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June 7, 2022

VIA EMAIL & HAND DELIVERY

Hon. Mayor Neil S. Dwyer and
Hon. Members of the Village Board of Trustees
7 Stage Road
Monroe, NY 10950

***Re: 208 Business Center, LLC – Public Comment
Proposed Introductory Local Law Moratorium on Development Approvals***

Dear Hon. Mayor Dwyer and Hon. Members of the Village Board of Trustees:

Our office represents 208 Business Center, LLC (“208 Business Center” or “Applicant”), who has interest in property located at 401 and 403 State Route 208 and 23 Gilbert Street in the Village of Monroe, New York (collectively SBL: 201-3-3, 201-3-4, 201-3-7, 201-3-8) (the “Project Site”). We have previously submitted comment to the Village Board of Trustees opposing the proposed Introductory Local Law Moratorium on Development Approvals (the “Moratorium”), which would prohibit a vast majority of pending and new development applications from being considered by the Village.

We understand that the Moratorium has been recently amended to exempt projects that have received conditional site plan and/or subdivision approval. While this is an improvement, it would still threaten the Applicant’s project, which has been before the Planning Board for several years and for which the Applicant has just completed a very costly Draft Environmental Impact Statement (“DEIS”). To avoid any adverse impact to the Applicant, who has invested significant monies towards the Project’s review as a result of the Planning Board’s State Environmental Quality Review Act (“SEQRA”) review, the Village Board of Trustees should also exempt projects that have received a SEQRA Negative Declaration from the applicable lead agency and/or has “submitted” a DEIS for review by the applicable lead agency. This would ensure that monies invested in the Project’s DEIS and related studies is not lost as a result of the Moratorium.

Further, in our May 17, 2022 submission, we noted that the Moratorium and related Comprehensive Plan and/or zoning amendments cannot be sought to disproportionately impact a specific group or class of people. The only possible justification for the Moratorium appears to be an impermissible one: to unlawfully block and indefinitely delay certain projects that the Village opposes. *See Bloomingburg Jewish Educ. Ctr. v. Vill. of Bloomingburg, N.Y.*, 111 F. Supp. 3d 459, 488 (S.D.N.Y. 2015). The largest portion of the Village's vacant and/or developable land is owned by members of the ultra-orthodox Jewish community. As evidence of the disparate impact that will result from the Moratorium, we have enclosed a list of properties and related ultra-orthodox owners that control a majority of the vacant and/or developable land in the Village that would be adversely impacted by the Moratorium. *See Enclosed*. Please note that this list is not exhaustive and the Village Board should undergo its own assessment to ensure that a disparate impact does not result from the Moratorium.

The Village Board should be cognizant of the fact that the Moratorium and any resulting changes to the Comprehensive Plan or the Zoning Code would disproportionately impact this group of Village residents and likely run afoul of New York and Federal law. The Village Board cannot adopt the Moratorium without an assessment of its disproportionate impact on the ultra-orthodox community.

In addition to the above, due to the lack of information related to the origins of the Moratorium, we submitted a Freedom of Information Law ("FOIL") request. Unfortunately, the Village's response to the FOIL request was incomplete and required the Applicant to submit a FOIL appeal, which has been submitted to the Village simultaneously with this letter. The Village is required to respond to the FOIL appeal within 10 days. Please be aware that, if the results of the FOIL appeal are successfully challenged in Court, the Village may be liable for the Applicant's attorney's fees.

Again, we urge the Village Board to carefully consider every impact of the Moratorium. We hope that the Village will exempt the Project from the Moratorium and that additional legal avenues and remedies will not be required. Please do not hesitate to contact my office with any questions.

Very truly yours,

/s/ Charles J. Gottlieb

Charles J. Gottlieb

cc: Kim Zahra, Village Clerk, Village of Monroe (via email and hard copy)
Alyse D. Terhune (via email)
208 Business Center, LLC (via email)

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Shwartz Itamar	346 North Main St
Yoel Mordechai Wirtzberger	283 North Main St
Kraus Shmiel ben heinech	275 North Main
Menachem Neuhauser	247 North Main St
Chelm Yosef Gottlieb	43 North Main St
David Fischer	125 North Main St
Mizrahi Joel	20 North Main St
Jacobowitz Joel	243 Elm
Friedlander Mayer	268 -266 Elm
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