

VILLAGE OF MONROE
ZONING BOARD OF APPEALS
MINUTES
April 8, 2025

Present: Chairman Baum, Member Gilstrap, Member Lanari, Member Doherty, Alternate Member Benros, and Village Attorney Ashley Torre

Absent: Member Margotta

Chairman Baum called the meeting to order at 8:00 p.m. with the Pledge of Allegiance.

Public Hearing of Application 15 Park Avenue

Continuation of public hearing on the amended application of Abraham Levy on behalf of 15 Park Ave, LLC for area variances from FAR Law Section 200-24.1B to permit construction of a single family dwelling which will exceed the maximum floor area ratio by 950 SF (1,550 SF maximum permitted; 2,500 SF proposed) and which will have less than the minimum rear setback of 35' (30' proposed); and more than the maximum lot coverage of 25% (30% proposed). The property is located in the SR-10 Zoning District and is identified as Tax Lot 202-2-11.1 on the Town of Monroe Tax Map and is known as 15 Park Avenue.

Chairman Baum announced that Member Margotta called him just before the meeting that he was tied up and either would not be able to make the meeting or would be late. Representative for Applicant, Mitchell Maier stated he wanted to wait until the full Board was present and would await the possible late arrival of Member Margotta.

Chairman Baum agreed to move onto the second scheduled application while awaiting arrival of Member Margotta. Full Board would include Alternate Member Benros as Member Gilstrap has recused himself.

Public Hearing of Application 123-125 Elm Street

The application of 123 Elm St LLC and 125 Elm Street LLC for variances from the Table of District Use and Bulk Regulations, GB Zoning District, to permit auto sales and repair shop with offices which will have less than the minimum lot area of 40,000 SF (39,518 SF is proposed), less than the minimum front setback of 50' (11.2' is proposed) and less than the minimum rear setback of 25' (4.9' is proposed). Applicant also seeks variances from Section 200-51(N) for less than minimum setback of 200' to a public recreation area (0' proposed to Heritage Trail and 90+/-' to Crane Park), from Section 200-64(A) & (B) to increase the existing non-conforming condition, from 200-51(O) to permit more than 5 vehicles to be stored outside for more than 48 hours, and from 200-51(I) to permit the storage of vehicles within a required yard. The property which is the subject of action by the Board is located in the GB Zoning District and is identified as Section 207, Block 1, Lots 2 & 3 on the Tax Map of the Village of Monroe and is known as 123-125 Elm Street.

Michael Morgante, Engineer representing the Owner stated that although this was his first time representing this property to the Board, it was not the first time the ZBA had this property before them. The Planning Board issued a negative declaration and the applicant is now back for the variances.

Chairman Baum raised the issue that the public hearing notice was sent by certified mail instead of regular mail. A discussion amongst Board Members ensued regarding the mailings. The Board agreed to hear the application as notice was timely sent and published and noted that a member of the public was present and had received notification.

The variances being requested were discussed. The applicant is combining 123 and 125 Elm Street lots to increase the lot area to 39,518 SF. 40,000 SF is the minimum required by code. A location for overflow parking lot was lease from Frontier Communication for 99 years for employee parking and not for storage of vehicles.

The property is within 200' of the Heritage Trail. The property is screened. No changes are proposed to the existing fence as the Orange County Department of Public Works wants the existing 6' chain link fence to remain (with slats included).

The front yard is being reduced from the required 50' to 11.2' for the pre-existing non-conforming office building to the north. The new addition will be set back 18.9'.

The rear yard is reduced to from the required 25' to 4.9' for the pre-existing nonconforming one-story garage.

The existing 2,000 SF building contains 4 bays and no office space. The applicant is proposing a 2,000 SF addition to first floor and a 4,000 SF second floor addition containing offices. The existing one-story building is 19.3' from the rear lot line and the second story would increase the degree of nonconformity.

They are seeking a variance to allow the storage of vehicles in the required front, rear and side yards and to allow storage of more than 5 vehicles outside for more than 48 hours. The storage area is screened by a fence to the rear and side yards. There will also be a fenced in area for the impounded cars.

The lack of screening in the front yard was discussed. The applicant indicated that any fencing or landscaping in the front would interfere with access for vehicles, tow trucks, plows and safe sight-line to enter and exit.

The applicant seeks to park up to 36 vehicles in the storage area. Some will be for auto repair, some will be for body work and some for the impounds. The Code does allow the holding of vehicles for not more than 60 days for insurance appraisal purposes covering property damage claims and to hold vehicles to perfect a garageman's lien and to hold vehicles for impound without regard to a specified limit. All vehicles will be registered and license plates will be on all vehicles.

Member Lanari questioned regarding lighting and security for the impound area.

Member Benros indicated that he felt 36 vehicles is too excessive and whether it included the impounded vehicles. The applicant indicated it did.

Member Lanari questioned if a larger property was sought.

The Board discussed Section 200-51(O) which allows not more than 5 licensed vehicles requiring minor repairs but has no limit on the number of vehicles for the other vehicles stored. There was concern of the storage area becoming a junk yard which would create a negative visual impact on neighborhood.

The applicant stated that they were looking to store 10-15 cars for minor repairs for up to 72 hours. Another 13 vehicles would be stored for up to 60 days for insurance and appraisal purposes and about 6-8 vehicles would be stored for impounds.

Concern was raised regarding the applicant storing cars across the street in the employee parking lot. The applicant stated the lot across the street would be used for employees only and a note to that effect would be placed on the site plan.

Member Gilstrap questioned if variance to allow more than 5 vehicles outside for more than 48 hours would grant an open-ended time essentially allowing an exemption from time limit of the law and quantity of vehicles. It is not practical to allow for an indefinite amount of time. It would be an eyesore.

Member Lanari was concerned with the timeframe as well. It may not be the same 36 cars.

The applicant stated that the auto body and repair include a spray booth. That the Heritage Trail has been in operation this way.

If the ZBA grants the variances, the applicant will return to the Planning Board for final site plan approval. They need the ability to store more than 5 cars for minor auto repair in order to serve their customers. They would agree to a limitation of 15 cars for no more than a week.

The Board discussed how such a condition can be monitored and enforced.

Open to Public

Michael Hagopian, Sr. spoke as a resident of the area asking where and how many tow trucks would be stored as presently it's mostly storage and tow trucks. They currently have 3-4 town trucks on site. Also, there is no exhaust on the building so they could not operate a spray booth without adequate exhaust. Can tell as there aren't any stacks on building. How will they move cars, how often, are they on the road to move?

Attorney Torre noted that the Code allows 1 Tow Truck.

No other Public Comment.

The Board discussed again the certified mailing. Postman must deliver certified in-person whereas regular mail is left in the mail box. The Applicant had proof that 5 certified mailings were received, including Mr. Hagopian who is present.

Motion by Chairman Baum to close public hearing. Seconded by Member Doherty. 5-0-0 favor. Public hearing closed at 9:25p.m.

The Board discussed a threshold on number of vehicles.

8 for impound.

15 for minor auto repair for up to 5 days

13 for insurance claims for 60 days.

At this time, the applicant for 15 Park Avenue waiting for additional Board Member Margotta requested to adjourn the public hearing to May ZBA meeting.

Motion by Chairman Baum to adjourn to May 13, 2025. Seconded by Lanari. 5-0 in favor. None opposed.

The Board began deliberations on the 7 Variances:

Setback of less than 200' to the Heritage Trail and Crane Park. The County didn't have any problem with it and Chairman Baum mentioned it was existing condition with a minimal encroachment.

The front setback is 50' and other properties in the area do not adhere to the 50' requirement. The 4.9' rear yard is existing. The new addition will be 18.8' from the front yard.

The variances did not seem to create a detriment.

The biggest concerns were 1) the storage of vehicles in the yards, especially the front yard; 2) the number of cars be stored and the concern it would look like a junk yard if a they stored junked cars for long periods of time; and 3) the concern that the parking lot across the street would be used to store vehicles.

Member Benros had to leave the meeting.

Chairman Baum made a motion to adjourn the discussion and to continue deliberations and the vote to next meeting of May 13, 2025. Board Members should visit the site. Seconded by Member Lanari. 5-0 in favor. None opposed.

Approval of Meeting Minutes of March 11, 2025

With minor edits discussed, motion by Member Gilstrap to accept the approval of Minutes. Seconded by Member Doherty. 4-0 in favor. Member Benros was not present to vote.

Old Business

Decided on meeting date for ZBA as Thursday, November 20, 2025. 4-0 in favor. Member Benros was not present to vote.

New Business

No new applications received.

There being no further business before the Board, Chairman Baum moved to adjourn. Seconded by Member Lanari. All in favor.

Meeting adjourned at 10:32 p.m.