

**VILLAGE OF MONROE  
ZONING BOARD OF APPEALS  
MEETING  
JANUARY 9, 2018  
MINUTES**

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

**ABSENT:** Member Margotta

Chairman Baum called the meeting to order at 8:14pm.

**1. HRR Corp. – Interpretation and Use Variance – (206-5-4.12)**

**Present: John C. Cappello, Esq., Attorney from Jacobowitz and Gubits, LLP, and Mr. Timothy Mitts, Principal of HRR Corp. and Ms. Pamela Lee, future operator of Rest Haven, Inc.**

- a. A review of an administrative determination of the Assistant Building Inspector (now Building Inspector) and an interpretation to permit the use of an “Assisted 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; or in the alternative,
- b. A use variance from the requirements of Section 200 Schedule 1-B, Table of Use Requirements, in the SR-10 zoning district. The current use of the property is a single family home. The proposed use is a home for senior citizens in need of assistance.

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.

This is a continuation from the November 14, 2017 hearing. The public hearing was closed at the meeting and the application was adjourned to the December meeting because only four Board members were present. Three “yes” votes are needed for the review of the requested interpretation to be granted. If all five members of the Board

are present two can vote “no” and the interpretation would be granted. When only four members are present the interpretation will be law be denied if there are two “no” votes. At the November meeting Acting Chairman Zuckerman asked Mr. Cappello if he wished to adjourn the meeting to another date when all five members of the Board might or might not be in attendance. Mr. Cappello asked if he could present the rest of his evidence that night and postpone the Board’s deliberation and vote to the next meeting. Acting Chairman Zuckerman granted his request.

The December meeting was cancelled because only four Board members were able to attend. About 30 minutes before the start of the January meeting Secretary Doherty was informed that Member Margotta could not attend the meeting due to illness. Once again Mr. Cappello was given the option to postpone the Board’s deliberation and vote to the next meeting when all five members of the Board might or might not be in attendance. Mr. Cappello chose to postpone.

Attorney Naughton asked the applicant for permission to extend the time frame by which time a decision must be written. By law a decision must be rendered within 62 days of the close of the public hearing. The public hearing for HRR Corp. was closed on November 14, 2017, which means that the decision would have to be written by January 15, 2018. Mr. Cappello agreed to the extension.

### **ADOPTION OF MINUTES FROM NOVEMBER 14, 2017 MEETING**

On a motion by Member Zuckerman, seconded by Member McCarthy, with all in favor, it was: **Resolved that the minutes be adopted.**

**Ayes – 3**

**Nays – 0**

**Absent/Abstaining – Chairman Baum (Abstaining); Member Margotta (Absent)**

### **NEW BUSINESS**

The Board was advised that an application for a Use Variance was received by Hatov Springs, LLC.

**ADJOURNMENT:**

On a motion by Chairman Baum, seconded by Member Martuscielli, with all in favor, **there being no further business, the meeting was adjourned at 8:25pm.**

**Ayes – 4**

**Nays – 0**

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

Respectfully submitted,

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

Elizabeth Doherty  
ZBA Secretary