

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

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

ABSENT: Member McCarthy

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

1. **Steve Brown/Hudson Valley Realty on Behalf of The Gables of Orange County – Area Variance (223-1-4) (Continuation from October 18, 2016)**
Present: Steve Brown of Hudson Valley Realty

The application of Steve Brown, Hudson Valley Realty, on behalf of The Gables of Orange County, pursuant to the Village of Monroe Zoning Law, Table of Bulk Requirements Use Group (r) Front Setback 60' for an area variance in connection with the location of a free-standing sign. The Village Code requires a front setback of 60'; the proposed front setback is 30'.

This application had been adjourned from October pending a GML review from Orange County Department of Planning. The review has since been received and the recommendation was for local determination.

Mr. Brown began by saying that he was seeking a variance for a simple 6' X 6' sign, 15' high. The Chairman clarified that the sign is for two businesses at that location with 3' x 6' allotted to each one (please see Attachment A to these minutes). Mr. Brown said that what he is asking for is less than what would be allowed under the proposed new building code. Under the proposed code he would be allowed 41 sq. ft. per sign whereas his sign is only 36 sq. ft. The Chairman mentioned that Mr. Brown had put a flag pole marking the spot where the sign would be located. Member Zuckerman commented that it was in a good place. Chairman Baum said that when you looked at the location compared with the location of the sign for Laura Ann Farms, the business next door, they were about the same distance from the curb.

The Chairman said that under the new zoning code Mr. Brown would be allowed a sign of 36 sq. ft. plus one additional square foot for every ten parking spaces. Since the parking lot has

56 spaces Mr. Brown would be permitted to add 5 sq. ft. to his 36 sq. ft. sign (41 sq. ft. in total). The setback would need to be no closer than 10' from the property line. Mr. Brown's sign is 15' from the property line. Attorney Naughton clarified that the applicant is requesting a 30' setback from the edge of the pavement (street line).

On a motion by Chairman Baum and seconded by Member Margotta, it was unanimously:
Resolved to open the hearing to the public.

Ayes – 3

Nays – 0

Absent/Abstaining – Member McCarthy (Absent)

No one from the public came forward to object to the application.

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

Ayes – 3

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 an unlisted action and declare the Zoning Board of Appeals lead agency pursuant to SEQRA:**

Ayes – 3

Nays – 0

Absent/Abstaining – Member McCarthy (Absent)

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

Ayes – 3

Nays – 0

Absent/Abstaining – Member McCarthy (Absent)

Discussion ensued about this application. Member Zuckerman commented that the location of the sign looked good and was consistent with what had been done previously along Route 17M. He also remarked that in as little as a few weeks the Village may adopt its new code rendering the current application unnecessary as the sign will be in conformity with the new Village code. Member Margotta expressed concern about excessive signage along that stretch of Route 17M.

The Board discussed the five-part test to determine what must be proven in order to grant an area variance.

- (1) Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance.

The Board agreed that there would be no undesirable change and that the sign would be in conformity with the rest of the neighborhood.

- (2) Whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance.

Chairman Baum remarked that the only choice the applicant has is to put the sign 60' back which is not really a feasible alternative. Member Zuckerman pointed out that the rental company that is between this property and Laura Ann Farms, the property next to it, does not and will never have a free-standing sign. This is the sign for the entire property. If the rental company wants a sign they will have to share this free-standing sign. Therefore, you have this small sign, no sign in front of the building next to it, and then another small sign. It's not really as bad as other parts of Route 17M.

- (3) Whether the requested area variance is substantial.

The Chairman said that while a 30' variance may seem substantial, when you look at it within the totality of the circumstances and all the other properties on 17M it's not substantial because it's pretty much the same or further back as to what everybody else out there has.

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The Chairman said this wouldn't be the case.

- (5) Whether the alleged difficulty is self-created.

The Chairman said that it is self-created only in the sense that they want the setback to be 30' instead of 60' but it is in line with what everyone else is doing and it will be in conformity with the Village's proposed new code.

On a motion made by Member Zuckerman and seconded by Chairman Baum, it was unanimously: **Resolved to grant the area variance to permit the sign in the size as set forth in Exhibit A to be 15' from the property line.**

Ayes – 3

Nays – 0

Absent/Abstaining – Member McCarthy (Absent)

ADOPTION OF MINUTES FROM OCTOBER 18, 2016 MEETING

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

Ayes – 3

Nays – 0

Absent/Abstaining – Member McCarthy (Absent)

ADOPTION OF DECISION FOR LUKE AND FRIENDS CHILD CARE CENTER, INC. – AREA VARIANCE

On a motion made by Member Margotta and seconded by Member Zuckerman, it was: **Resolved to approve the decision for Luke and Friends Child Care Center, Inc.**

Ayes – 3

Nays – 0

Absent/Abstaining – Member McCarthy (Absent)

OLD BUSINESS

Chairman Baum advised that he has not heard back from the Mayor about escrow fees.

NEW BUSINESS

Secretary Doherty advised that no new applications for December had been received.

Member Zuckerman said that at the Orange County Municipal Planning Board workshop he recently attended (“Case Law Updates”) he learned that if a Board does not get a response from the County regarding GML review and 30 days have passed, the County still has two days up until the day of the meeting to issue a decision. If thirty days have passed and a decision is received one day before the meeting the Board may make a decision notwithstanding the County’s reply.

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 9:06pm.**

Ayes – 3

Nays – 0

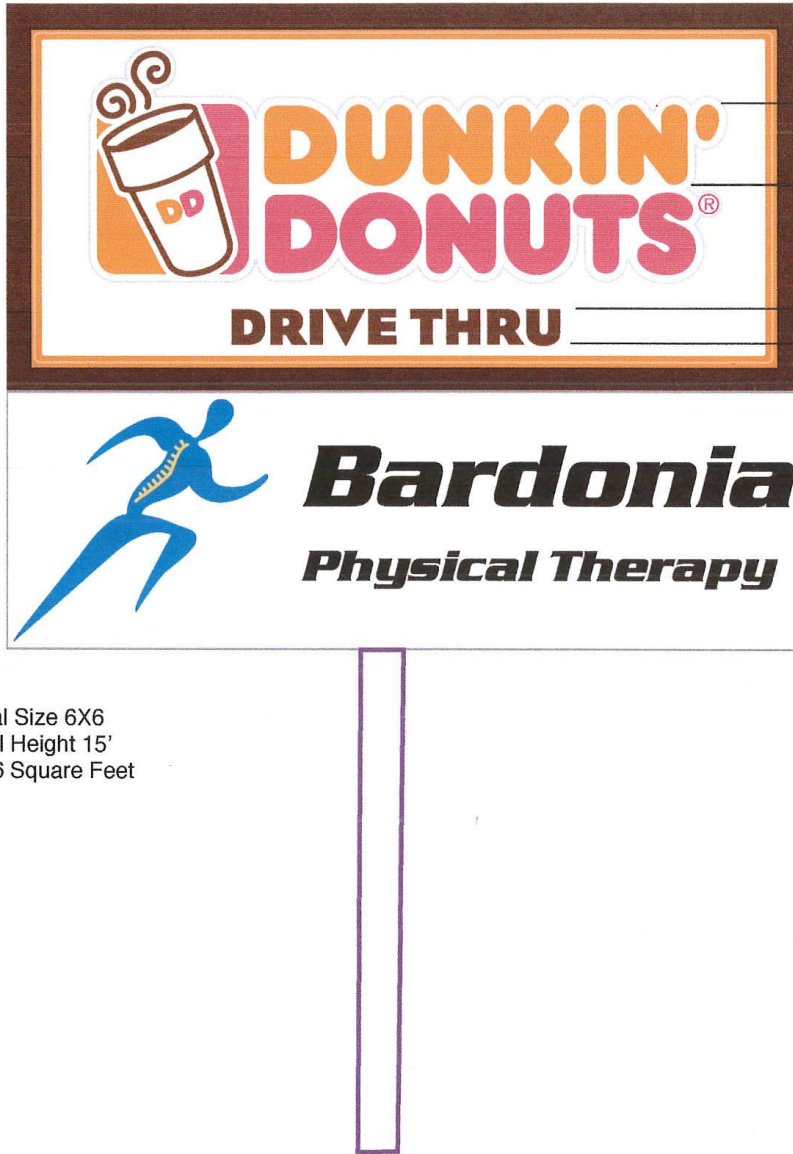
Absent/Abstaining – Member McCarthy (Absent)

Respectfully submitted,

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

Elizabeth Doherty
ZBA Secretary

ATTACHMENT A



Nominal Size 6X6
Over All Height 15'
Area 36 Square Feet

Exhibit A
11/8/16