

**VILLAGE OF MONROE
ZONING BOARD OF APPEALS
MEETING
NOVEMBER 12, 2019
MINUTES**

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

ABSENT: Member McCarthy and Alternate Member Jason Czerwinski

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

**1. APPLICATION: Janet Sullivan – Area Variances – 213-1-48
Present: No one representing the applicant was in attendance.**

The application of Janet M. Sullivan, 107 Maple Avenue, for one side and one rear area variance for a 28' x 32', 1,176 feet long detached garage with loft located 3' from the rear property line and 4' from the side property line. According to Village Code §200-26.2(J) and (M), the setbacks should be at least 15' from all property lines.

The property, which is the subject of said action by the Board, is located in the CB Zoning District and is identified as 103 Maple Avenue, Section 213, Block 1, Lot 48 on the tax map of the Village of Monroe.

Having been advised prior to the start of this evening's meeting that only four Board members would be in attendance, Ms. Sullivan sent Secretary Doherty an email in which she expressed her desire to postpone the hearing to the next month when there may or may not be five Board members in attendance.

On a motion made by Chairman Baum and seconded by Member Margotta, it was unanimously: **Resolved to adjourn the application to December 10, 2019.**

Ayes – 4

Nays – 0

Absent/Abstaining – Member McCarthy

**2. APPLICATION: Michael Abuladze – Area Variances – 207-4-11.1 and 207-4-15
Present: Ira Emanuel, Esq., Attorney for the Applicant, Joseph Nyitray, Project Engineer and Kevin Brodie, Project Architect**

The application of Michael Abuladze, for area variances from various requirements of the bulk table and Section 200-49.2.

The property, which is the subject of said action by the Board, is located in a URM Zoning District and is identified as Section 207-4-11.1 and Section 207-4-15 on the tax map of the Village of Monroe and is also known as the address 129 Spring Street

Ira Emanuel, attorney for the applicant, addressed the Board. Mr. Emanuel said that this was an application for something brand new for the Village of Monroe which the applicant hoped would help revitalize the downtown area. It is a proposal for a 52-unit upscale apartment building right next to Smith's Clove Park in a URM zoning district. The property is located on Spring Street near the corner of Mapes Street (a street which comes in at an underpass) and Franklin Avenue, which is at the corner. Mr. Emanuel said that they had already approached the Planning Board with respect to this project and one of the questions they had was how SEQRA should be handled. The Planning Board recommended that the applicant go to the ZBA and get their variances first.

Earlier today Chairman Baum contacted Mr. Emanuel to say that this really should be done as a coordinated review under SEQRA. Mr. Emanuel agreed and said that this ought to start out with the Planning Board as Lead Agency. However, since the applicant was on the agenda, the notices had been mailed, and the public hearing had been published in the paper, and since this application will come before the Board eventually, Mr. Emanuel felt they should make their presentation to the Board and the public. Mr. Emanuel welcomed feedback from the public which he said would be brought back to the Planning Board. They would go through the process with the Planning Board and hopefully come back here next year with a negative declaration to seek the variances that they need.

Joe Nyitray, the project engineer, then addressed the Board. Mr. Nyitray said that the project site is 2.6 acres. He also said that they coordinated with the traffic engineer and have put in their plan a redesign of the intersection of Mapes Place. He said that there is also a road on the east side of the property to be used for residents to access Smith's Clove Park and there will be a pool. Resident parking is along the back. Mr. Nyitray noted that there is an existing family cemetery. He said that the plots will be preserved throughout the project.

Kevin Brodie, project architect, addressed the Board. Mr. Brodie said that his client wants to attract young millenials into the Village. The building will have more of a contemporary facade using upscale material such as brick, reclaimed lumber, stucco and glass. Mr. Brodie said that they want to make an open, airy structure on the exterior. He

said that there will be a lot of “facade differentiation.” On Franklin Avenue the design includes stucco, some deep-set windows and decorative railing at the top.

Regarding the floor plans, Mr. Brodie said that on the first floor there are 10 one-bedroom units and six two-bedroom units. There is a two-story open central lobby that would have access from Spring Street as well as the parking area behind. There is also a bike storage room since the Heritage Trail is across the street. The second floor has ten one-bedroom units and 14 two-bedroom units. The third story is just in the center area because of the shape of these buildings. Mr. Brodie also said that most of these units will have sloped ceilings with dormers. The two side wings that stick back are only two-story wings. Mr. Brodie said that they have provided an entrance to Smiths' Clove Park because in the summertime Spring Street gets very backed up with the camp pick-ups and drop-offs. He said that they are proposing to add an egress which would be opposite Mapes Place (at the traffic light) as well as a separate turning lane that would allow for a left turn only on Mapes Place and allow people to pass on the right. The entrance would come past the building and then curve back behind the DPW building and then connect into the existing entrance on Smith's Clove Park that would provide a queuing area for the cars to stack up to enter the camp and alleviate traffic on Spring Street.

Mr. Emanuel asked if the Board had any reactions.

Chairman Baum asked why they were diminishing the setback, especially to Franklin Avenue, to such a great extent? He pointed out that they were going from 20' down to 3.2'. Mr. Emanuel answered that part of it has to do with the need to have a certain number of units to make the project economically feasible. Mr. Emanuel said that combined with that the Village has expressed a desire to have this driveway back to Smith's Clove Park. He said that in order to make room for that roadway they had to move the building a little to the north. Without it the building would have been farther to the south. The Franklin Avenue setback suffers as a result.

Chairman Baum asked how many units there were in total and what was the break down? Mr. Emanuel answered that there were 52 units, 20 one-bedroom units and 32 two-bedroom units. The breakdown by floor is as follows: On the first floor there are 10 one-bedroom units and six two-bedroom units; on the second floor there are 10 one-bedroom units and 14 two-bedroom units; and on the third floor there are twelve two-bedroom units.

Mr. Emanuel pointed out that the zoning of this property is kind of “funky.” He said that it's like an island of URM all by itself. Behind it is the park, a VR (Village recreation zone) and along Franklin Avenue there are the single-family homes. But everything else around it is the CB district. This little piece of property was singled out to be a URM (Urban Residential-Multifamily). Mr. Emanuel pointed out that if this was in the CB zoning district they would not need any variances. They would meet all the bulk requirements for it in addition to meeting the use as allowed.

Member Zuckerman asked Mr. Emanuel if he had seen the report from Village engineering firm Lanc & Tully about the road that was supposed to lead into the park.

Member Zuckerman quoted from the report, “While the use of the traffic light will benefit the proposed project the creation of a public road will not provide any benefit to the Village.”

Mr. Emanuel responded that they were specifically asked to provide that during the design phase. He said that if it is communicated to them by the Planning Board that the Village doesn't want the road they will remove it and move the building further down which will reduce or eliminate the need for variances. Member Margotta asked how many units would they have if they conformed to the setbacks? Mr. Emanuel said 37 is the maximum density permitted.

Member Zuckerman asked who owns the property? Mr. Emanuel answered that the applicant, Michael Abuladze, owns the property. Attorney Naughton asked Mr. Emanuel to send her a copy of the deed.

Chairman Baum said that the site covers two lots that cannot be merged. Mr. Emanuel responded that was because of the Village's subdivision regulations. Chairman Baum asked if it could be handled as a re-subdivision of land? Mr. Emanuel said that it could not. Attorney Naughton concurred.

Chairman Baum asked the project engineer, Mr. Nyitray, to run through the variances that are being sought. The variances are as follows: On Lot 1 the front setback requires 20' on Spring Street but only has 15.5'. The setback on Franklin Avenue should be 20' but is only 3.2'. On Lot 2 the front setback requires 20' on Spring Street but only has 15.5'.

Mr. Nyitray added that the side setback on Lot 1 should be 20' but is 0'. On Lot 2 the side setback is 0 but it is OK because the bulk requirements say it can be 0'. Chairman Baum asked if the total side setback the applicant requires is a variance on Lot 1? Mr. Nyitray said that was correct.

Mr. Nyitray said the total required lot coverage is 25%. On Lot 1 it is 32.6% and on Lot 2 it is 29.2%. He said that the number of stories required is two but for both lots it is three. Regarding building height, the maximum allowed is 35'. The height on Lot 1 and Lot 2 is 36'. Regarding the number of units, the total allowed is 37; the applicant is proposing 52 units.

Attorney Naughton asked how the applicant arrived at 52 units? Is the variance also with livable floor area? Mr. Nyitray said that it's based on what the applicant was allowed in the URM (37 units) based on minimum square feet per dwelling. Mr. Emanuel interjected that Attorney Naughton wants it written the other way? Attorney Naughton said yes.

Mr. Nyitray added that the area on Spring Street with the front setback would have a curb, sidewalk, trees and a nice streetscape.

Member Zuckerman said that the Board has no guide as to the livable floor area per dwelling unit to know whether it fits our particular standards. Mr. Brodie said that it's shown on the floor plans. He also said that they don't have a unit list showing how many square feet each unit is, but they could prepare one. Member Zuckerman asked him to do that.

Chairman Baum asked if any members of the Board had other questions? No one did.

Chairman Baum opened the hearing to the public.

Corey Hernandez of 212 Spring Street addressed the Board. He said that he did not think this was a very good fit for our community. Mr. Hernandez said that he feels like the Town is being sold off bit by bit and this project is a reflection of that. He said that one of the reasons he and his fiancée moved here about two years ago was because of the rich and varied history. He said that he felt this project is going to "bring Brooklyn here" and he doesn't want that. Mr. Hernandez said that it has been stated that there are graves on this property. He said no matter what you do they are going to be disturbed. He said that if they were his ancestors he would be furious. Mr. Hernandez said that if anything was to be built there it should be connected to Smith's Park. He also expressed concern that in the future there would be problems with the baseball games and the football games because of the lights although he did not elaborate on that. Mr. Hernandez said he did not want his house to be within view of this. This building does not "show the feel" of this area in any way. Mr. Hernandez concluded that whatever is built there should benefit the community because of its proximity to Smith's Clove Park.

Chairman Baum advised Mr. Hernandez that the property is zoned URM Residential. The only issue before the Board is the variances, not the project in total. Chairman Baum urged Mr. Hernandez to go to the Planning Board and make his feelings known to them.

Sal Amante of 30 Charleton Place addressed the Board. Mr. Amante said that he moved to Monroe about five years ago and that his mother-in-law had been here for over 100 years. Mr. Amante agreed with Mr. Hernandez that Monroe was becoming more citified and he said that was not what we want in this Village. The Village was losing its identity. Mr. Amante said he didn't think any variances should be allowed that go beyond what our current regulations and Code were. Mr. Amante said he was concerned about how this will impact the Village and he was concerned about the infrastructure, specifically our water, our sewer, our roads. Mr. Amante said that having three stories instead of two was "ridiculous." He said we were becoming a city; we don't want skyscrapers here. Mr. Amante said that when the applicant purchased the property he knew what the codes were and he said that he should abide by it or don't build. Mr. Amante said that he would be totally against any variances given.

Joan Cannock addressed the Board. She said that she had lived here for 60 years. Ms. Cannock said that she thought that lot was commercial because it used to have a laundry on it. She asked if there was going to be an environmental review because underneath

the building are pipes that have chemical which she said, “would be upsetting to the water supply.”

Chairman Baum said that this project is subject to the State Environmental Quality Review Act (SEQRA) which was a process for an environmental review.

Chairman Baum asked the applicant if he got a Phase One or a Phase Two before he purchased the property? Mr. Abuladze responded that he had.

Jean Smith Hansen, of 37 Franklin Avenue, addressed the Board. She said that she has lived on Franklin Avenue in a house that is over a hundred years old for there a long time. She asked the Board to clarify if the property was where the laundry used to be or the whole lot? The Board advised Ms. Hansen that it was both lots. Ms. Hansen expressed concerns about having no setbacks because that would preclude having sidewalks. Also, she was concerned about how tall the building would be. Ms. Hansen said that when coming out of Franklin Avenue drivers would not be able to see whether there was traffic coming from that area. She asked if the firemen have the equipment to put out a fire and get all the people off the third floor? Ms. Hansen concluded by saying that Monroe did not deserve this. “The best idea I can think of is whoever owns this property were to give it to Smith's Clove Park.”

Bonnie Patrikis, of 39 Franklin Avenue, addressed the Board. Ms. Patrikis said that she agreed with Ms. Hansen about the fire service. She said that her husband was a volunteer firefighter and she was concerned about the volunteers getting to the house. She said that she was also concerned about the size of this building and how it was going to impact Franklin Avenue. She didn't feel that such a large, tall building would enhance the area. Ms. Patrikis said that she was concerned about the charm of the Village. Ms. Patrikis said that her house was about 200 years old. She said that it would be nice if the building better matched the area. Like Ms. Hansen, Ms. Patrikis would like to see this property donated to Smith's Clove Park.

Jairo Morales of 129 Franklin Avenue, addressed the Board. He said that he was against this project. He asked, if they are marketing this for millennials, how are they going to get millennials to this property? Would they come? They want to be economically viable but what would happened if they build this and it wasn't economically viable? Mr. Morales felt that there were too many unanswered questions. Mr. Morales said that he has been here for 30 years. He said, “They're slowly giving Monroe away and it hurts.”

Jean Donofrio addressed the Board. Ms. Donofrio was concerned that the meetings are not being publicized sufficiently. She said that she did not get a notice about this meeting. Chairman Baum said that the meeting is published in an official newspaper as required by State Law (the Times Herald-Record), it is on the website and notices were sent to property owners within 500' of the applicant's property. Member Margotta said that a notice was also placed on the bulletin board at Village Hall.

Ms. Donofrio continued, saying that variances should not be given out “for somebody’s financial gain.” She said that the laws were here for a reason and those laws should be followed. The applicant should be limited to the maximum number of units that the law permits. Ms. Donofrio also said that visibility will be limited for drivers as they approach that corner because the building was so close to the road. She asked if these apartments would be available to the general public? Nobody would be excluded from renting them? Mr. Emanuel responded, “Of course not.”

Margaret Patrikis addressed the Board. Ms. Patrikis said that she was 22 years old. Her concern was that the price of luxury apartments was around \$2,000 a month or more and she didn’t think there would be a demand from millennials for these units.

Chairman Baum asked if anybody else from the public wished to address the Board. No one else came forward.

Chairman Baum noted for the record that this application was referred to the Orange County Department of Planning pursuant to General Municipal Law and their comments were as follows:

The Planning Department has reviewed the submitted materials regarding the appeal for area variances. The Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area. As a reminder to the Zoning Board of Appeals when deliberating whether to grant the requested variance, consideration should be given to whether the proposed variance if granted will produce an undesirable change in the community, whether the relief sought can be achieved by some other means other than the variance requested, whether the requested variance is substantial, whether the variance will have an adverse effect on the physical or environmental conditions of the neighborhood and whether the alleged difficulty is self-created. Although the request has no county-wide or inter-municipal impacts we remind the ZBA to grant only the minimum variances deemed necessary and adequate to remedy the difficulty imposed by the dimensional requirements of the Village of Monroe. We look forward to receiving this application from the Planning Board for site plan review.

Chairman Baum said that their recommendation was for local determination.

Chairman Baum said that at tonight’s meeting issues were raised about the impacts of traffic, sewer and water. He said that this project was subject to review under the State Environmental Quality Review Act. All those impacts will be studied as part of this project. One of the things that had to be discussed was which board was going to study the environmental impacts and be the “Lead Agency” for the environmental review pursuant to municipal law.

Chairman Baum said that he had expressed concern about the Zoning Board being the Lead Agency for the environmental review of this project. There were a lot of

environmental impacts to be looked at and the ZBA did not have the expertise or experience to properly evaluate them. Chairman Baum said that the Planning Board chairman would like his board to be the Lead Agency for this project but they didn't have a formal application before them.

Mr. Emanuel confirmed that this was true. He said that they met with the Planning Board informally and were referred to the ZBA. Mr. Emanuel agreed that it would be appropriate for the Planning Board to be the Lead Agency. He said that they would file a formal application for site plan approval with the Planning Board along with the SEQRA form.

Chairman Baum agreed that this was the best way to proceed. Chairman Baum explained to the members of the public who were present that the focus of the ZBA is very narrow. ZBA just looks at the variances. Chairman Baum urged those present to go to the Planning Board. He said that the Planning Board had to make a "negative determination" before the Zoning Board could make their determination. Chairman Baum suggested that this hearing be adjourned without date. Mr. Emanuel agreed.

On a motion made by Chairman Baum and seconded by Member Margotta, it was:
Resolved to adjourn the application without date and that the applicant will re-notice the public when they are ready to return to the Zoning Board of Appeals.

Ayes – 4

Nays – 0

Absent/Abstaining – Member McCarthy

ADOPTION OF MINUTES

On a motion made by Member Zuckerman and seconded by Member Gilstrap, it was:
Resolved to adopt the minutes from October 15, 2019.

Ayes – 4

Nays – 0

Abstaining/Absent – Member McCarthy

OLD BUSINESS: Secretary Doherty advised the Board that the change to the "Application Checklist and Procedures" discussed at the previous meeting was approved.

NEW BUSINESS

1. No new ZBA applications were received.
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NEW BUSINESS (continued)

2. Member Zuckerman said that he attended a course that was given by the Rockland County Planning Department. Member Zuckerman felt that it was an excellent course and he would recommend taking classes with the Rockland County Planning Department in the future.

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 9:21pm.**

Ayes – 4

Nays – 0

Absent/Abstaining – Member McCarthy

Respectfully submitted,



Elizabeth Doherty
ZBA Secretary