



OFFICE OF THE BUILDING INSPECTOR  
VILLAGE OF MONROE  
7 Stage Road  
Monroe, NY 10950  
(845) 782-8341

## PERMIT REVIEW

WC Lincoln Corp.  
5 Second Street  
Highland Mills, NY 10930

7/17/2023

Reference: Permit application for demolition of 47 Lakes Road main dwelling (S/B/L/ 211-1-1)

I have received your completed application for the demolition of the single-family dwelling located at 47 Lakes Road on June 27, 2023 (see attached application). The Village Board enacted a moratorium on all buildings and structures located in the Historic District and all building listed or eligible for listing on the State of New York Historic Register (see attached local law).

Your property was listed as eligible according to the Cultural Resource Information and Historic System (CRIS). Accordingly, as per the attached law, this was referred to the Village Board for a determination whether the permit should be issued in whole or in part.

Despite the letter received from NYS Parks, Recreation and Historic Preservation on July 12, 2023 removing your property from the eligible listing (see attached), the Village Board at a meeting held on July 13, 2023 commenced Eminent Domain Proceedings with respect to this property also known as the Roscoe Smith Homesite (see attached resolution). Today, July 17, 2023 I have been directed by the Village Board not to issue the demolition permit as per the attached email.

If you have any other questions please contact the Village Attorney

Thank You

James Cocks  
Building Inspector



## Resource Information:

**Date:** July 12, 2023  
**Staff:** Kathy Howe  
**Name:** Roscoe Smith property  
**Location:** Lakes Rd, MONROE, NY

## Resource Status:

1. **Determination:** Not Eligible
2. **Contributing:** Not Determined

## Criteria for Inclusion in the National Register:

- A.  Associated with events that have made a significant contribution to the broad patterns in our history.
- B.  Associated with the lives of persons significant in our past.
- C.  Embodies the distinctive characteristics of a type, period or method of construction; or represents the work of a master; or possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction.
- D.  Have yielded, or may be likely to yield information important in prehistory or history.



## Summary Statement:



**EXECUTIVE SESSION SPECIAL MEETING  
BOARD OF TRUSTEES  
THURSDAY, JULY 13, 2023  
([www.villageofmonroe.org](http://www.villageofmonroe.org))**

The following resolution was offered by O'Connor, seconded by Ferraro, to wit:

**RESOLUTION OF THE VILLAGE BOARD OF THE  
VILLAGE OF MONROE ("VILLAGE") AUTHORIZING  
VARIOUS ACTIONS PURSUANT TO THE NEW YORK  
EMINENT DOMAIN PROCEDURE LAW WITH RESPECT  
TO THE ROSCOE SMITH HOMESITE**

WHEREAS, to accomplish its governmental purposes, the Village is authorized and empowered to acquire by eminent domain pursuant to the New York Eminent Domain Procedure Law ("EDPL") or other means those real property interests necessary and/or appropriate to further its stated purposes; and

WHEREAS, the Village is seeking to acquire and preserve the former homesite of Roscoe Smith (the "Site") for the purpose of preserving the historic structures and creating public gardens or parkland;

WHEREAS, the Site is located at 47 Lakes Road and is further identified as Tax Map Parcel No. 211-1-1 in the Village of Monroe, Town of Monroe, County of Orange; and

WHEREAS, the Site contains approximately 19.8 acres of land, which include a historic home that was once the home site of Roscoe Smith, a water body, a stone dam and subsequent pond, stone pillars with entry gate, two pedestrian footbridges, two waterwheels and two additional outbuildings of unknown purpose which may have been moved to the property as part of Smith's hobby of acquiring structures, and a; and

WHEREAS, Roscoe Smith was founder of Orange and Rockland Utilities and widely recognized as the man who brought electric light to the Hudson Valley. In 1905 he convinced investors to buy stock in his planned electric company, resulting in the incorporation of the Orange Utilities Company by the end of the year. Over the course of his career Smith's company acquired and merged with many power companies, eventually becoming Orange and Rockland Utilities, Inc. Smith's passion extended beyond entrepreneurship as he was a philanthropic antiquarian, having donated land for the museum village of Smith's Clove in which he displayed his collection of twenty buildings dating from the 18th and early 19th centuries. Smith's passion for collecting is also visible at the Roscoe Smith House, which was reportedly built c. 1906, and displays artifacts within the landscape including waterwheels, windmills, and grist mill stones. After Smith's death in 1976, the property remained in his family until it was sold 20 years later.

WHEREAS, the Site also has important environmental considerations including maintaining the waterway and stone dam which contributes to the pond on the property as well as

the two ponds located in the center of the Village around which parkland and walking trails are located.

WHEREAS, the Village wishes to preserve the historic structures on the Site, to maintain the historic characterization of the entire Site, to use the Site to educate Monroe residents and visitors alike as to the importance of Roscoe Smith, and finally to create beautiful park/landscaped areas for the public to enjoy; and

WHEREAS, a Full Environmental Assessment Form and supporting documents is being prepared for review by the Village and its consultants; and

WHEREAS, representatives for the Village have contacted the record owners of the Site and will continue to negotiate with them to obtain title to the Site without the use of eminent domain, however, such negotiations, to date, have been unsuccessful.

NOW, THEREFORE, BE IT RESOLVED BY THE TRUSTEES OF THE VILLAGE AS FOLLOWS:

- (1) The Village Mayor, staff, attorney, engineering consultants and the Village's special legal counsel, Bond, Schoeneck and King, PLLC, are hereby authorized and directed:
  - a. To do such things or perform such acts and execute such documents as are necessary and/or appropriate to duly notice and conduct a public hearing as provided for under EDPL Article 2 including, but not limited to, retaining any professionals, consultants and contractors necessary to provide materials required under the EDPL in connection with a public hearing and the possible acquisition of the Site; and
  - b. To take all actions under EDPL § 404 to allow for and facilitate Village officers, agents, and contractors to enter upon the Site for the purpose of making surveys, test pits and borings, or other investigations, and also for temporary occupancy during construction, and for the preservation of the historic structure on the Site.

(2) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Village where the same shall be available for public inspection during business hours.

(3) This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

**Ayes: Mayor Dwyer, Trustees Ferraro and O'Connor**

**Nays: None**

**Absent: Trustees Behringer and Karl**

The foregoing resolution was thereupon declared duly adopted.

Kim Zahra, Village Clerk of the Village of Monroe, does hereby certify that the foregoing Order of Annexation of the Board of Trustees was filed in my office on the following date:

Kimberly Zahra July 13, 2023

## Jim Cocks

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**From:** Alyse Terhune <alyse@aterhunelaw.com>  
**Sent:** Monday, July 17, 2023 8:59 AM  
**To:** Jim Cocks; Debbie Proulx  
**Cc:** Neil Dwyer; Trustee Andrew Ferraro; Trustee Karl; Trustee Martin O'Connor; Debbie Behringer  
**Subject:** SBL 211-1-1

Good morning, Jim. During a meeting held on July 13, 2023, the Board of Trustees authorized eminent domain proceedings with respect to SBL 211-1-1. The property is of great historic importance to the Village as are several structures located thereon, including the Roscoe Smith house, which is currently the subject of an application for a demolition permit. The Board has instructed me to direct you **NOT** to issue that permit until such time as the Village enters the property pursuant to its right under EDPL §§ 404 and 302 to inspect the property.

Please call me at your convenience to discuss. Thank you.

**Alyse D. Terhune, Esq.**  
**82 East Allendale Road**  
**Saddle River, NJ 07458**  
**(201) 934-9800**

**PLEASE NOTE NEW EMAIL ADDRESS** [alyse@aterhunelaw.com](mailto:alyse@aterhunelaw.com)

This transmission contains information from the law firm of Alyse D. Terhune, Esq., which may be confidential and/or privileged. This information is intended for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution, or other use of this information is strictly prohibited. If you have received this transmission in error, please notify us by telephone at 201 934-9800 or by e-mail and delete the message.

### IRS CIRCULAR 230 DISCLOSURE:

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.



**BUILDING DEPARTMENT  
VILLAGE OF MONROE  
7 STAGE ROAD, MONROE, N.Y. 10950  
www.villageofmonroe.org**

Application #:	<u>2023-147</u>	Date:	<u>5/11/23</u>
Tax Map	<u>211-1-1</u>	Fee Amount:	<u>1169.00</u>
Zone	<u>SR-10</u>	Check	<input type="checkbox"/> # _____
Property Address:	<u>47 LAKES RD</u>	Cash	<input type="checkbox"/>
Date Approved:	_____	Credit Card	<input checked="" type="checkbox"/> <u>C.C. PMD 6/20/23</u>
Disapproved:	<u>7/17/23</u>	Inspector:	<u>[Signature]</u>

**APPLICATION FOR BUILDING PERMIT**

**Requirements for a Building Permit Application:**

1. **Two plot plan diagrams** locating clearly and distinctly all buildings whether existing or proposed, and location of proposed work to be done, including dimensions of proposed work, and all setback dimensions from property lines and existing structures.
2. **Two sets of Drawings/Plans** including specifications describing the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical, electrical and plumbing installations, Section, Lot and Block numbers and street address of lot where work will be performed.
3. **Fee** (see attached fee schedule for fee details)

APPLICATION IS HEREBY MADE to the Building Department for the issuance of a Building Permit, pursuant to the New York State Building Construction Code for the Construction of Buildings, additions or alterations, or for removal or demolition, as herein described. The applicant agrees to comply with all applicable laws, ordinances and regulations. Upon approval of this application, the Building Department will issue a Building Permit to the applicant together with an approved duplicate set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises available for inspection throughout the progress of work.

*No work covered by this application may be commenced before a Building Permit is issued. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Department.*

**Applicant Information:**

WC Lincoln Corp.  
Name (Please print)

5 second Street Highland Mills NY  
Address

Wclincolncorp@gmail.com  
Email address

845-637-6313  
Telephone

Applicant is: Owner  Lessee  Agent  Architect  Engineer  Contractor

If applicant is a corporation, name, title and signature of duly authorized officer: \_\_\_\_\_

If you would like to receive informational emails and updates from the Village of Monroe check here

**Property Information:**

Location of Property where work will be done: 47 lakes road (p/o sbl 211-1-1)

Property Owner (if different from Applicant): Name: \_\_\_\_\_

Address: \_\_\_\_\_ Tel. \_\_\_\_\_

**Nature of work (check which applicable):**

Addition  Alteration  Deck  Demolition  Fence  Grading/Filling  New Building  Pool/Hot Tub   
Pool Deck  Roof  Shed  Siding  Solar Panels  Sign  Other \_\_\_\_\_

Existing use and occupancy of property \_\_\_\_\_

Intended use and occupancy of property \_\_\_\_\_

**Detailed Description of Project**

will perform the Controlled Demolition and Disposal of the House being treated as PACM, by a NYS Licensed Abatement Contractor. which includes: Filing asbestos notification to NYS DOL, Air monitor, Project monitor, Loading and Hauling by licensed hazardous waste transporter, and Certification of job completion.

**FEES:** See attached fee schedule. All fees are to be paid at the time of application.

FEE: \_\_\_\_\_

**PROJECT CONTACTS:**

Contractor: Shalom environmental inc.

Address: 94 Seven Springs Rd Monroe, NY 10950

Phone No. 3475851705

**NOTE:** In order to process any permit, proof of Worker's Compensation must be provided. Acceptable forms include Form 105.2, U26.3 or CE-200 (No Accord Forms Accepted)

Electrician: \_\_\_\_\_

O. C. License # \_\_\_\_\_ Exp \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

*All electrical work must be performed by an Orange County licensed electrician.*

Applicant Signature: \_\_\_\_\_

Date: May 10 2023

**Consent of Property Owner if Applicant is not Property Owner:**

I, \_\_\_\_\_, am the owner in fee of the premises described in this application and have authorized \_\_\_\_\_ to make this application on my behalf.

Property Owner: \_\_\_\_\_

Date: \_\_\_\_\_

**It is the applicant's responsibility to call the Building Department to schedule inspections during construction and for final Certificate of Occupancy upon completion.**

**(845) 782-8341 x31**



**VILLAGE OF MONROE  
INTRODUCTORY LOCAL LAW PROVIDING FOR A  
TEMPORARY MODIFICATION TO CHAPTER 80  
OF THE VILLAGE OF MONROE MUNICIPAL CODE**

BE IT ENACTED by the Village Board of the Village of Monroe, Orange County, New York, as follows:

Section 1. Legislative Purpose.

The Board of Trustees of the Village of Monroe finds that there exist within the Village buildings and structures that have a special character or special historical or aesthetic interest or value in American history, architecture and culture; that it is feasible to preserve and continue the use of such improvements; and that such improvements face the danger of being uprooted and destroyed without adequate consideration of the irreplaceable loss to the people of the Village of Monroe of the aesthetic, cultural and historical values represented by such improvements. It is the sense of the Village Board that the standing of Monroe as a community steeped in the history and culture of Orange County and the Hudson Valley region requires the maintenance and enhancement of the historical, aesthetic, cultural and architectural heritage of the Village.

Section 2. Temporary suspension of demolition and structural modification permits.

A. The Board of Trustees finds and determines that structures and buildings located within the Village of Monroe Historic District (identified as 98NR01380), and all structures and buildings listed or eligible for listing on the State of New York Historic Register and/or the National Historic Register, whether located in the Historic District or not, are currently unprotected by local laws intended to preserve their historic character and, thus, are vulnerable to irreparable loss through insensitive modification which threatens the historic character or through complete destruction. Therefore, for a period of six (6) months following the date of adoption of this local law, the Board of Trustees hereby imposes a suspension on all permits issued pursuant to Chapter 80 of the Village of Monroe Code for whole or partial modification to or demolition of any and all structures or buildings located within the Historic District or identified as National Register, State Register, or eligible for listing on the National Register or State Register of Historic Places, on the Cultural Resource Information System (CRIS) published by the New York State Office of Parks, Recreation and Historic Preservation (SHPO). A copy of the Historic District and CRIS listing is appended to this local law. However, any building or structure that meets the criteria above is also subject to these provisions.

B. Nothing in this local law shall prohibit the demolition of a structure or building deemed

unsafe by the building inspector. However, if the structure or building is located within the Historic District or listed on or eligible for listing on the National Register or State Register of Historic Places, then the application for a demolition permit shall be referred to the Village Board for a determination whether the permit should be issued in whole or in part. To inform its decision, the Village Board shall cause the property to be inspected by the Village engineer, who shall issue a report as to whether all or any portion of the structure or building can safely remain.

### Section 3. Waiver

The record owner of a property covered by this suspension may apply to the Village Board of Trustees for a waiver for good cause shown. However, economic hardship alone shall not constitute good cause.

### Section 4. Expansion

This suspension may be extended by one (1) additional period of up to three (3) months by resolution of the Village Board upon a finding of need for such extension.

### Section 5. Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof.

### Section 6. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State

