

BLUSTEIN, SHAPIRO, FRANK & BARONE LLP

ATTORNEYS AT LAW

MICHAEL S. BLUSTEIN
RICHARD J. SHAPIRO ♦
GARDINER S. BARONE
WILLIAM A. FRANK
JAY R. MYROW
DIANA PUGLISI
MEGAN R. CONROY

10 MATTHEWS STREET
GOSHEN, NEW YORK 10924
(845) 291-0011
FAX (845) 291-0021
www.mid-hudsonlaw.com

JEANINE GARRITANO WADESON
BRIAN M. NEWMAN^
STEPHANIE T. MIDLER*
SUSIE C. SOHN^
BURT J. BLUSTEIN
1940 - 2022
ARTHUR SHAPIRO
RETIRED
RITA G. RICH
RETIRED

May 17, 2022

ALSO ADMITTED IN PA*
ALSO ADMITTED IN NJ^
ALSO ADMITTED IN MA*

Via E-Mail: mayor.dwyer@villageofmonroe.org

Neil S. Dwyer, Mayor
Members of the Board of Trustees
Village of Monroe
7 Stage Road
Monroe, New York 10950

Re: 251 High St. LLC Objection to Proposed Moratorium Law

Dear Mayor Dwyer and Village Trustees:

Please be advised that I represent 251 High St. LLC, an applicant that is currently before the Village of Monroe Planning Board (the "Planning Board") seeking approval for a four-lot residential subdivision for a property located at 251 High Street in the Village. On behalf of 251 High St. LLC, I respectfully submit this formal written objection to the proposed Local Law entitled "Moratorium on Land Development Approvals" specifically due to said law's failure to exempt projects that have already invested significant time and financial resources to receiving approvals.

The purpose of this letter is to bring to your attention the immense hardship that my client would endure should it not be exempt from the moratorium. My client's situation is unique, and, as such, I respectfully submit that it be exempt from the proposed local law. The following is a synopsis of the land use process thus far for 251 High St. LLC's subdivision application. We respectfully request that the financial consequences of the process thus far be evaluated while considering the instant request.

The principal of 251 High St. LLC, Mr. Libby Goldberger, originally applied to the Planning Board for subdivision approval on or around June 14, 2021. After several meetings with the Planning Board, it was suggested that Mr. Goldberger consider a plan that would eliminate the need for a large cul-de-sac¹. Although such a plan eliminated one as-of-right lot, in

¹ The reason for the large cul-de-sac is because the Village Code requires a radius that is larger than what is required by NYS Code.

an effort to work with the Planning Board, Mr. Goldberger revised his plans to a three-lot subdivision with street access being directly off of High Street instead of a cul-de-sac. While the Planning Board favored this plan, it required three (3) area variances for lot width from the Village Zoning Board of Appeals.

Even though Mr. Goldberger was and is currently under the code entitled to a four-lot subdivision, he nevertheless proceeded to the Zoning Board of Appeals (ZBA) in a good faith effort to work with and appease the Planning Board. On or around November 11, 2021, 251 High St. LLC applied to the ZBA for three (3) area variances, each seeking a variance to allow a lot width of approximately 77 feet where the code requires 100 feet.

Once submitted, Mr. Goldberger proceeded with completing the necessary mailings. Unfortunately, on December 3, 2021, my office was informed by the ZBA Secretary that the list of mailings sent to us by the Village were incorrect. This led to a two-month delay in getting the matter on an agenda for a public hearing.

A public hearing was held on the matter on February 8, 2022. After hearing the ZBA's comments, the public hearing was adjourned to allow Mr. Goldberger time to gather further information and respond to the concerns raised. For example, the ZBA brought up traffic as an issue and Mr. Goldberger had to retain a traffic consultant to assure them that an increase of two (2) residential units would not result in any significant traffic impacts.

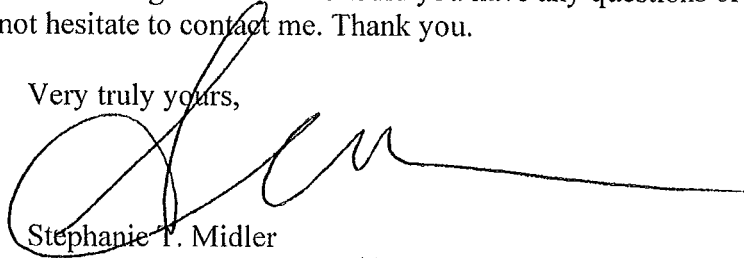
At the March 8, 2022 meeting of the ZBA, the public hearing was again adjourned at the applicant's request due to there not being a full Board present to vote on the matter. Additionally, it was brought to our attention that the ZBA was relying on certain written comments from the public that had not been shared with the applicant. As such, we requested further time to address said public comments.

Finally on April 12, 2022, the ZBA voted to deny the subject area variances. 251 High St. LLC returned to the Planning Board last week and is ready to move forward on the original four-lot subdivision plan. However, the Village's plan of moratorium threatens the serious financial contributions that 251 High St. LLC has invested into this process. But for my client's desire to "be a good neighbor" and work with the wishes of the Planning Board, it is likely that the original plan would have already been approved, thereby not subjecting it to the harsh reality of a moratorium. We submit to the Village Board that 251 High St. LLC has already been delayed to no fault of its own and should be entitled to proceed despite the moratorium.

As such, it is respectfully requested that 251 High St. LLC be exempt from the moratorium. We leave it to this Board and your attorney to determine the best route to ensure justice for my client. We suggest perhaps considering exempting any application that has been before the Planning Board for over six (6) months. This way the Village can proceed with conducting the important work of amending its Comprehensive Plan but also acknowledge the serious financial investment of appearing in front of the various land use boards for half a year. Alternatively, the Village Board should consider exempting any applications for minor subdivisions seeking four (4) lots or fewer.

We thank you for your time in reviewing this matter. Should you have any questions or require anything further, please do not hesitate to contact me. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Stephanie T. Midler', with a long horizontal line extending to the right.

Stephanie T. Midler

Encs.

cc: Alyse Terhune, Esq. (Via E-Mail: aterhune@ldzhlaw.com)