum re-opened the hearing to the public. In attendance were David Umberto, of Greenery Plus Florist and his father. Mr. Umberto said he was happy with the adjustments that they made to their plans. He asked if Cumberland Farms would be selling flowers? Mr. Olson said that he did not think Cumberland Farms would be selling flowers.

On a motion made by Chairman Baum and seconded by Member Margotta, it was unanimously: **Resolved to close the Public Hearing.**

**Ayes – 4**

**Nays – 0**

**Absent/Abstaining – Member McCarthy (Absent)**

On a motion made by Chairman Baum and seconded by Member Zuckerman, it was unanimously: **Resolved to declare this action an unlisted action pursuant to SEQRA and to designate the Zoning Board of Appeals as Lead Agency.**

**Ayes – 4**

**Nays – 0**

**Absent/Abstaining – Member McCarthy (Absent)**

On a motion made by Chairman Baum and seconded by Member Zuckerman, it was unanimously: **Resolved to render a negative declaration pursuant to SEQRA.**

**Ayes – 4**

**Nays – 0**

**Absent/Abstaining – Member McCarthy (Absent)**

On a motion made by Member Margotta and seconded by Member Vitarelli, it was unanimously: **Resolved to grant the 6" side-yard setback variance, the 1.7 sq. ft. variance for the sign on Freeland Street, the 35' setback variance for the free-standing sign, and the variance from the maximum size curb cuts of 25' to allow two 30' curb cuts, one on Freeland Street and one on 17M.**

**Ayes – 4**

**Nays – 0**

**Absent/Abstaining – Member McCarthy (Absent)**

#### **ADOPTION OF MINUTES FROM MAY 10, 2016 MEETING**

Chairman Baum offered several changes to the draft minutes of the meeting on May 10, 2016 which were received without objection.

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

**Ayes – 4**

**Nays – 0**

**Absent or Abstaining – Member McCarthy (Absent)**

#### **ADJOURNMENT:**

On a motion by Member Margotta, seconded by Member Vitarelli, with all in favor, **there being no further business, the meeting was adjourned at 8:38pm.**

**Ayes – 4**

**Nays – 0**

**Absent or Abstaining – Member McCarthy (Absent)**

Respectfully submitted,



Elizabeth Doherty  
ZBA Secretary