



CATANIA, MAHON & RIDER, PLLC

ATTORNEYS AT LAW

JOSEPH A. CATANIA JR.*
RICHARD M. MAHON
MICHELLE F. RIDER, CPA (FL)
PAUL S. ERNENWEIN
JOSEPH G. MCKAY
MICHAEL E. CATANIA (NJ)
SEAMUS P. WEIR
ARI I. BAUER
JOHN W. FURST
MICHAEL R. FRASCARELLI (NJ)

HOBART J. SIMPSON (1975-2016)

641 BROADWAY
NEWBURGH, NEW YORK 12550
TEL (845) 565-1100
FAX (845) 565-1999
TOLL FREE 1-800-344-5655

E-MAIL: CMR@CMRLAW.COM
(FAX AND E-MAIL SERVICE NOT ACCEPTED)
WWW.CMRLAW.COM

SHAY A. HUMPHREY **
JEFFREY S. SCULLEY **
GEORGE L. KIAMOS
NICHOLAS C. LOZITO
JONATHAN J. DeJOY
JONATHAN S. BERCK (NJ, DC)**
DAVID E. DECKER
MELISSA L. COWAN
JUSTIN W. VAN HOUTEN
JOSEPH T. PIDEL

(ALSO ADMITTED IN)

* Of Counsel
** Special Counsel

May 17, 2022

VIA HAND DELIVERY

Village of Monroe Board of Trustees
7 Stage Road
Monroe, New York 10950

Re: Comments on Village's Proposed Moratorium for 2022
Our File: 15602-67066

Dear Mayor Dwyer and Members of the Board of Trustees:

We have recently been retained by Isaac Wieder in connection with the Village's proposed moratorium on all development. Mr. Wieder owns property located at 160 Stage Road (the "Property"). The approximately one-acre Property is located at the intersection of Maple Avenue and Stage Road. The Property is zoned Commercial Business (CB).

Mr. Wieder just recently submitted an application to the Village's Planning Board to construct a three-story, 32,000 square foot office building with off-street parking spaces and access via Maple Avenue (the "Proposal"). The Proposal is permitted as of right in the Village's CB Zoning District, subject to site plan review by the Planning Board. In addition, according to the bulk table associated with the conceptual plan for the Proposal, no variances from the ZBA will be required. Thus, the Proposal is consistent with the Village's zoning requirements.

My client has invested a substantial amount of time and money in designing the Proposal and putting together the Planning Board submission. Now, the Village Board may adopt a local law imposing a moratorium on basically all development. Such an overly broad ban on just about all development within the Village will have the unintended consequence of unnecessarily hindering economic development within the Village. This is especially so in this case, since a commercial office building is being proposed.

According to the proposed moratorium, the Village is considering further changes to its comprehensive plan and land-use regulations. This would be the Village's third review of the Village's comprehensive plan and zoning regulations in the last five (5) years. The Village just completely overhauled its old zoning regulations and adopted new zoning in 2017. Then in 2019, the Village considered further zoning amendments and a moratorium. Now, once again, the Village is proposing a moratorium and zoning changes. This new proposed moratorium is not in response to a dire necessity; nor is it necessary to prevent a crisis condition. But rather, there seems to be a recent and consistent pattern by the Village which has resulted in delays to many of the new property owners who seek to develop their property within the Village. Given the above, the Village should not adopt another moratorium on development in the Village.

In the alternative, if the Village still feels compelled to adopt a moratorium (even though it is not warranted), the moratorium's language should be revised because it is currently very broad and extremely restrictive. First, the purpose of the moratorium should be limited to a certain use or zone that specifically concerns the Village. Given the fact that the Village completely overhauled its zoning just five (5) years ago, there should only be a couple of areas of specific concern left over to address. Second, given the limited nature of the re-zoning, an exception for proposed uses permitted as of right that are only subject to site plan approval from the Planning Board should be included within Section 3 of the draft moratorium and exempt. In addition, those property owners that have already submitted applications with the Planning Board should also be exempt from the moratorium. Third, the hardship relief requirements should be relaxed to give an applicant a realistic chance of obtaining relief under Section 4. In fact, the current language utilized in Section 4 is more akin to the standard used for granting a use variance, rather than relief from a moratorium. This is especially so given the fact that the Village has given no indication that it plans on changing any of the permitted uses. Finally, any proposed development projects that are exempt from the moratorium under Sections 3 and 4, should also be exempt from any future zoning amendments (i.e. "grandfathered"). It would be overly burdensome on a developer to be exempt from the moratorium, especially if they obtained relief from the Village Board, to only have the new amendments apply if their project is not approved in time. This is especially so when a developer has a pending application before the Planning Board.

In conclusion, the Village does not need another moratorium. We urge the Village to not adopt the proposed development moratorium. However, if one must be adopted, the language should be revised to allow limited development that does not run contrary to the Village's concerns. At a minimum, the Village should refrain from any action tonight, so that it may study the unintended consequences of adopting the proposed moratorium. Thank you.

Very truly yours,



JOHN W. FURST

cc: Isaac Wieder (via e-mail only)