VILLAGE OF MONROE
BOARD OF TRUSTEES MEETING
TUESDAY, MAY 2, 2023

PUBLIC HEARING 05.02.23 – 7:00 PM
RESOLUTION #2 of 2023, AMENDMENTS TO THE COMPREHENSIVE PLAN

A Public Hearing was held on Tuesday, May 2, 2023 in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY at 7:00 PM to review a resolution, "Amendments to the Comprehensive Plan." This resolution is for public review and input on the Draft Amended Comprehensive Plan.

Present: Mayor Dwyer, Trustees Behringer, Ferraro, Karl, and O'Connor
Also present: Attorney Terhune and Clerk Zahra

On a motion by Trustee Behringer, seconded by Trustee Karl, and carried, the public hearing was opened at 7:00 PM.

Daniel Richmond, Zarin & Steinmetz, LLP has submitted a letter for public comment. See attached to the minutes.

There were 26 people from the public present for the public hearing. There was no written correspondence received. The public hearing was left open for 10 minutes. Written comment will be accepted for ten (10) days.

With no further comments or questions, on a motion by Trustee Behringer, seconded by Trustee Ferraro and carried, the public hearing was closed at 7:10 PM.

PUBLIC HEARING 05.02.23 – 7:00 PM
INTRODUCTORY LOCAL LAW #4 OF 2023 AMENDING CHAPTER 200 ("ZONING") TITLED, "VILLAGE OF MONROE LANDMARKS PRESERVATION LOCAL LAW"

A Public Hearing was held on Tuesday, May 2, 2023 in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY at 7:00 PM to review a proposed Local Law "Amending Chapter 200 ("Zoning") Titled, "Village of Monroe Landmarks Preservation Local Law." This Local Law promotes the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of buildings, structures, signs, features, improvements, sites, and areas within the Village of Monroe that reflect special elements of the Monroe's historical, architectural, cultural, economic or aesthetic heritage by creating a Historic Preservation Commission function within the Planning Board. Structures and buildings located within the Village of Monroe's historic district, or are listed or eligible to be listed on the National and State Register of Historic Places or are designated as local historical landmarks shall require a certificate of appropriateness for alteration, restoration, reconstruction, demolition authorizing such work.

Present: Mayor Dwyer, Trustees Behringer, Ferraro, Karl, and O'Connor
Also present: Attorney Terhune and Clerk Zahra

On a motion by Trustee Behringer, seconded by Trustee Karl, and carried, the public hearing was opened at 7:00 PM.

Attorney Joseph Haspel spoke on behalf of his client WC Lincoln, owner of what is referred to as the Roscoe Smith property. His client feels the law is directed at his property. It is a false statement to that this property is eligible, the property is not intact. It is a threat to the health and safety of the community. The house needs to be demolished.

John Furst, Catania, Mahon & Rider, PLLC has submitted a letter for public comment. See attached to the minutes.

There were 26 people from the public present for the public hearing. There was no written correspondence received. The public hearing was left open for 10 minutes. Written comment will be accepted for ten (10) days.

With no further comments or questions, on a motion by Trustee Karl, seconded by Trustee O'Connor and carried, the public hearing was adjourned at 7:10 PM.

PUBLIC HEARING 05.02.23 – 7:00 PM

INTRODUCTORY LOCAL LAW #5 OF 2023 "VILLAGE OF MONROE PLACE OF WORSHIP AND SCHOOLS" AMENDING CHAPTER 200 OF THE VILLAGE CODE, "ZONING."

A Public Hearing was held on Tuesday, May 2, 2023 in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY at 7:00 PM to review a proposed Local Law titled "Village of Monroe Place of Worship and Schools" Amending Chapter 200 of the Village Code, "Zoning." This local law promotes individual constitutional rights to freedom of assembly and free exercise of religion and protects the health, safety, and general welfare of Village of Monroe residents, by amending the zoning law to allow and regulate Residential Gather Places, Neighborhood Places of Worship, Community Places of Worship, and Schools in certain zoning districts and in accordance with standards set forth herein.

Present: Mayor Dwyer, Trustees Behringer, Ferraro, Karl, and O'Connor
Also present: Attorney Terhune and Clerk Zahra

On a motion by Trustee Karl, seconded by Trustee O'Connor, and carried, the public hearing was opened at 7:10 PM.

Avrohom Flohr, business and property owner in the Village, appreciates the Board and all they do in the community. Mr. Flohr would like to see the Village Board consider working with the Jewish community on this law so that it satisfies both parties.

Robert Rosborough, Whiteman, Osterman, & Hanna LLP, has submitted a letter for public comment. See attached to the minutes.

John Furst, Catania, Mahon & Rider, PLLC, has submitted a letter for public comment. See attached to the minutes.

Daniel Richmond, Zarin & Steinmetz, LLP has submitted a letter for public comment. See attached to the minutes.

There were 31 people from the public present for the public hearing. The public hearing was left open for 8 minutes. Written comment will be accepted for ten (10) days.

With no further comments or questions, on a motion by Trustee Behringer, seconded by Trustee Karl and carried, the public hearing was adjourned at 7:18 PM.

PUBLIC HEARING 05.02.23 – 7:00 PM
INTRODUCTORY LOCAL LAW #6 OF 2023 AMENDMENT TO THE VILLAGE OF MONROE ARCHITECTURAL REVIEW

A Public Hearing was held on Tuesday, May 2, 2023 in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY at 7:00 PM to review a proposed Local Law titled "Amendment to the Village of Monroe Architectural Review." This local law expands the existing architectural review authority of the Planning Board to special permit approval and historic and buildings.

Present: Mayor Dwyer, Trustees Behringer, Ferraro, Karl, and O'Connor
Also present: Attorney Terhune and Clerk Zahra

On a motion by Trustee Ferraro, seconded by Trustee Karl, and carried, the public hearing was opened at 7:19 PM.

Daniel Richmond, Zarin & Steinmetz, LLP has submitted a letter for public comment. See attached to the minutes.

There were 32 people from the public present for the public hearing. There was no written correspondence received. The public hearing was left open for 5 minutes. Written comment will be accepted for ten (10) days.

With no further comments or questions, on a motion by Trustee Behringer, seconded by Trustee O'Connor and carried, the public hearing was adjourned at 7:24 PM.

The first of the bi-monthly meetings of the Board of Trustees was held on Tuesday, May 2, 2023 at 7:00 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, New York. Mayor Neil S. Dwyer called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

Present: Mayor Dwyer; Trustees Behringer, Ferraro, Karl and O'Connor
Also present: Attorney Terhune and Clerk Zahra

MINUTE APPROVAL – APRIL 18, 2023 BOARD MEETING:

On a motion by Trustee Karl seconded by Trustee O'Connor, the Minutes of the April 18, 2023 Board Meeting were approved.

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

MINUTE APPROVAL – APRIL 26, 2023 SPECIAL BOARD MEETING:

On a motion by Trustee Behringer seconded by Trustee O'Connor, the Minutes of the April 26, 2023 Special Board Meeting were approved.

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

MINUTE APPROVAL – APRIL 28, 2023 SPECIAL BOARD MEETING:

On a motion by Trustee Behringer seconded by Trustee O'Connor, the Minutes of the April 28, 2023 Special Board Meeting were approved.

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

DPW EQUIPMENT SURPLUS:

RESOLVED, the Board of Trustees declares the following DPW non-working equipment surplus and authorize its removal from inventory:

2009 F350 XL Super Duty Vin: FTWW3A52AEA26Z05

Salter – AirFlow Electric Spreader – No Vin or Model # to be found

Truck 10 – FWD Plow Truck 1985 Vin: 1F9AX28R5FCFT1156

Truck 11 – FWD Plow Truck 1984 Vin: 1F9AX28RZECFT1100

Leaf Machine ODB LCT650 #10064656

Ford Tractor 3400 Model 34023C #0196288

Jacobsen Turf Cat T423D #6136 1832

On a motion by Trustee Behringer, seconded by Trustee Karl

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

APPOINTMENT – MONROE JOINT PARKS & RECREATION COMMISSION – J. CHIOSIE:

RESOLVED, the Board of Trustees appoints resident Joe Chiosie, 40 Quaker Hill Road, Monroe, NY as a Commissioner to the Monroe Joint Parks & Recreation Commission fulfilling the unexpired term of Kevin Metcalf, expiring 12/31/2024.

On a motion by Trustee Ferraro, seconded by Trustee Behringer

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

UNPAID CHARGES LEVIED TO THE FY/2024 TAX ROLL:

RESOLVED, per the requirement of Orange County Real Property Tax Service, the preparer of the June Village Tax Bills, the Board of Trustees authorized the Village Clerk to forward the following amounts to be levied to fiscal year 2024 June Village Tax:

Amount to be raised by taxes	**$7,465,594.00**
Unpaid Water Charges (WR010)	**$378,370.15**
Other Charges – Unpaid Fire Inspections (OC10)	**$50.00**
Property Maintenance Charges (DM001)	**$11,499.22**

The unpaid property maintenance charges (DM001) and unpaid fire inspections (OC10) listed pertain to the following properties:

TM# 201-3-11.1	**$25.00 (OC10)**
TM# 203-4-4	**$242.57 (DM001)**
TM# 203-5-16.2	**$245.98 (OC10)**
TM# 204-3-19	**$130.00 (DM001)**
TM# 205-4-62	**$195.00 (DM001)**
TM# 205-4-69	**$311.88 (DM001)**
TM# 207-2-1	**$390.00 (DM001)**
TM# 208-1-12	**$1,170.00 (DM001)**
TM# 211-1-1	**$947.58 (DM001)**
TM# 212-2-2	**$725.56 (DM001)**
TM# 212-7-6.2	**$25.00 (OC10)**
TM# 212-7-10	**$292.50 (DM001)**
TM# 213-1-30	**$316.27 (DM001)**
TM# 215-1-9	**$3,447.06 (DM001)**
TM# 219-3-97	**$270.56 (DM001)**
TM# 219-3-108	**$405.84 (DM001)**
TM# 220-4-6.1	**$195.00 (DM001)**
TM# 227-1-44	**$195.00 (DM001)**
TM# 227-1-55	**$390.00 (DM001)**
TM# 228-1-13	**$169.34 (DM001)**
TM# 228-2-17	**$1,459.08 (DM001)**

On a motion by Trustee Behringer, seconded by Trustee Karl

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

INTRODUCTION OF LOCAL LAW #7 OF 2023 - AMENDING RESCINDING LOCAL LAW #2 OF 2023 & SCHEDULING OF PUBLIC HEARING:

VILLAGE OF MONROE
NOTICE OF INTRODUCTION OF LOCAL LAW #7 of 2023
A LOCAL LAW AMENDING RESCINDING LOCAL LAW 2 OF 2023

BE IT RESOLVED, that an introductory Local Law, titled "**RESCINDING LOCAL LAW 2 OF 2023,**" which prohibited all recreational access to Mombasha Lake is hereby introduced by Mayor Dwyer before the Board of Trustees of the Village of Monroe, County of Orange, State of New York; and

BE IT FURTHER RESOLVED, that a copy of the aforesaid proposed Local Law be laid upon the desk of each member of the Board of Trustees; and

BE IT FURTHER RESOLVED that the Board of Trustees shall hold a public hearing on said proposed local law at the Village Hall, 7 Stage Road, Monroe, New York at 7 PM on May 16, 2023; and

BE IT FURTHER RESOLVED that the Village Clerk shall publish or cause to be published a public notice in the official newspaper of the Village of Monroe no later than five (5) days prior thereto.

On a motion by Trustee Karl, seconded by Trustee O'Connor

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

RESOLUTION FOR AN AUDIT OF THE NEW YORK STATE 2022 GENERAL ELECTION:

This topic has been tabled for Attorney Terhune to review.

APPOINTMENT – HEAVY EQUIPMENT OPERATOR – M. PASCULLO:

RESOLVED, the Board of Trustees approves the recommendation of Working Leader Aldo Chiappetta, and appoints Matthew Pascullo, 44 High Street, Chester, NY 10918. Mr. Pascullo has been preapproved by Orange County Department of Human Resources with an effective date of May 3, 2023 at a rate of pay of $38.27/hour.

On a motion by Trustee Karl, seconded by Trustee O'Connor

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

COMPLETION OF PROBATION – POLICE OFFICER F. ROWE:

RESOLVED, Police Officer Frederick Rowe has hereby completed his probationary period effective May 1, 2023. The necessary MSD-426-B will be submitted to OC Department of Human Resources.

On a motion by Trustee Behringer, seconded by Trustee Ferraro

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

RESIGNATION – P/T CODE ENFORCEMENT – T. KECK:

RESOLVED, the Board of Trustees accepts the resignation of Part-Time Code Enforcement Officer Thomas Keck Jr. effective April 28, 2023. The Board wishes him well with his future endeavors.

On a motion by Trustee O'Connor, seconded by Trustee Karl

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

AUTHORIZATION TO ADVERTISE – INVITATION TO BID – MILL POND SOUTH DREDGING PROJECT:

RESOLVED, the Board of Trustees authorize the Village Clerk to place a legal notice in the Times Herald Record advertising the Mill Pond South Dredging Project provided by Consulting Engineers, Cornerstone Engineering and Geology, PLLC, 100 Crystal Run Road, Suite 101, Middletown, NY 10941, with a bid opening scheduled for Friday, June 9, 2023 at 10:00AM.

On a motion by Trustee Ferraro, seconded by Trustee Karl

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

RESCIND AMENDMENT TO VILLAGE OF MONROE SUMMER CARNIVAL – ACE TENT AMUSEMENTS:
(Minutes 2/7/2023, 3/21/2023, 4/3/2023)

RESOLVED, the Board of Trustees rescind the 2023 amended contract with Ace Tent Amusements for the additional weekend of Friday, July 21, 2023 through Sunday, July 23, 2023 for the Village of Monroe Summer Carnival to be held in Crane Park. The Village of Monroe Summer Carnival is still scheduled for the original dates of Thursday, July 27, 2023 through Sunday, July 30, 2023 with the signed contract on file in the Clerk's Office.

On a motion by Trustee O'Connor, seconded by Trustee Karl

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

AUTHORIZATION TO ADVERTISE / P/T BILLING CONTROL CLERK POSITION:

RESOLVED, the Board of Trustees directs the Village Clerk to advertise utilizing the Village's website and Constant Contact for the position of P/T Water Billing Control Clerk as follows:

P/T BILLING CONTROL CLERK

The Village of Monroe Water Department seeks a detail-oriented, responsible individual with excellent people and administrative skills. The work involves responsibility for routine clerical and keyboarding tasks in connection with office organization and the preparation of the Village's quarterly water bills. Work is performed under the general supervision of the Water Plant Operator and involves the exercise of independent judgement and accuracy in maintaining computer files on all water customers and in the billing of customers for water use. Applicant must be able to work independently as well as demonstrate proficiency in Microsoft Word and Excel. Bookkeeping skills a plus. Appointee will be subject to a background check. Hourly salary is dependent on experience.

Please submit resume and cover letter to Mayor Neil Dwyer, 7 Stage Road, Monroe, NY 10950.

On a motion by Trustee Karl, seconded by Trustee O'Connor

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

MAYOR & TRUSTEE'S REPORT:

Trustee Behringer was happy to see what a success Clean Sweep was. As a reminder, be mindful of keeping the Village clean. She wishes this event was more than once a year.

Trustee Ferraro reminded the public of the meeting for Crane Park at Town Hall on Saturday, May 6, 2023 beginning at 12:30pm. This meeting is for ideas to be shared for keeping Crane park beautiful and making it even better.

Trustee Karl asked about the violation at 13 Lakes Road, had Mayor Dwyer found a contractor to secure and remove the porch. Mayor Dwyer said there were no bidders. Trustee Karl will look further for contractors to see if he can find one.

Trustee Karl noticed the removal of bushes at the 1 Stage Road parking area. Mayor Dwyer said they are on their way with the project for the parking area.

Trustee Karl asked about No Parking signs for Spring Street and Stage Road along with the guardrail that was to be installed. Mayor Dwyer said that the Chief met with the DPW last spring and it had not been done as of yet. Currently, there is new administration in the DPW and the signs are now ordered and mark-outs are being done. The DPW is waiting for a price for the guardrail for Stage Road and the guardrail for the corner of 17M and Stage Road so that they may proceed with the installation and repairs needed.

Trustee Karl let the Board and the public know that a $100.00 donation was received by Walmart for the fireworks display. He has reached out to larger corporate stores and has been disappointed with the response for donations. The street fair will be discussed amongst the Board for the Independence Day Celebration. He would like to see local organizations and no food trucks, as the generators are loud. As a reminder, the fireworks are scheduled for Sunday, July 2, 2023. We are looking forward to a more robust show given by Garden State Fireworks this year.

Trustee O'Connor has been working with the Treasurer for proposals of new or enhanced accounting software for the finance department.

ATTORNEY'S REPORT:

Nothing to report.

PUBLIC COMMENT: # PRESENT 17 TIME: 7:50PM

Micelle Hieronymi, Village resident, was very disappointed that the resolution for an audit to the New York State General Election was tabled. Mayor Dwyer apologized and explained that counsel would have

to do some research before the resolution can be adopted.

Tammy Bierker wanted to know what was in the proposed Local Law #7 of 2023, Rescinding Local Law #2 of 2023. She was informed it would be placed on the website Wednesday for viewing.

Mariann Bischoff wanted to verify that Local Law #7 of 2023 is the rescinding of Local Law #2 of 2023.

Paulette Browne, Village resident, has handed in a letter she would like placed in the minutes. See attached to the minutes.

EXECUTIVE SESSION:

On a motion by Trustee Behringer, seconded by Trustee Karl, and carried, following a 5-minute recess, the Board convened in Executive Session at 8:00 PM for discussion of Personnel and Attorney Client.

OPEN SESSION:

On a motion by Trustee Ferraro, seconded by Trustee Behringer, and carried, the Open Meeting resumed at 9:25 PM.

AUTHORIZATION TO SIGN - WIRELESS PROPCO, LLC – 133 SPRING STREET, MONROE, NY:
(Minutes 3/21/2023)

RESOLVED, the Board of Trustees authorize Mayor Dwyer to sign the proposal with Wireless Propco, LLC, 44 South Broadway, White Plains, New York 10601 for a 65-year lease for $1.45 million payable upon the signing of this agreement.

On a motion by Trustee Behringer, seconded by O'Connor

Ayes: Trustees Behringer, Karl and O'Connor
Nays: None

ADJOURNMENT:

On a motion by Trustee Behringer, seconded by Trustee O'Connor and carried, no further business, the meeting was adjourned at 9:30 PM.

Respectfully Submitted,

Kimberly Zahra
Village Clerk

ZARIN & STEINMETZ

Daniel M. Richmond
dmrichmond@zarin-steinmetz.com

May 12, 2023

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

Re: ***Public Hearing Comments:***
Draft Comprehensive Plan Update

Dear Mayor Dwyer and the Honorable Board of Trustees:

On behalf of multiple residents and property owners, who are listed on the bottom of the page,[1] we respectfully write to object to certain portions of the draft Comprehensive Plan Update, which run afoul of the New York Court of Appeals holding barring exclusionary zoning, and requiring that municipalities must give consideration "to regional needs and requirements." *See Berenson v Town of New Castle*, 38 N.Y.2d 102, 108 & 110-111 (1975) (citation omitted). Moreover, the Village must prepare an environmental impact statement ("EIS") under the State Environmental Quality Review Act ("SEQRA") if it continues to wish to pursue these revisions.

Improper Exclusionary Zoning

Berenson concerned the constitutionality of the Town of New Castle's efforts to exclude multifamily housing, similar to what the draft Comprehensive Plan Update proposes here. In its decision, the Court of Appeals first reiterated that it had previously been "careful to note that

[1] This letter is submitted on behalf of: Avrohom Flohr, 283 Spring Street; Solomon Zwiebel, 254 High Street; Moishe Bernath, 131 Franklin Avenue; Abraham Cohn, 380 Spring Street; Samuel Huss, 325 High Street; Moshe Strulovitch, 82 Lakes Road; Joel Bernath, 133 Franklin Avenue; Shaya Jacobowitz, 9 Pearsall Drive; Chaim Bernath, 5 Hall Court; Abraham Werczberger, 33 Highland Avenue; Ari Weinberger, 98 Gilbert Street; Joel Jacobowitz - 270 Schunnemunk Road; Joel Moskowitz, 42 Midoaks Street; Esther Jacobowitz, 270 Schunnemunk Road; Esther Bernath, 133 Franklin Avenue; Miriam Cohn, 380 Spring Street; Simmy Moskowitz, 42 Midoaks Street; Fraidy Weinberger, 98 Gilbert Street; Zalmen Ganz, 14 Sutherland Drive; Moshe Strulovitch, 82 Lakes Road; Sarah Strulovitch,82 Lakes Road; Joseph Indig, 12 Rosmini Lane; Toby Indig, 12 Rosmini Lane; Chaim Gluck , 33 Meribeth Lane; Jacob Weberman 18 Meribeth Lane; Yides Weberman, 18 Meribeth Lane, and; Leah Z Weberman, 18 Merebeth Lane.

'community efforts at immunization or exclusion' would not be countenanced." *See Berenson*, 38 N.Y.2d at 108, *quoting Golden v. Planning Bd. of Town of Ramapo*, 30 N.Y.2d 359, 378 (1972); *Asian Americans for Equality v. Koch*, 72 N.Y.2d 121, 133 (1988) ("Exclusionary zoning may occur either because the municipality has limited the permissible uses within a community to exclude certain groups, or has imposed restrictions so stringent that their practical effect is to prevent all but the wealthy from living there. *It is a form of racial or socioeconomic discrimination which we have repeatedly condemned.*" (emphasis added, citations omitted); *Gernatt Asphalt Products v. Town of Sardinia*, 87 N.Y.2d 668, 683 (1996) ("An ordinance shown to be enacted for an improper purpose or that has an exclusionary effect is invalid. *A community may not use its police power to maintain the status quo by preventing members of lower and middle socioeconomic groups from establishing residency in the municipality*") (emphasis added); *Land Master Montg I, LLC v. Town of Montgomery*, 54 A.D.3d 408, 410 (2d Dep't) (declaring that Comprehensive Plan and Local Laws that eliminated multifamily housing districts constituted unconstitutional exclusionary zoning), *appeal dismissed*, 11 N.Y.3d 864 (2008); *Continental Bldg. Co. v Town of North Salem*, 211 A.D.2d 88, 92 (3d Dep't 1995) ("A municipality may not zone to exclude persons having a need for housing within its boundaries or region."), *leave to appeal denied*, 86 N.Y.2d 818 (1995).

The *Berenson* Court then held that "in enacting a zoning ordinance, consideration must be given to regional needs and requirements," particularly with respect to multifamily housing, explaining that:

> It may be true, for example, that New Castle already has a sufficient number of multiple-dwelling units to satisfy both its present and future populations. However, residents of Westchester County, as well as the larger New York City metropolitan region, may be searching for multiple-family housing in the area to be near their employment or for a variety of other social and economic reasons.

See Berenson, 38 N.Y.2d at 110; *id.* at 111 ("The second branch of the test is whether the town board, in excluding new multiple housing within its township, considered the needs of the region as well as the town for such housing.").

Of special relevance here, the Court of Appeals further held, of special relevance here, that "the local desire to maintain the Status quo" must be balanced with "*the greater public interest that regional needs be met,*" holding that:

> Although we are aware of the traditional view that zoning acts only upon the property lying within the zoning board's territorial limits, it must be recognized that zoning often has a substantial impact beyond the boundaries of the municipality. Thus, the court in examining an ordinance, should take into consideration not only the general welfare of the residents of the zoning township, but should also consider the effect of the ordinance on the neighboring communities.

See id. at 110-111 (emphasis added).

Here, significant sections of the draft Comprehensive Plan Update violate these principles. First, Recommendation H.1.2.1, which proposes the elimination of the UR-M district from any remaining vacant lands patently contravenes these principles by stating that it was prompted by the "public's clearly indicat[ing] that townhouses and multifamily housing is not a preferred option" and that "townhouse and multifamily housing outside of the downtown has the potential to encroach on the existing single-family character of most of the Village's neighborhoods." *Compare Berenson*, 38 N.Y.2d at 108 & 110-11. For the same reason, Recommendation H.1.2.2, which calls for the "[p]romot[ion of] small-lot single family residential developments as an alternative to townhouses and multifamily development" improperly promotes unconstitutional exclusionary zoning. While the draft Comprehensive Plan Update summarily asserts in connection with this recommendation that "rental multifamily and one- to three-bedroom condominium multifamily are also readily available in the Village and the region," this assertion contradicts the facts and is unsupported by empirical evidence.

The draft Comprehensive Plan Update, for example, acknowledges that "census data indicates a decline in housing units between 2010 and 2020," but without apparent empirical support, asserts it is "more likely [that there was] an increase of at least 4%." (*See* draft Comprehensive Plan Update, at 30). Moreover, beyond its unsupported claim of a housing increase, there is scant analysis of the types of housing available in the area as compared to the type of housing needed in the Village and regionally.

Likewise, Recommendations H.2.1.1 and H.2.2.1, which advocate for "continu[ing] to exclude two-family uses in the SR-20 and SR-10 districts," and "[d]isallow[ing] multifamily conversions," respectively, also improperly promote exclusionary zoning and fail to account for the regional needs. *Compare Berenson*, 38 N.Y.2d at 108 & 110-11. Similarly, Recommendation H.2.2.2, which calls for "[r]equir[ing] stricter property maintenance laws for multifamily residential uses," appears tainted by an improper exclusionary intent. *Compare Berenson*, 38 N.Y.2d at 108 & 110-11.

Finally, Recommendation T.1.1.2, which recommends "[p]rohibit[ing] the construction of any new cul-de-sacs, except for no other arrangement is viable," appears improperly aimed at preventing the construction of much needed housing in the Village and the region. *Compare Berenson*, 38 N.Y.2d at 108 & 110-11.

Proposed Comprehensive Plan Update
Requires An EIS Under SEQRA

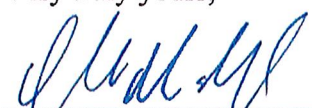
"[T]he adoption of a municipality's land use plan" is a Type I Action under SEQRA, meaning that it presumptively requires an EIS. *See* 6 N.Y.C.R.R. § 617.4(b)(1); *Land Master Montg I*, 54 A.D.3d at 411 ("The adoption of a comprehensive plan and related zoning laws is a 'Type I Action' pursuant to SEQRA, thus presumptively having a significant effect on the environment."). This presumption is particularly weighty here because "the impact that a project

may have on population patterns or existing community character, with or without a separate impact on the physical environment, is a relevant concern in an environmental analysis [under SEQRA]" because the statute "expressly includes [in its definition of 'environment'] physical conditions such considerations as "existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character." *See Chinese Staff & Workers Ass'n v. City of N.Y.*, 68 N.Y.2d 359, 366 (1986), *quoting* N.Y. Envtl. Conserv. L. § 8-105(6). Thus, "the potential displacement of local residents and businesses is an effect on population patterns and neighborhood character which must be considered in determining whether the requirement for an EIS is triggered. *See Chinese Staff & Workers Ass'n*, 68 N.Y.2d at 366-67; *Land Master Montg I*, 54 A.D.3d at 411 (holding that a Town Board's attempt to avoid preparing an EIS in connection with its Comprehensive Plan and Local Law purporting to eliminate multifamily housing was arbitrary and capricious and affected by an error of law).

Here, so much of the draft Comprehensive Plan Update as recommends measures to exclude or burden the development of multifamily housing in the Village clearly surpasses the established low threshold under SEQRA requiring the preparation of an EIS. *See id.*

We appreciate the Board's time and consideration, and we are available to answer any questions your Board may have. Please let us know if the Board has any questions or would like us to elaborate on any points(s) raised in this letter.

Very truly yours,

By : 

Daniel M. Richmond

CATANIA, MAHON & RIDER, PLLC
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(ALSO ADMITTED IN)
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May 12, 2023

VIA E-MAIL ONLY
Mayor Neil Dwyer & Village Trustees
Village of Monroe
7 Stage Road
Monroe, NY 10950

RE: Village Introductory Local Law No. 4 of 2023
Village's Proposed Landmarks Preservation Law
Our File No.: 15602-67066

Dear Mayor Dwyer and Village Trustees:

My firm represents Isaac Wieder, the owner of 160 Stage Road, Monroe, NY. On behalf of Mr. Wieder, we submit this public comment in opposition to the Village's proposed adoption of Introductory Local Law No. 4 of 2023, known as the Village of Monroe Landmarks Preservation Local Law (hereinafter the "Landmarks Law"). Just as any other local land use regulation, local historic preservation laws are subject to the limitations imposed by the protections in the U.S and New York State Constitutions.[1] Here, the Village's proposed local law is fraught with insufficient standards and procedures and overreaching and ambiguous language that will not survive a constitutional challenge.

First, the Landmarks Law seeks to regulate ordinary maintenance and repair of buildings, but fails to provide any process to follow; or more importantly, the criteria the Historic Preservation Commission (HPC) is supposed to adhere to in reviewing these simple maintenance and repair request by property owners. If a property owner wants to make ordinary maintenance and repairs, the law is ambiguous as to who determines when those maintenance and repairs

[1] See, 2 Rathkopf's The Law of Zoning and Planning Section 19:24 (4th ed.).

trigger a review by the HPC. Does a property owner need to check in with the Building Department every single time they touch their property?

The second questionably aspect of the Landmarks Law concerns the notice and hearing requirements prior to the Village Board's issuance of a "notice of proposed designation" more accurately, the issue is the lack of any notice and a hearing. Any resident of the Village, the HPC or even the Village Board may initiate a proposed designation and trigger the notice. Under proposed §200-80(1)(b), the Village Board is essentially empowered to issue a moratorium prohibiting all work involving the landmark, (or district,) proposed for designation so long as the proposed designation is under active consideration, and until the Village Board has made its decision on the designation. In addition, pursuant to §200-80.A(6), once the Village Board has issued a "notice of a proposed designation", no building permits or demolition permits may be issued for that property.

The Landmark Law fails to provide any standards or criteria for the Village Board to consider before issuing that extremely impactful "notice of proposed designation". That mere notice essentially prevents the property owner from doing anything with his/her property. Nor is the Village Board's decision to issue the "notice of proposed designation" required to be in writing. More egregiously, there will be no notice or hearing offered to the property owner prior to the Village Board's determination to place a work moratorium on someone's property.

As this Village Board already knows well, when a local municipality proposes a moratorium, it must comply with hearing and notice requirements before enacting any moratorium so not to run afoul of basic constitutional due process rights. Thus, any resident can initiate the designation process for another resident's property. That could immediately and arbitrarily trigger a work moratorium on the property (or properties) proposed for designation at the complete and unfettered discretion of the Village Board, without any notice or hearing opportunity for the affected property owner.

The entire designation process can take months. Indeed, the Landmark Law fails to provide any maximum timeframe in which the Village Board must schedule the public hearing on the designation itself. Therefore, the Village Board can sit on the designation application for months before even processing it; while, during that time, the property owner is prevented from obtaining any permits, or doing any work on the property. The Landmarks Law should contain a specific number of days for the Village Board to schedule a public hearing on the designation. Likewise, the Certificate of Appropriateness and Economic Hardship application processes also omit any specific time frames in which the HPC must schedule a public hearing, after receipt of a complete application. These time limitation provisions are very common in the review of special use and site plan applications and should be included here.

Next, Section 200-84.C authorizes the HPC to unilaterally suspend a demolition application process for almost six (6) months, and force an applicant to negotiate with local preservation groups and the public. Although, the proposed provision may have good intentions,

it is completely unreasonable for the HPC to halt the application process, and require the applicant to discuss his/her intentions on their property with local preservation groups, as well as just about any single member of the public. I once was told, "Don't negotiate with a gun to your head".

Finally, §200-87 requires an applicant to appeal a decision by the HPC relating to a certificate of economic hardship or appropriateness with the Village Board within fifteen (15) days of the decision. Considering that NYS Village law allows thirty (30) days to file an Article 78 proceeding against a ZBA or Planning Board and sixty (60) days to challenge a building inspectors' determination to the ZBA; fifteen (15) days is unreasonable. Moreover, an aggrieved applicant should just be able to initiate an appeal with the courts via an Article 78 proceeding. They should not be forced to exhaust their administrative remedies before the very same board that adopted these overreaching and burdensome regulations.

Based upon the above, Mr. Wieder asks that the Village Board reject the Landmarks Law as currently written because it is filled with numerous potential constitutional challenges.

Very truly yours,

JOHN W. FURST

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Cc: Mr. Isaac Wieder

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May 2, 2023

VIA E-MAIL

Mayor Neil Dwyer and Trustees
Village of Monroe
7 Stage Road
Monroe NY 10950

Re: Introductory Local Law No. 5 of 2023, the Village of Monroe Place of Worship and Schools Local Law

Dear Mayor and Trustees of the Village of Monroe,

My firm represents many residents of the Village, including Avrohom Flohr, Solomon Zwiebel, Moishe Bernath, Abraham Cohn, Samuel Huss, Moshe Strulovitch, Joel Sofer, Joel Bernath, Joel Werzberger, Zishe Reich, Shaya Jacobowitz, Chaim Bernath, and Leah Goldberger, who practice their religion within their homes and at local synagogues and other places of worship. On behalf of our clients, we submit this public comment in opposition to the Village's proposed adoption of Introductory Local Law No. 5 of 2023, the Village of Monroe Place of Worship and Schools Local Law. The proposed law fundamentally violates the Free Exercise Clause of the First Amendment to the United States Constitution by attempting to regulate how residents of the Village practice their faith and limiting the times and places in which they may do so.

"The Free Exercise Clause protects both an individual's private right to religious belief and the performance of (or abstention from) physical acts that constitute the free exercise of religion, including assembling with others for a worship service." *Agudath Israel of Am. v Cuomo*, 983 F3d 620, 631 (2d Cir 2020). The Village is singling out religious uses, which entitled to strenuous protection under New York law and the New York and United States Constitutions, for occupancy limits, minimum lot areas based on occupancy, and hour limitations on individual's practice of religion that no other land use is subject to under the Village Zoning

Code. This is precisely the kind of discriminatory treatment of religious uses that the Supreme Court has cautioned does not satisfy constitutional scrutiny. Indeed, even during the emergency times of the COVID-19 pandemic, the Supreme Court explained that similar limits on the occupancy of places of worship violate the First Amendment because they "single out houses of worship for especially harsh treatment" and do not satisfy strict scrutiny. *R.C. Diocese of Brooklyn v Cuomo*, 141 S.Ct. 63, 66 (Nov. 25, 2020). The Place of Worship law proposed fares no better.

Beyond the Place of Worship law's constitutional infirmity, the proposed law violates state law and is effectively intended to exclude residential places of worship from the Village entirely. The Second Department has held that occupancy limits like those proposed here are not within a municipality's powers, especially where there is no evidence at all that existing religious uses in the Village have had a detrimental impact on health, safety, or welfare. *See Summit School v Neugent*, 82 AD2d 463, 471 (2d Dept 1981) ("Provisions in a special use permit which relate to the total number of students are invalid, because they apply to the details of the operation of the business and not to the zoning use of the premises"(cleaned up)). Moreover, the parking space requirements for residential places of worship propose requirements that virtually no property owner could satisfy on a typical residential lot, even if the Planning Board were to exercise its discretion to waive 25% of the additional required parking. Other provisions, including unreasonable vegetative buffering requirements, treat religious uses of land as if they are a nuisance to be segregated from the public. Not even adult uses in the Village are subject to such strict restrictions under the Zoning Code.

Finally, although the Village's review of the draft 2023 comprehensive plan remains ongoing, the Village is attempting to split apart the Place of Worship Law from the remainder of the Village's SEQRA review of the comprehensive plan, in violation of segmentation principles. Segmentation, which is "contrary to the intent of SEQR" (6 NYCRR § 617.3[g][1]), is defined as "the division of the environmental review of an action such that various activities or stages are addressed . . . as though they were independent, unrelated activities, needing individual determinations of significance." Id. § 617.2(ag). New York courts have repeatedly emphasized that artificially breaking a review into a series of smaller actions, which may appear independent and unrelated, often distorts and inappropriately minimizes the environmental impacts of the project as a whole. *See e.g. Matter of Long Is. Pine Barrens Socy. v Town Bd. of Town of Riverhead*, 290 AD2d 448 (2d Dept 2002), *lv denied* 98 NY2d 615 (2002); *Matter of Citizens Concerned for Harlem Val. Envt. v Town Bd. of Town of Amenia*, 264 AD2d 394, 394 (2d Dept 1999), *lv denied* 94 NY2d 759 (2000); *Matter of Scenic Hudson v Town of Fishkill Town Bd.*, 258 AD2d 654, 656 (2d Dept 1999); *Matter of Teich v Buchheit*, 221 AD2d 452, 453-454 (2d Dept 1995). By considering the Place of Worship law in a separate review, prior to finalizing the Village's comprehensive plan, the Village is impermissibly splitting apart what should have been considered as a comprehensive amendment to the Village Zoning Code, plainly in order to minimize the cumulative environmental impacts of these actions.

Our clients urge the Village Board to reject the proposed Village of Monroe Place of Worship and Schools Local Law. Should the Village proceed with its adoption nevertheless, my clients reserve their rights to seek court intervention to protect their constitutionally guaranteed rights to the free exercise of religion without unwarranted governmental intrusion.

Very truly yours,

Robert S. Rosborough IV

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May 12, 2023

VIA E-MAIL ONLY
Mayor Neil Dwyer & Village Trustees
Village of Monroe
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Monroe, NY 10950

RE: Village Introductory Local Law No. 5 of 2023
Village's Proposed Place of Worship & Schools Law
Our File No.: 15602-67066

Dear Mayor Dwyer and Village Trustees:

My firm is sending this letter on behalf of numerous residents of the Village, including Shaya Iliovits, Frimet Iliovits, Joel Bernath, Abraham Werczberger, Esther Werczberger, Faigy Zwiebel, Shevy Zwiebel, Leah Flohr, Moshe Brach, Goldy Brach, Sarah Strulovitch, who practice their religion within their homes and at local synagogues, as well as other places of worship. We submit this public comment in opposition to the Village's proposed adoption of Introductory Local Law No. 5 of 2023, known as the Village of Monroe Place of Worship and Schools Law (hereinafter the "Proposed Law"). As already noted by many other residents and congregations within the Village, the Proposed Law infringes upon the Free Exercise Clause of the First Amendment of the U.S. Constitution as well as other constitutional protections. As the Village was previously advised, the First Amendment preserves the Constitutional right to assemble and freely worship with others.[1] The Village has also already been reminded that mandating limits on the occupancy of places of worship (similar to what the Village proposes here), violate the First

[1] Agudath Israel of America v. Cuomo, 983 F.3d 620, 631 (2d Cir. 2020).

Amendment because they "single out houses of worship for especially harsh treatment" and do not satisfy strict scrutiny.[2]

In addition to the constitutional challenges, the Proposed Law violates long-standing New York case law that has protected religious uses. New York courts have continually recognized that, by their very nature, religious uses are beneficial to the public welfare.[3] Therefore, proposed religious uses must be accommodated, even if it would be inconvenient for the community.[4] New York State's policy is to foster, rather than hinder, religious uses and such uses may not be excluded from residential districts.[5] The need for a central residential location has set religious uses apart from other uses and justifies the special treatment.[6] Here, the Village's proposed Law contradicts all of these basic protections by overregulating local places of worship and even restricting how residents can practice religion in their own home. The Village is attempting to subject places of worship and schools to unreasonable regulations that, in effect, exclude religious uses in residential areas. The Proposed Law is meant to single out Orthodox worshipers and private religious uses within the Village; and zone them out of existence.

Indeed, the protection of religious uses is so important and interwoven into the American fabric of life, Congress enacted the Religious Lane Use and Institutionalized Persons Act (RLUIPA) in 2000. RLUIPA essentially codified the above noted constitutional and case law protections, and preempts local zoning and land use controls that: (1) exclude religious assemblies, (2) unreasonably limit religious assemblies, institutions, or structures, (3) treats religious uses on less than equal terms with nonreligious uses, (4) discriminates against religious uses, and (5) imposes a substantial burden on the religious exercise of a person unless the government demonstrates a compelling public interest and utilizes the least restrictive means of furthering that interest.[7]

For example, it is well settled that municipalities must subject religious and non-religious uses to equal terms.[8] The relevant inquiry is whether "religious and non-religious comparators are subject to regulations, that while potentially different, have the same objectives."[9] Put simply, a municipality must apply the same regulations to religious uses and secular comparators, or demonstrate "compelling reasons" for treating religious uses more harshly. A lack of complaints concerning secular uses or the potential of religious uses to involve a greater number of individuals

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[2] R.C. Diocese of Brooklyn v. Cuomo, 141 S.Ct. 63, 66 (November 25, 2020).
[3] Holy Spirit Ass'n for Unification of World Christianity v. Rosenfeld, 91 A.D.2d 190, 197, 458 N.Y.S.2d 920 (2d Dept. 1983).
[4] Id.
[5] Diocese of Rochester v. Planning Board of Town of Brighton, 1 N.Y.2d 508, 154 N.Y.S.2d 849 (1956).
[6] New York Zoning Law and Practice, 4th Edition, Section 11:27, p 11-44.
[7] 42 U.S.C.A. Section 2000cc(2)(a) and (2)(b).
[8] Third Church of Christ, Scientist, of New York City v City of New York, 617 F Supp 2d 201, 213 [SDNY 2008], affd, 626 F3d 667 [2d Cir 2010].
[9] Id.

at a property are not "compelling reasons."[10] The Proposed Law certainly does not subject religious and secular uses to equal terms. Indeed, the Proposed Law requires owners of single-family homes to obtain a special use permit for religious gatherings, but not secular gatherings. Under the Proposed Law, a single-family home could be used for essentially any type of regular secular gathering without any zoning restrictions. Social gatherings, like weekly parties for example, are not regulated while monthly prayer groups are. There is no reason religious gatherings should be subject to a special use permit and secular gatherings of the exact same nature should not.

The Proposed Law also imposes a substantial burden on religious exercise by requiring a special use permit and arbitrarily limiting the number of individuals that may gather for religious purposes. Similarly, the Proposed Law is not the least restrictive means of furthering legitimate interests. In one Federal court case, the court held that a municipality could not limit the number of people attending a religious gathering at a single-family.[11] The court held that by limiting the number of people allowed to attend a gathering, the regulation at issue did nothing to address potentially legitimate public interests like parking.

Besides the illegality of the Proposed Law itself, the Village's process is procedurally flawed. As you well know, the State Environmental Quality Review Act (SEQRA) requires the Village Board to consider all the relevant impacts that the Proposed Law will have on the surrounding community. The Village Board's analysis is not limited to purely physical environmental impacts.[12] The Village must also study impacts to existing patterns of population growth, or the concentration and distribution of the same, including the displacement of certain populations due to zoning amendments.[13] Here, if the Law is passed it would clearly restrict and even prevent the longstanding Orthodox Jewish families who live within the Village from practicing their religion; and, if the proposed law somehow stands, would cause them to relocate. Thus, SEQRA reaches social, demographic and even religious impacts. The Village Board must take a "hard look" at these impacts and make a reasoned elaboration of the basis for its determination.[14] In this instance, the use of an Environmental Impact Statement (EIS) is the appropriate manner in which to study these sweeping changes to the Village's current land use plan and zoning regulations.

Finally, all zoning amendments must be consistent with the Village's Comprehensive Plan.[15] Since the Spring of 2022, the Village has been in the process of drafting a new plan. That process remains ongoing to this very day. In the Village Board's haste to unreasonably restrict its residents' rights to practice their religion, the Village is attempting to adopt new zoning regulations

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[10] Id.
[11] Com'n of Town of New Milford, 148 F Supp 2d 173, 190 [D Conn 2001].
[12] Chinese Staff and Workers Ass'n v. City of New York, 68 N.Y.2s 359, 365, 509 N.Y.S.2d 499 (1986)
[13] Jackson v. New York State Urban Development Corp., 67 N.Y.2d 400, 419, 503 N.Y.S.2d 298 (1986)(EIS studied the potential displacement of elderly due to proposed project) and Chinese Staff and Workers Ass'n v. City of New York, 68 N.Y.2s 359, 366, 509 N.Y.S.2d 499 (1986)
[14] H.O.M.E.S. v. New York State Urban Development Corp., 69 A.D.2d 222, 418 N.Y.S.2d 827, 832 (4th Dept. 1979).
[15] New York State Village Law §7-704 and Udell v. Haas, 21 N.Y2d 463, 288 N.Y.S.2d 88 (1968).

without first adopting a Comprehensive Plan. How can this Proposed Law be in accordance with a Comprehensive Plan that has not been finalized?

The Village is "putting the cart before the horse" and trying to segment this Proposed Law from the Village's current drafting process for its new Comprehensive Plan, as well as the corresponding SEQRA review that should be taking place. Segmentation, which is "contrary to the intent of SEQRA"[16], is defined as "the division of the environmental review of an action such that various stages are addressed. . .as though they were independent unrelated activities, needing individual determinations of significance."[17] In considering this Proposed Law separately and before the draft Comprehensive Plan is adopted, the Village is impermissibly carving out a zoning regulation that should be considered as part of the eventual comprehensive amendment to the Village's Zoning Code, *after the Comprehensive Plan is adopted.*

Based upon the above, and similar submissions to the Village Board, these residents urge the Village Board to reject the Proposed Law. If the Village still decides to adopt the Proposed Law, we suggest that the Village place its insurance carrier on notice of the impending lawsuit(s) that will be brought by the residents to challenge it. We have advised the residents of their legal rights, should the Village proceed with passing this over reaching and illegal law.

Very truly yours,

JOHN W. FURST

JWF/2294971

[16] 6 NYCRR Section 617.3(g)(1)
[17] 6 NYCRR Section 617.2(ag)

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May 12, 2023

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

Re: **Public Hearing Comments:**
Proposed Local Law 5 of 2023

Dear Mayor Dwyer and the Honorable Board of Trustees:

On behalf of multiple residents and property owners, who are listed on the bottom of this page,[1] we respectfully write to object to proposed Local Law 5 of 2023, which seeks to create regulations pertaining to residential gathering places, places of worship, and schools ("Proposed Local Law"). The unnecessarily burdensome restrictions in the Proposed Local Law will have the effect of practically excluding such uses altogether, in violation of established principles of both State and Federal law. Moreover, the Village must prepare an environmental impact statement ("EIS") under the State Environmental Quality Review Act ("SEQRA") if it continues to wish to pursue the Proposed Local Law.

Overview of New York State and Federal Law
Protecting Religious and Educational Uses

An overview of the applicable State and Federal Law is necessary in order to help your Board understand the serious illegalities in the Proposed Local Law.

[1] This letter is submitted on behalf of: Avrohom Flohr, 283 Spring Street; Solomon Zwiebel, 254 High Street; Moishe Bernath, 131 Franklin Avenue; Abraham Cohn, 380 Spring Street; Samuel Huss, 325 High Street; Moshe Strulovitch, 82 Lakes Road; Joel Bernath, 133 Franklin Avenue; Shaya Jacobowitz, 9 Pearsall Drive; Chaim Bernath, 5 Hall Court; Abraham Werczberger, 33 Highland Avenue; Ari Weinberger, 98 Gilbert Street; Joel Jacobowitz - 270 Schunnemunk Road; Joel Moskowitz, 42 Midoaks Street; Esther Jacobowitz, 270 Schunnemunk Road; Esther Bernath, 133 Franklin Avenue; Miriam Cohn, 380 Spring Street; Simmy Moskowitz, 42 Midoaks Street; Fraidy Weinberger, 98 Gilbert Street; Zalmen Ganz, 14 Sutherland Drive; Moshe Strulovitch, 82 Lakes Road; Sarah Strulovitch,82 Lakes Road; Joseph Indig, 12 Rosmini Lane; Toby Indig, 12 Rosmini Lane; Chaim Gluck , 33 Meribeth Lane; Jacob Weberman 18 Meribeth Lane; Yides Weberman, 18 Meribeth Lane, and; Leah Z Weberman, 18 Merebeth Lane.

Under New York law, "it is well established as a matter of public policy that educational or religious uses of land are 'presumed to have a beneficial effect on the community.'" *Westchester Day School v. Village of Mamaroneck*, 417 F.Supp.2d 477, 562 (S.D.N.Y. 2006), *aff'd*, *Westchester Day School v. Village of Mamaroneck*, 504 F.3d 338, 351 (2d Cir. 2007) (citation omitted); *see also Cornell Univ. v Bagnardi*, 68 N.Y.2d 583, 594 (1986).

As such, since municipalities' power to regulate land use is derived solely from their police powers to promote the morals, health, welfare and safety of the community, municipalities may not prohibit these uses from *any* zoning districts. *See id.* (holding that religious and educational uses may not be barred from residential districts); *Trustees of Union Coll. in Town of Schenectady in State of N.Y. v. Members of Schenectady City Council*, 91 N.Y.2d 161, 165 (1997) ("With the police power as the predicate for the State's delegation of municipal zoning authority, a zoning ordinance will be struck down if it bears no substantial relation to the police power objective of promoting the public health, safety, morals or general welfare," and affirming vacatur as unconstitutional of legislation purporting to prohibit educational uses from historic districts); *Albany Preparatory Charter Sch. v. City of Albany*, 31 A.D.3d 870, 871 (3d Dep't 2006) (holding that the general principles of *Cornell* and *Trustees of Union College* "apply with equal force to areas zoned commercial as well as those zoned residential," and holding that provisions of municipal zoning ordinance resulting in a wholesale exclusion of educational uses from certain commercial districts was unconstitutional).

Moreover, under State law, and of special relevance here, municipalities cannot impose conditions on religious or educational uses that "by their cost, magnitude or volume, operate indirectly to exclude such uses altogether." *Cornell Univ.*, 68 N.Y.2d at 596. Additionally, "under New York law, a municipality may not demand that a religious institution show that '*no* ill effects will result from the proposed [religious or educational] use in order to receive a special permit,' because such a requirement 'fails to recognize that educational and religious uses ordinarily have inherent beneficial effects that must be weighed against their potential for harming the community." *Westchester Day School*, 504 F.3d at 351, *quoting Cornell Univ.*, 68 N.Y.2d at 338; *see also Westchester Reform Temple v Brown*, 22 N.Y.2d 488, 497 (1968) (holding that even "where an irreconcilable conflict exists between the right to erect a religious structure and the potential hazards of traffic or diminution in value, the latter must yield to the former"); *McGann v Inc. Vill. of Old Westbury*, 186 Misc.2d 661, 662 (Sup. Ct. Nassau Cty. 2000) ("So strong is the presumption of public benefit [for religious institutions] that ordinarily such factors bearing on public health, safety and welfare as neighborhood appearances, adverse effect on property values, loss of tax revenue, decreased enjoyment of neighboring properties and traffic hazards are insufficient to rebut the presumption.").

In fact, because of their presumed beneficial effect, religious and educational uses must be afforded "special treatment" with respect to zoning ordinances. *See, e.g., Apostolic Holiness Church v. Z.B.A. of Town of Babylon*, 220 A.D.2d 740, 743 (2d Dept. 1995). The requisite "special treatment" for religious and educational institutions means that while they "are not exempt from local zoning laws, 'greater flexibility is required in evaluating an application for a religious use

than an application for another use and every effort to accommodate the religious use must be made.'" *Rosenfeld v. Z.B.A. of Ramapo,* 6 A.D.3d 450, 451 (2d Dep't 2004).

On the Federal level, the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA") prohibits land use regulations that impose a "substantial burden" on religious exercise unless a government can show: (i) a "compelling governmental interest," which is; (ii) implemented in the "least restrictive means" possible. *See* 42 U.S.C. 2000cc(a)(1); *cf. Fortress Bible Church v. Feiner*, 694 F.3d 208, 220 (2d Cir. 2012) (holding that the First Amendment generally prohibits government actions that 'substantially burden the exercise of sincerely held religious beliefs' unless those actions are narrowly tailored to advance a compelling government interest. In other words, such actions are subject to strict scrutiny by reviewing courts" (citation omitted)).

Federal Courts adjudicating whether a "substantial burden" has been imposed under RLUIPA and the First Amendment in the Second Circuit are informed by New York State religious land use law, and, in particular, what actions may be deemed "arbitrary and capricious" under New York law. *See Westchester Day School*, 504 F.3d at 351 ("deem[ing] it relevant to the evaluation of [the religious school's] particular substantial burden claim that the district court expressly found that the zoning board's denial of the school's application was 'arbitrary and capricious under New York law,'" and discussing New York law). Thus, in assessing whether a substantial burden had been imposed, the Second Circuit recognized in *Westchester Day School* that:

> uunder New York law, a municipality may not demand that a religious institution show that '*no* ill effects will result from the proposed use in order to receive a special permit,' because such a requirement 'fails to recognize that educational and religious uses ordinarily have inherent beneficial effects that must be weighed against their potential for harming the community.'

Id. at 351, *quoting Cornell Univ.*, 68 N.Y.2d at 597.

RLUIPA also prohibits municipalities from adopting land use regulations that treat religious assemblies or institutions on less than equal terms with nonreligious assemblies or institutions. *See* 42 U.S.C. § 2000cc(b)(1); *Third Church of Christ, Scientist, of N.Y.C. v. City of N.Y.*, 626 F.3d 667, 669 (2d Cir. 2010) (holding that determining whether a municipality has treated a religious entity "on less than equal terms" requires comparing its treatment of religious entities as compared to secular ones).

For the reasons set forth below, the Proposed Local Law's regulation of religious uses is in violation of these principles on multiple bases.

Religious Uses Illegally Excluded From Certain Districts

In the first instance, none of the newly-defined uses are proposed to be permitted in the GB (General Business) or Village Recreation (VR) Districts. Moreover, "residential gathering places" and "schools of general instruction" are not proposed to be included in the CB District. These categorical exclusions are illegal under State Law. *See Trustees of Union Coll.*, 91 N.Y.2d at 165; *Albany Preparatory Charter Sch.*, 31 A.D.3d at 871. Moreover, they violate RLUIPA's equal terms provision, including in the GB District, which allows comparable and even more impactful uses, such as hotels and motels, shopping centers, offices, restaurants, and in the VR District, which allows indoor recreation facilities. If the Village Board opts to proceed in this ill-advised endeavor, it must at a minimum, redraft the legislation to include the proposed uses in these Districts, including with proposed reasonable bulk requirements, and re-notice the public hearing.

Proposed "Residential Gathering Places" Regulations Are Illegal

The proposed restrictions on "residential gathering places" are illegal, including, but not limited to, because: (i) by their "cost, magnitude, and volume" they will operate to indirectly exclude such uses altogether, in violation of *Cornell*; (ii) they violate RLUIPA by improperly imposing a "substantial burden" on religious exercise without: (a) any "compelling governmental interest," and; (b) are neither narrowly tailored nor implemented in the "least restrictive means" possible; (iii) they violate RLUIPA's equal terms provision, and (iv) improperly seek to regulate the internal operations of residences.

First, the proposed "residential gathering places" requirements on their face will operate to indirectly exclude small religious gatherings, including through their "cost, magnitude, and volume," both because of the restrictions they impose and the processes that they envision. The substantial parking requirements, for example, are onerous, costly, and appear intentionally incapable of implementation on residential lots. As the Village Board is aware, the religious community that these regulations appear to target do not drive on the Sabbath or religious holidays. Moreover, requiring additional parking based on square footage and/or seats, while simultaneously prohibiting parking or loading between the dwelling and any street line, is virtually impossible to satisfy on any typical residential lot.

Similarly, the screening requirements appear solely intended to foist costs on small religious groups, and appear completely contradictory of other requirements that "religious gathering places" "shall not change the architectural character" of the houses they are located within. Likewise, conferring unfettered discretion on the Planning Board to "impose additional restrictions" such as landscaping and fencing "to screen the residential gathering place from adjacent residential properties," imposes unwarranted and burdensome costs on small religious gatherings, which the Proposed Local Law itself recognizes would be inside a house like any other in the community.[2]

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[2] This provision is also unconstitutionally vague. *See, e.g., Town of Delaware v. Leifer*, 34 N.Y.3d 234, 247 (2019) (reiterating settled principle that a statute is unconstitutionally vague if "'it is written in a manner that permits or encourages arbitrary or discriminatory enforcement.").

Ultimately, the legislation appears aimed at compelling small religious gatherings to engage in processes (including, but not limited to multiple planning board appearances and inevitable appeals to the zoning board from the legislations onerous and unrealistic conditions) that, standing alone, will by their "cost, magnitude, and volume" improperly operate to indirectly exclude such uses altogether.

Moreover, the Proposed Local Law does not, because it cannot, articulate a compelling governmental interest to justify the substantial burden that would be imposed on "residential gathering places." As the Second Circuit recognizes, and as the United States Supreme Court has observed, "compelling governmental interests are those that protect public health, safety, or welfare." *See Fortress Bible Church v. Feiner*, 734 F.Supp.2d 409, 505 (S.D.N.Y., 2010). aff'd, 694 F.3d 208, 220 (2d Cir. 2012); *Westchester Day School*, 504 F.3d at 353 ("Compelling state interests are 'interests of the highest order.'"). The Proposed Local Law does not, because it cannot, explain why this legislation is required to "protect public health, safety, or welfare."

While the particular restrictions suggest that the legislation is mostly designed to provide screening and address aesthetic considerations, these are not compelling governmental interests. *See Westchester Day School*, 417 F.Supp.2d at 553 ("[T]he visual impact of the Project does not implicate a compelling government interest"); *Westchester Reform Temple*, 22 N.Y.2d at 497; *McGann*, 186 Misc.2d at 662. Even if they were, delegating to the Planning Board the unfettered authority to impose additional restrictions on landscaping and fencing would not be the least restrictive means of accomplishing this objective.

Moreover, the Village has no compelling governmental interest in imposing parking requirements in connection with small religious gatherings of a community that that does not drive on the Sabbath or religious holidays.

In addition, the proposed "residential gathering place" requirements also impermissibly substantially burden religious exercise by its prohibition against gatherings in temporary structures or outside of detached buildings for more than 5 days a year. First, during the Jewish religious Holiday of Sukkot, Jews are required to eat in a sukkah, which is a booth or tent-like structure, for 8 days. Tents also may be required to accommodate Jewish religious congregations on Holidays, including the period from the Jewish New Year (Rosh Hashanah) to the Day of Atonement (Yom Kippur), another period which exceeds 5 days. There also may be other times of the year when religious congregations need to put up tents and take them down, either before or after religious Holidays or the Sabbath, which may require more than 5 days. The Proposed Local Law does not, because it cannot, articulate a compelling governmental interest in preventing these religious practices.

The proposed "residential gathering place" regulation also violates the equal terms provision of RLUIPA. The proposed bulk requirements in the UR-M District, for example, would

only allow a "residential gathering place" to be 30' high, while a one-family detached dwelling can be 35' high. In addition, prohibiting homeowners from renting out or utilizing any space within their residential gathering place "for meetings or functions not directly convened or hosted by the residents of the principal one-family detached dwelling" is unreasonable. By treating residential gathering places as *accessory* to residential uses, and then limiting what homeowners can do with spaces inside their own homes, the Village is essentially singling out residential places of worship and treating them differently from other residences.

In addition, the proposed regulations improperly seek to regulate "the manner of the operation of the particular enterprise conducted on the premises." *See Long Island University v. Board of Appeals of Inc. Village of Old Westbury*, 122 A.D.2d 53, 53 (2d Dept. 1986). The Proposed Local Law provides no justification for its efforts to regulate the internal operations of single-family residences. By way of example, prohibiting the utilization of residences "for meetings or functions not directly convened or hosted by the residents of the principal one-family detached dwelling" would unreasonably prohibit normal life-cycle events, such as weddings (unless initiated by the homeowner) at residences labeled as "residential gathering places." Notably, there do not appear to be such restrictions prohibiting other residences from allowing people to host a wedding or other gatherings at their property.

Proposed "Neighborhood Place of Worship" Regulations Are Illegal

The proposed restrictions on "neighborhood places of worship" are also illegal, including, but not limited to, because: (i) by their "cost, magnitude, and volume" they will operate to indirectly exclude such uses altogether, in violation of *Cornell*; (ii) they violate RLUIPA by improperly imposing a "substantial burden" on religious exercise without: (a) any "compelling governmental interest," and; (b) are neither narrowly tailored nor implemented in the "least restrictive means" possible, and ; (iii) they violate RLUIPA's equal terms provision.

To begin with the bulk requirements applicable to "neighborhood places of worship are unreasonably burdensome, are not related to impacts on public health, safety, and welfare, and would by their "cost, magnitude, and volume" improperly operate to indirectly exclude such uses altogether. The Proposed Local Law, for example, provides no justification for doubling the lot area requirements for religious assembles" in the SR-10 District, tripling it in the SR-20 District, and increasing it more than sixfold in the UR-M District. Indeed, given that the use is the same regardless of the district in which it is located, the varying lot area requirements appear patently arbitrary. Certainly, no compelling interest is proffered for these bulk requirements.

The proposed bulk requirements also violate RLUIPA's equal terms provision. For example, while the Proposed Local Law would require, in the SR-20 District, that a "neighborhood place of worship" be located on a lot of at least 65,340 square feet, and have lot coverage limited to 25%, the Village Code allows convalescent homes in the same district on lots less than half that size (30,000 square feet) but with lot coverage of up to 60%. Similarly, in the CB District, theaters and cultural centers, as well as many other comparable and more intense uses, appear exempt from bulk requirements.

The Proposed Local Law's requirement that classrooms, social halls, administrative offices, baths and gymnasiums and/or indoor recreation facilities in their "aggregate shall be subordinate to the size and function of the neighborhood place of worship" is unconstitutionally vague, *see Town of Delaware,* 34 N.Y.3d at 247, and appears designed to inhibit the ability of these institutions to serve their communities. *See Lawrence School Corp. v. Lewis*, 174 A.D.2d 42, 46 (2d Dept. 1992) (holding that "educational and religious institutions are generally entitled to locate on their property facilities for such social, recreational, athletic and other accessory uses as are reasonably associated with their educational or religious purposes"). The purported outdoor recreational limitation is outright illegal.

In addition, the Proposed Local Law's requirement that a "school of general instruction" established at the site of a "neighborhood place of worship" be treated as an "additional principal use," and that the "cumulative minimum lot area of each principal use shall be satisfied" is also unreasonable and illegal, including because its "cost, magnitude, and volume" would operate to indirectly exclude the colocation of such uses.

Other requirements relating to "neighborhood places of worship" are also unduly burdensome and illegal, including, but not limited to, the excessive parking requirements, the prohibitions and mandates on the location of parking and loading areas, the mandate for 20'-wide landscaped areas, and the limitation on cooking facilities. The grant of unfettered discretion to the Planning Board is, again, unconstitutionally vague. *See, e.g., Town of Delaware,* 34 N.Y.3d at 247.

Proposed "Community Place of Worship" Regulations Are Illegal

For many of the same reasons the proposed restrictions on "neighborhood places of worship" are illegal, so, too, are the proposed restrictions on "community places of worship," including, but not limited to, because: (i) by their "cost, magnitude, and volume" they will operate to indirectly exclude such uses altogether, in violation of *Cornell*; (ii) they violate RLUIPA by improperly imposing a "substantial burden" on religious exercise without: (a) any "compelling governmental interest," and; (b) are neither narrowly tailored nor implemented in the "least restrictive means" possible, and ; (iii) they violate RLUIPA's equal terms provision.

Initially, the bulk requirements applicable to "community places of worship" are unreasonably burdensome, are not related to impacts on public health, safety, and welfare, and would by their "cost, magnitude, and volume" improperly operate to indirectly exclude such uses altogether. Again, the Proposed Local Law, for example, provides no justification for increasing by sixfold the lot area requirements from "religious assembles" in the SR-10 and SR-20 Districts, tripling it in the SR-20 District, and increasing it twelvefold in the UR-M District. Again, the arbitrariness of the bulk requirements is evidenced by the fact that while the use is the same regardless of the district in which it is located, the bulk requirements vary wildly. Certainly, again, no compelling interest is proffered for these bulk requirements.

The proposed bulk requirements also, again, violate RLUIPA's equal terms provision. For example, while the Proposed Local Law would require, in the SR-20 District, that a "neighborhood place of worship" be located on a lot of at least 120,000 square feet, and have lot coverage limited to 25%, the Village Code allows convalescent homes in the same district on lots less than a fourth of that size (30,000 square feet) but with lot coverage of up to 60%. Similarly, in the CB District, theaters and cultural centers, as well as many other comparable and more intense uses, appear exempt from bulk requirements.

The Proposed Local Law's requirement that religious schools, social halls, and indoor recreation areas "shall be subordinate in aggregate to the size and function of the community place of worship" is unconstitutionally vague, *see Town of Delaware,* 34 N.Y.3d at 247, and appears designed to inhibit the ability of these institutions to serve their communities. *See Lawrence School Corp.*, 174 A.D.2d at 46 (holding that "educational and religious institutions are generally entitled to locate on their property facilities for such social, recreational, athletic and other accessory uses as are reasonably associated with their educational or religious purposes").

In addition, the Proposed Local Law's requirement that a "school of general instruction" established at the site of a "neighborhood place of worship" be treated as an "additional principal use," and that the "cumulative minimum lot area of each principal use shall be satisfied" is also unreasonable and illegal, including because its "cost, magnitude, and volume" would operate to indirectly exclude the colocation of such uses.

Other requirements relating to "community places of worship" are also unduly burdensome and illegal, including, but not limited to, the excessive parking requirements, the prohibitions and mandates on the location of parking and loading areas, and the mandate for 20'-wide landscaped areas. Again, the grant of unfettered discretion to the Planning Board is unconstitutionally vague. *See, e.g., Town of Delaware*, 34 N.Y.3d at 247.

Proposed "School of General Instruction" Regulations Are Illegal

For many of the same reasons that the previously discussed restrictions are illegal, so, too, are the proposed restrictions on "schools of general instruction," including, but not limited to, because: (i) by their "cost, magnitude, and volume" they will operate to indirectly exclude such uses altogether, in violation of *Cornell*, and; (ii) insofar as they relate to religious schools, they violate RLUIPA by improperly imposing a "substantial burden" on religious exercise without: (a) any "compelling governmental interest," and; (b) are neither narrowly tailored nor implemented in the "least restrictive means" possible.

Initially, the bulk requirements applicable to "schools of general instruction" are unreasonably burdensome, are not related to impacts on public health, safety, and welfare, and would by their "cost, magnitude, and volume" improperly operate to indirectly exclude such uses altogether. The Proposed Local Law, for example, provides no justification for the excessive minimum bulk requirement of 120,000 square feet, or the further requirement that 50,000 square feet be added for each additional increment of 50 students. Moreover, regulations include multiple

unreasonable and unjustifiable requirements, including, but not limited to, requiring that: (i) the appearance of "schools of general instruction" be "of similar design aesthetic in conformity with the scale and character of the neighborhood;" (ii) excessive open space and restrictions on its location; (iii) excessive and impractical landscaping; (iv) unrealistic and onerous parking requirements, particularly insofar as it ties parking requirements to student counts since most children do not drive (indeed, the Law's assumption that 1 parking space is needed for each 2 enrolled students over 16 years old reflects an unduly entitled perspective and certainly does not reflect the realities of Jewish religious schools), and; (v) delegation to Planning Board of control over faculty and staff arrivals and departure time (and no discussion of how this would relate to students).

Proposed Local Law Requires
An EIS Under SEQRA

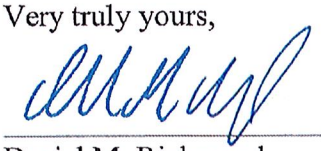
The Proposed Local Law, which appears particularly geared toward impacting the religious practices of a particular religious community that, by its tenets, much live near its houses of worship, clearly has the potential to impact population patterns, population concentration, distribution, and/or growth, which are critical considerations under SEQRA. *See Chinese Staff & Workers Ass'n v. City of N.Y.*, 68 N.Y.2d 359, 366 (1986), *quoting* N.Y. Envtl. Conserv. L. § 8-105(6). Indeed, the Proposed Local Law appears aimed at causing significant adverse impacts to one community in this regard. The Proposed Local Law's potential impacts in this regard clearly surpass the established low threshold under SEQRA requiring the preparation of an EIS. *See id.*

Conclusion

As drafted, the Proposed Local Law violates State and Federal legal and constitutional requirements on multiple counts and, respectfully, appears impermissibly targeted at the Jewish religious community in the area. The Village has not, and cannot, set forth any compelling interest in substantial burdening the religious practices of this community. To the contrary, respectfully, the legislation appears to be motivated by bad faith and discriminatory animus. Should your Board proceed to adopt this flawed legislation, our clients will not hesitate to challenge it in Court, including seeking all appropriate legals costs and fees.

We appreciate the Board's time and consideration, and we are available to answer any questions your Board may have. Please let us know if the Board has any questions or would like us to elaborate on any points(s) raised in this letter.

Very truly yours,

By : 

Daniel M. Richmond

ZARIN & STEINMETZ

Daniel M. Richmond
dmrichmond@zarin-steinmetz.com

May 12, 2023

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

Re: ***Public Hearing Comments:***
Introductory Local Law 6 of 2023:
Amendment to Village Architectural Review Laws

Dear Mayor Dwyer and the Honorable Board of Trustees:

On behalf of Joel Mann, the owner of properties located at 236, 238, 240, and 252 Elm Street (Section, Block and Lot Numbers 203-5-26.1, 26.2, 27 & 28) and Avigdor Waldman, the owner of properties located at 424 and 430 North Main Street and 434 New York Route 208 (Section, Block and Lot Numbers 202-1-1, 2 & 4), we respectfully write to make one specific but critical objection to certain language in the above-referenced proposed Local Law.

In particular, our clients object to so much of the proposed Local Law as would improperly constrain the Building Inspector's authority by preventing it from authorizing field changes. The draft Local Law now states that "[a]ny deviation from the approved architectural renderings or materials shall require an amendment to the approval by the Planning Board." (*See* Draft Local Law 6 of 2023, § 4(E).) Section 200-5 of the Village of Monroe Zoning Code defines a "field change" as "[a] change or adjustment to an approved site development plan, due to field conditions, that will not substantially alter the intent, layout or design of the approved plan."

It is common in most municipalities to allow the Building Inspector to authorize such routine and minor changes. This is because requiring developers to reappear before the Planning Board anytime minor architectural alterations occur would cause unnecessary time, project delays, and other expenses and to conserve municipal resources.

Our clients recognize that Section 200-72(H)(2) of the Village Code sets forth similar language unduly constraining the authority of the Building Inspector, and, for the reasons set forth

herein, we likewise recommend that that Section also be amended in the interest of conserving the time, money, and resources of both the Village and developers.

We appreciate the Board's time and consideration, and we are available to answer any questions your Board may have. Please let us know if the Board has any questions or would like us to elaborate on any points(s) raised in this letter.

Very truly yours,

By : _____
Daniel M. Richmond

cc: Joel Mann
Avigdor Waldman

May 2, 2023

Mayor Dwyer: cc: Trustees Behringer, Karl,
Ferrara, O'Connor
Village Clerk
Village Attorney

For about the last 4 years I have been asking Mayor Dwyer to clean up the dead trees and loose and dead branches in the woods near the cul-de-sac to my home. . Prior to the last four years the Mayor and I spoke in person but when a large branch feel as two teens were walking out of the woods near the fallen branch which fell just a few seconds before, I decided to start putting my complaints in writing. Last week the Mayor and your alleged "supervisor" of the DPW met with me and went over what had to be done which also included the grass line which the DPW mowers chose not to mow but instead created a new grass line closer to the cul-de-sac. It was about 12" or more higher athan the mowed areas. I have attached a copy of my email to the Mayor after the DPW workers cut down more than seven healthy trees which they were never asked to do. When the truck returned again today, Aldo and two of his employees were there. I went out to speak with them and Aldo insisted I said to also remove the trees near the road but there were no trees near the road. There was one branch from one tree overhanging to the curb and that was it. Did he not understand English when we all met! It is clear he does not have the background, the education or the Civil Service requirements of passing the Civil Service test to be the head of the department.

As a registered nurse and retired NYS Dept. of Health Inspector I learned very quickly "No doumented, no done". I have 4 years worth of emails stating I was concerned that a child may be hurt as they played in the "woods". I was concerned about the Villages

liability. Each nice day there are a few Hasidic children going down into the woods walking to the stream.

I am still concerned but now really do not care what is done in that area because I intend to give a few nieghbors and good friends copies of all the emails so when the first child is hurt, the emails will be available to be presented to an attorney representing any child's family indicating notice to the Village was given not once but on many occasions. The Village of Monroe could then be sued with documented evidence.

Arlette Browne

he DPW workers

May 1 at 5:26 PM

PrintRaw message

paulettedbrowne@frontiernet.net <paulettedbrowne@frontiernet.net>
To: Neil Dwyer <mayor@villageofmonroe.org>

Does you DPW "supervisor" understand English!! I never asked for healthy trees to be cut down. I asked for dead trees and branches and the branches broken off dead trees plus all the branches scattered throughout the woods be cleaned up. Well. the guys came and mowed then another crew came and what did they clean up - NOTHING. In all none of the guys were here for even anything near 2 hours. Was it perhaps you who said it would take them all week??? They cut down very healthy trees and never touched any of the downed trees and branches in the woods. It looks like they were cutting down by my cul-de-sac so as to move the vegetation closer to the woods. That was not requested. I need you to come back and perhaps take some pictures so your DPW supervisor can see exactly what needs to be done. Are the healthy trees now going to be replaced by the Village!!!
Paulette Browne