

**VILLAGE OF MONROE
ZONING BOARD OF APPEALS
MEETING
JUNE 10, 2014
MINUTES**

PRESENT: Chairman Baum, Members McCarthy, Proulx, and Vitarelli; Alternate Member Howard Zuckerman; Assistant Building Inspector Jim Cocks; Attorney Michael Meth

ABSENT: Member Margotta

Chairman Baum called the meeting to order at 8:03 pm with the Pledge of Allegiance to the flag. Chairman Baum appointed Alternate Member Howard Zuckerman to sit in for Member Margotta who was absent.

**1. Dr. Christopher Rubbert – Area Variance – (220-5-19)
(Continuation of Public Hearing from May 13, 2014)
Present: Dr. and Mrs. Christopher Rubbert**

Dr. Rubbert was advised by Chairman Baum that a resolution was previously granted by the Zoning Board of Appeals in 1985 for a sign up to 3' x 6' to be located on the right-hand side of the property (facing the lot) 15' from the roadway. According to the Building Inspector the applicant did not need an area variance unless he wished to locate his sign closer to the curb. Chairman Baum suggested that the application go forward with his application and use the area variance previously granted as a fallback if he is denied.

Dr. Rubbert addressed the board, saying that he is seeking a new sign for his practice because the previous one had blown down a couple of years ago during Hurricane Sandy. It is currently propped up with cinder blocks and is not clearly visible from the road. Dr. Rubbert is seeking to put the sign on the left side of the building. Chairman Baum interjected that the initial sign application was to locate the sign on the other side of the structure (near the Rallye sign) but the Board determined that it would have been five feet from the road and the Board felt that was too close to the road. The Board felt that the best placement for the sign would be on the other side of the building, 15' from the road and 5' from the property line.

Chairman Baum opened the hearing up to the public.

Mrs. Rubbert said that she wanted to move the sign to the other side of the building because there is a "hodge-podge" of signs on the one side. Chairman Baum said that the code currently calls for a 60' setback which is difficult to do. But the code is being changed to allow for a 15' setback, so the 15' setback is where the board tries to place signs. Dr.

Rubbert pointed out that 15' is probably the only place it would work; any farther and you're close to the telephone pole, any closer and you're near the speed limit sign

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

Ayes – 5

Nays – 0

Absent – Member Margotta

On a motion made by Chairman Baum and seconded by Member Zuckerman, it was unanimously: **Resolved to classify this as a Type 2 SEQRA pursuant to the short form of the EAF that was submitted by the applicant with the application and that no other environmental review is required.**

Ayes – 5

Nays – 0

Absent – Member Margotta

Attorney Meth read from the Village's code book the five criteria included as an attachment to the ZBA application and instructions:

1. Whether there's an undesirable change which 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;
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district; and
5. Whether the alleged difficulty is self-created. In that instance consideration shall be relevant to the Board of Appeals but shall not necessarily preclude the granting of an area variance.

The Board agreed that none of the criteria was violated.

Member Vitarelli and Member Proulx discussed that the applicant was putting a sign in the same location as allowed by the previously granted variance and therefore a new variance was not needed. The issue before the Board now was that the size of the sign had changed. They agreed that since the specifics of the sign had changed the Board should make a new resolution outlining the new size specifications for the record.

On a motion made by Member Vitarelli and seconded by Member Proulx, it was unanimously: **Resolved to grant the application based on the new rendering for the sign 48" by 96" with a 4' x 4' standing post and a setback of 15' from the curb and a 5' setback on the side yard.**

Ayes – 5

Nays – 0

Absent – Member Margotta

OTHER BUSINESS:

APPROVAL OF DECISION FOR LEWIS SIGN COMPANY, LLC.

Member Proulx pointed out a typo on page 2. Chairman Baum suggested modifying the findings of fact (C) section in which it says that the size of the requested variance is “not unsubstantial.” Chairman Baum pointed out that the variance is for the setback from the road, not the size. The Chairman noted that the variance for the set-back is substantial in relation to the code but not substantial in relation to the other properties. Also, the decision should reflect that Dan Margotta was in opposition to the motion.

On a motion made by Chairman Baum and seconded by Member McCarthy, it was unanimously: **Resolved to approve the decision with the changes as noted.**

Ayes – 4

Nays – 0

Absent – Member Margotta

Abstaining – Member Zuckerman

Chairman Baum recommended that the second part of the decision to allow three signs be re-worded. As written it says the decision to allow three signs was denied; Chairman Baum recommended changing that to the decision to deny more than two signs was approved.

On a motion made by Chairman Baum and seconded by Member McCarthy, it was unanimously: **Resolved to approve the decision with the changes as noted.**

Ayes – 4

Nays – 0

Absent – Member Margotta

Abstaining – Member Zuckerman

APPROVAL OF DECISION FOR AWESOME ESTATES, LTD.

Chairman Baum felt the decision was too wordy and that the decision did not accurately reflect the Board’s determination. He felt the wording suggested that the Board was in favor of granting the variance when in fact they were not. Chairman Baum also felt that the memorandum of law should be removed from the decision. The other members of the Board agreed with Chairman Baum.

On a motion made by Chairman Baum and seconded by Member Vitarelli, it was unanimously: **Resolved that Attorney Meth re-draft the decision to be voted on at the next meeting.**

Ayes – 4

Nays – 0

Absent – Member Margotta

Abstaining – Member Zuckerman

APPROVAL OF DECISION FOR NORMA VARGAS

Adjourned to the next meeting.

ADOPTION OF MINUTES FROM APRIL 8, 2014 MEETING

Chairman Baum commented that on page 6 of the minutes the resolution is incorrectly worded as “unanimous” when in fact Chairman Baum voted against the resolution. In addition, the wording should be changed from, “Resolved to adjourn the approval of the decision” to, “Resolved to adjourn the vote on the decision.”

On a motion made by Chairman Baum and seconded by Member Proulx, it was unanimously: **Resolved that the minutes be adopted with corrections as pointed out.**

Ayes – 4

Nays – 0

Absent – Member Margotta

Abstaining – Member Zuckerman

ADOPTION OF MINUTES FROM MAY 13, 2014 MEETING

Chairman Baum said that under “Other Business” the minutes read, “Resolved to adjourn approval of the decision until the public hearing until June 10, 2014” they should read, “Resolved to adjourn the vote on the decision until the June 10, 2014 meeting.”

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

Ayes – 3

Nays – 0

Absent – Member Margotta

Abstaining – Member McCarthy and Member Proulx

NEW BUSINESS:

The September 9, 2014 meeting coincides with the New York State Primary. The ZBA meeting will be held upstairs to allow the NYS Elections to use the downstairs room.

APPROVAL OF ELIZABETH DOHERTY TO ATTEND WORKSHOP

On a motion made by Chairman Baum and seconded by Member Vitarelli, it was unanimously: **RESOLVED, to approve the attendance of Elizabeth Doherty, ZBA Secretary, at the June 30th, 2014 Orange County Municipal Planning Federation, O.C. Citizens Foundation & O C Planning Department's Annual Planning and Zoning Support Staff Workshop from, 8:30 to 2 PM. Workshop to be held at the Orange County Emergency Services Center in Goshen, NY. Cost of \$35 to be allocated from budget line A8010.472 Zoning Education.**

Ayes – 5

Nays – 0

Absent – Member Margotta

OLD BUSINESS:

APPLICATION OF ALEXIS AND PATRICK DAVIS

On a motion made by Chairman Baum and seconded by Member Proulx, it was unanimously: **Resolved that Secretary Doherty will re-post the public hearing notice in the paper and send out a new mailing to advise the public when the Davis application will be brought before the Board again.**

Ayes – 5

Nays – 0

Absent – Member Margotta

ADJOURNMENT:

On a motion by Chairman Baum, seconded by Member Vitarelli, with all in favor, **there being no further business, the meeting was adjourned at 8:50 pm.**

Ayes – 5

Nays – 0

Absent – Member Margotta

Respectfully submitted,



Elizabeth Doherty
ZBA Secretary