

VILLAGE OF MONROE

Regular Meeting
February 24 2026

Present: Chairman Boucher (arrived late), Members Allen, Kelly, Iannucci, and Hafenecker. Attorney Cassidy and Engineers Higgins

Absent: Members Umberto, and Karlich.

Pledge of Allegiance.

On a motion made by Member Hafenecker and seconded by Member Allen it was resolved to:
Exit the Regular Meeting and enter the Public Hearing

Aye: 4 Nay: 0 Absent: 3

PUBLIC HEARING

Site Plan Review – Proposed addition / Condos

581 Route 17M - Monroe Pharm Plaza Condo (220-5-16.312)

Proposed 14,370SF 2 story office addition – condominiums

Present representing the applicant: Avi Weinberg, WeinbergLim Engineering

The Planning Board Secretary read the Public Notice into the record (attached). Mr. Weinberg gave a presentation and summary of the project being a 14,370 SF addition to 2 existing office buildings. This addition will be in the rear of a commercial site. The site is currently paved over so there is no environmental impact. There is ample parking and it will be used as office space. The existing buildings will get a facelift and realignment. Currently the site is blacktop but they will add some landscaping and clean up the site. They have been working with the Planning Board for a while and have come up with a nice plan for the site.

Maria Cordisco from 109 Ramapo Street was in attendance. She asked if the Zoning Code was approved and Attorney Cassidy responded that it is code compliant and seeking 1 area variance regarding the location of the dumpster. She also asked if commercial condos were private dwellings or just for businesses. They are for business and she wondered why additional office space was being built when there are so many empty storefronts. She also inquired about a traffic study and if one was done and the type of businesses taking into consideration that Route 17M is a high traffic area. Acting Chairman Kelly replied that there was a traffic study done and all records are publicly available to be viewed in the Planning Board office and many of the issues were already discussed by the Planning Board. Also, regarding the concern about vacancies of existing space that is a permitted use so it is not in our jurisdiction and a call for the developer. Member Allen stated that it is a risk that the developer takes.

There was no one else from the Village for public comment.

Attorney Cassidy stated that due to the weather the architectural drawings that Mr. Weinberg prepared were delayed. In light of this and since the ZBA does not meet until April she recommended keeping the Public Hearing open until the March 24, 2026 meeting. We will not re-notice but the public is welcome to attend.

On a motion made by Member Hafenecker and seconded by Member Allen it was resolved to:
Keep the Public Hearing open

Aye: 4 Nay: 0 Absent: 3

Member Iannucci asked Mr. Weinberg if they intend to make the outside of the existing building match the new addition. Mr. Weinberg replied that that is not planned. He also reiterated that the vacancies are the owner's risk and the project is code compliant. The zoning variance that is required is a code issue to relocate the dumpster and it is an improvement.

Site Plan Review – Proposed 2,000 SF addition

123-125 Elm Street – (207-1-2&3)

Proposed 2,000 SF addition & 4,000 SF addition above. Office space and to support the existing auto body repair shop

Present representing the applicant: Michael Morgante from Arden Consulting Engineers and Mr. Lipa Deutsch

Mr. Morgante said that they have received verbal comments from the board and have addressed the written comments from engineer Higgins and Attorney Cassidy (both attached). He noted that from Engineer Higgins' comment memo there are only a few items to be revised on the cost estimate and some procedural items such as consolidating the tax lots and other minor procedural items such as easement/meets & bounds items to be reviewed. He is requesting a conditional final approval. Attorney Cassidy reviewed the Draft resolution & Special Use Permit (attached). Regarding the Zoning Board of Appeals, she noted that the signed decision must be provided to the Planning Board (unexecuted copy attached). The number and location of loaner, lease, and U-Haul vehicles was discussed. Mr. Morgante said there would be approximately 5 U-Hauls that will be parked on the main site. He said the loaner/rental vehicles would only be there for a limited time before they are picked up and rentals would be onsite. Attorney Cassidy clarified that there are Loaner cars, Leased cars, and U-Hauls on site. Leased vehicles are delivered by someone in the office and not stored on site. Member Iannucci stated with all of the different vehicles on the site, all of the employees would have to park in the overflow site. If that overflow site is sold or the contract not renewed they would have to come back to the Planning Board. Chairman Boucher said that they are only allowed to have 5 vehicles for repair in the storage lot and they must be tagged with a date. Engineer Higgins questioned the size of the U-Haul trucks and where they would be stored was discussed. He also noted that larger vehicles taking up more than one space reduce the number of spaces calculated for the site. Attorney Cassidy said that the U-Hauls, as long as they are not damaged, do not have to be screened. The Board was trying to get a number of rental cars that would be on the site and Mr. Morgante said the max they have ever had is 10. The size of the U-Hauls on site will be limited to the smaller trucks and the maximum size will be the 15-foot truck. He noted that if the rental lot across the street remained they would have more than enough room for the business. Attorney Cassidy reviewed the updates to the draft resolution being: architectural specs, ZBA decision, lighting will be cleaned up, vehicles will not be parked between the storage fence and Elm St, there are a total of 10 rental cars and 5 U-Hauls on site (max 15' box truck) that can be revisited at renewal of the special permit, bulk storage is prohibited, references to dispensing of oil and or gas are eliminated and she will strike any references to a gas station since that is in our code but this site will not be operating as

a gas station, in the event that the license for the overflow parking is revoked the applicant must come back to the Planning Board to evaluate if the parking is adequate, and the Special Permit will expire after 1 year and will need to be reviewed and potentially renewed. The Board wanted to see the Draft resolution completed before voting on approval. It was decided that the Board would vote on the resolution at the March 9th meeting. Mr. Morgante will have to confirm the number of leased & rented vehicles on site and forward the signed ZBA determination once received.

Minutes

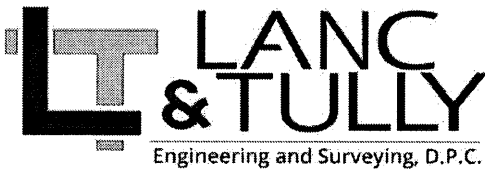
Minutes from 1/12/26 could not be voted on and will be tabled until the 3/24/26 meeting.

On a motion made by Member Hafenecker and seconded by Member Iannucci it was resolved to:
Approve the minutes from 01/27/26

Aye: 4 Nay: 0 Absent: 2 Abstain: 1

On a motion made by Member Allen and Seconded by Member Iannucci it was resolved to:

Adjourn the Meeting



Village of Monroe Planning Board Review

Project:	123 - 125 Elm Street
Tax Lot No.	207-1-2
Reviewed by:	David Higgins, P.E.
Date of Review:	2/6/2026
Materials Reviewed:	Letter of transmittal dated February 2, 2026, prepared by Arden Consulting Engineers, PLLC; 123 Elm Street Lease Area description; and Plan Set entitled, "Site Plan & Lot Consolidation Plan for 123-125 Elm Street", last revised February 2, 2026, prepared by Arden Consulting Engineers, PLLC;

The following items are listed to assist you in completing your submission to the Board. It is only a guide; other items may be listed at future meetings. If you need further assistance, please contact this office.

Project Description:

Prior submissions from 2020 and 2022 were made for two of the properties shown on the plans. Those prior submissions involved additions to existing structures on the lots and use of the property for motor vehicle repair. It was previously determined by the Planning Board and their consultants that the proposed expansion of the existing motor vehicle repair use required variances from the Zoning Board of Appeals. The plans now show that Lots 207-1-2 (125 Elm) and 207-1-3 (123 Elm) will be combined and the existing building on Lot 207-1-3 will be expanded into a two-story, 8,000 square foot (4,000 square foot footprint) building with accessory parking to be constructed across Elm Street on Lot 207-2-9 in a leased easement area.

We have the following comments on the plans provided:

1. The plan shows a total of 23 parking spaces required while only 21 spaces are provided, inclusive of the 2 ADA parking spaces. The Planning Board previously reviewed the plan and agreed that as proposed, the plan provides adequate parking given that additional parking is available via a license agreement within the lease area, and that should the lease license expire or be voided, two additional spaces could be arranged on the subject property in the area where the dumpster enclosure is shown. **(Informational)**
2. The zoning code permits off-street parking to be located on a separate lot within 500 feet of the subject property with an easement. The applicant has provided a Parking License Agreement. We defer to the Planning Board's legal counsel for review of the license

agreement. The applicant has provided a metes and bounds description of the license area as was previously discussed. **(Repeated comment)**

3. In line with the decision of the Building Inspector's January 30, 2026 letter, the fence along the vehicle storage area has been revised to be located outside of the front yard setback established by the Zoning Board of Appeals as 11.2-feet.. (Informational)
4. The dashed line designating the outdoor storage of vehicles (which now extends beyond the proposed fence) should be adjusted to be within the fenced in area.
5. The gate for the vehicle impound yard should be shown.
6. Is there a gate proposed between the storage yard and the rear area of the garage? As Elm Street was recently changed to be a one-way street, the applicant should consider relocating the sliding gate to the northwest side to avoid having to navigate the entire block to move vehicles from the storage yard to/from the building.
7. During the January 12, 2026 Planning Board meeting, the Board discussed prohibiting parking along the road in front of the fenced in area. We recommend making this a condition of any action. We also recommend the board consider if any preventive measures (eg. Striping, bollards, landscaping, etc) should be provided between the fence and the street line to prevent parking.
8. As noted on the plan, it is proposed to consolidate Tax Lots 207-1-2 and 207-1-3 into a single lot. Consolidation of the lots by filing in the County Clerk's Office should be a condition of any approval granted by the Planning Board. **(Repeated comment)**
9. A construction cost estimate was previously submitted. We have the following comments **(Repeat Comment)**:
 - a) The estimate notes 160 linear feet of silt fencing; the plans appear to show ~520 linear feet of silt fencing.
 - b) The estimate notes one handicap parking sign and striping; the plans show two handicap parking spaces which will require a total of four signs (one ADA parking and one no parking each).
 - c) The estimate notes 210 linear feet of concrete curbing; the plans appear to show ~120 linear feet of concrete curbing.
 - d) The estimate notes 3 precast curb bumpers; the plan appears to show 4 precast curb bumpers.
 - e) The estimate notes 98 linear feet of 6' chain link fence with privacy slats; the plans appears to show 315 linear feet of 6' chain link fence with privacy slats.
 - f) The estimate notes 4 building mounted lights; the plan appears to show 20 building mounted lights.
 - g) The estimate does not appear to include a cost for the proposed utility pole with lighting and electrical manhole.
10. The architectural plans depict a 2'-6" by 8'-6" sign that reads "Upstate Collision" that is shown to be a building-mounted sign hung parallel to the building. The property is located in Signage District 2. In Signage District 2, building-mounted signs hung parallel to the building are permitted maximum vertical dimension of 2 feet [§200-42(C)]. The proposed sign has a vertical dimension of 2'-6". The proposed sign should be revised otherwise a variance will be required. **(Repeat Comment)**

11. Any proposed signs are subject to a sign permit issued by the Village Building Inspector [§200-38.1]. **(Repeat Comment)**
12. The plans were sent to the Orange County Department of Planning for referral under GML 239. The County Department of Planning determined this to be a Local Determination and offered several comments including comments on previous SEQR documentation, Stormwater Hotspot, Visual Impact, and Area Variances. We believe that these comments have been appropriately addressed. **(Informational)**
13. The public hearing for this project was held on February 25, 2025. **(Informational)**

Future submissions should include a written response addressing each comment. Our office shall continue with a review of the plans as more information is provided. If you have any questions please contact our office.

February 27, 2024
Revised May 9, 2024
Revised September 9, 2024
Revised October 7, 2024
Revised December 9, 2024
Revised January 13, 2025
Revised November 10, 2025
Revised February 9, 2026

MEMO

TO: Village of Monroe, Planning Board
Applicant

CC: Terri Brinks, Planning Board Clerk
John O'Rourke, Village Engineer
Ted Fink, Village Planner

FROM: Elizabeth K. Cassidy, Esq.

RE: Attorney comments on application of
123 – 125 Elm Street

This application is for the expansion of an existing autobody shop. On February 25, 2025, the Planning Board adopted a negative declaration. The applicant subsequently submitted an application to the Village Zoning Board of Appeals for various required variances (See Comment # 5). The ZBA has issued its determination and the applicant is returning to finalize site plan approval. As is my practice, new material is found in bold.

The latest submission includes revised plans with a revision date of February 2, 2026

I offer the following comments¹:

Comment	Status
1. The applicant has submitted a site plan and lot consolidation plan entitled "123-125 Elm Street," and dated January 3, 2024. The plan identifies three (3) separate tax lots: 207-1-2, 207-1-3 and 207-1-5. It is not clear from the submitted plans if it is intended that lot 207-1-5 is intended to be part of the application. At present, it appears to be included. Applicant to identify the purpose of including 207-1-5 or	Comment satisfied.

¹ New material is in bold.

<p>revise the plans to reflect 207-1-5 as an adjoining parcel only. If 207-1-5 is not to be included in the project, Applicant to affirm that no other development is planned for lot 207-1-5 to avoid impermissible SEQR segmentation.</p> <p>5-9-2024 – Applicant cover letter advises that 207-1-5 is expressly excluded from the application.</p>	
<p>2. Applicant to submit a complete application reflecting the current ownership of all parcels included in the application and provide the necessary corporate disclosures and authorizations.</p> <ul style="list-style-type: none"> • 207-1-3 – 123 Elm Street – 123 Elm Street, LLC (GB District) • 207-1-2- 125 Elm Street – 125 Elm Street LLC (GB District) • 207-1-5 – 20 Anderson Place – Ephraim Goldberger (SR10). <p>Ownership must be consolidated into one entity/individual upon approval for consolidation.</p> <p>9-9-2024 – Planning Board Secretary to confirm receipt of disclosures and authorizations by all three property owners.</p>	<p>Comment Satisfied</p>
<p>3. I note the comments of Building Inspector Cocks, dated February 20, 2024 and the comments of Engineer David Higgins, dated February 12, 2024. I join in those comments.</p> <p>Please see Dave Higgin’s memorandum dated October 7, 2024, November 22, 2024, and January 10, 2025</p>	<p>For Information</p>
<p>4. Applicant to submit an Environmental Assessment Form. It is anticipated that this will be an unlisted action. I am recommending a coordinated review with the Zoning Board of Appeals pursuant to SEQR.</p> <p>2-25-2025 -Planning Board adopted negative declaration.</p>	<p>6-10-24 – Resolution to declare intent</p> <p>9-24-2024 – Assumed Lead Agency and completed Part II</p>
<p>5. The application will require variances from the Zoning Board of Appeals. I recommend a coordinated review under SEQR.</p> <p>Variances required:</p> <ul style="list-style-type: none"> • 200-51N – Motor vehicle shop within 200 feet of recreation area. (Granted) • Front yard setback (50 feet to 11.2 ft Granted) 	<p>Comment Satisfied</p>

<ul style="list-style-type: none"> • 200-64(A)(b) – Local Law 20 of 2023. Increase of non-conforming bulk (Rendered moot by interpretation of the Building Inspector) • Lot Size (40,000 square feet to 39,518 square feet Granted) • Rear Yard Setback (4.9 feet for garage structure, and 16.2 feet for principal building) • Variance from 200-51 (I) Storage of vehicles in front yard granted subject to screening. <p>10-7-2024 – Applicant has indicated that they will also seek a variance from the restrictions as set forth in § 200-51(o). (Denied)</p> <p>2-9-2026 – The Notice of Determination with the Planning Board is an abbreviated summary. A more detailed order was prepared in draft. Signed order to be provided to the Planning Board prior to signing of the plans.</p> <p>Building Inspector Wallner issued an interpretation dated February 2, 2026 as to the requirements of screen in connection with vehicle storage in the front yard. The current submission appears to address the determination by moving the fencing for the proposed vehicle storage area to the line.</p>	
<p>6. Building Inspector Cox issued a land use determination (LUD) dated March 30, 2022 as to only 125 Elm Street. LUD indicates that a Motor Vehicle Repair and Paint shop is a permitted use subject to special permit. The special permit requirements for a motor vehicle repair shop are located in § 200-51. BI Cox indicates a variance from § 200-51(N) is required. Building Inspector to confirm the status of the Land Use Determination Form and if a new form is required in light of the changes to and age of the existing applications.</p>	<p>Comment Satisfied.</p>
<p>7. Site plan shows encroachments onto County lands (Heritage Trail). Removal of these encroachments should be addressed as a condition of any approval.</p> <p>10-7-2024 – Applicant advises that Orange County DPW has indicated a preference that the existing encroaching fence. Applicant to provide license agreement indicating County consents to continued encroachment.</p> <p>1-9-2025 – awaiting confirming correspondence. Per email correspondence with the County Attorney’s office, discussions remain pending and an agreement has yet to be reached.</p> <p>11-10-2025 – Signed agreement received.</p>	<p>Comment Satisfied</p>

<p>8. Applicant to address landscaping and screening. Lot adjoins SR10 zoning district and will need required buffer between residential and commercial zoning districts.</p> <p>1-9-2025 – The Applicant has submitted a proposed landscaping easement in lieu of providing a vegetative buffer on site whereby the buffer would be maintained on the adjoining parcel. I offer the following comments:</p> <p>Para. 2 – states the purpose is to maintain the easement area in its current natural condition. The purpose to be amended to reflect the maintenance of a vegetative buffer.</p> <p>Para. 3 (f) prohibits the removal of vegetation living or dead unless it presents a hazard. To be amended to reflect that the grantor may maintain vegetative buffer including replacing dead vegetation.</p> <p>11-10-2025 – Awaiting revised agreement per comments.</p>	
<p>9. Applicant to address requirements of § 200-51 (O).</p> <p>10-7-2024 – See comment 5 above.</p> <p>11-10-2025 – ZBA denied variance. Applicant agreed to comply per narrative dated October 29, 2025. To be made a condition of approval.</p>	<p>Comment Satisfied</p>
<p>10. Applicant to address parking.</p> <p>5-9-2024 – Applicant is proposing additional spaces across the street on a leased lot (SBL 207-2-9). Applicant to update Application and EAF to reflect the same.</p>	<p>Comment Satisfied.</p>
<p>11. Applicant to close out New York State DEC Spill 1303159 prior to approval.</p>	<p>Comment Satisfied</p>
<p>12. Orange County Planning Department issued a 239 response dated July 2, 2024. I note the advisory comments of the Department</p>	<p>For Information</p>
<p>13. 10-7-2024 – Parking License Comments</p> <p>The applicant has provided a parking license for the use of the parking lot located across the street.</p> <ul style="list-style-type: none"> • The license term is for 10 years through 2034 with a renewal option of an additional 5-year term. Applicant to address mechanism in the event leased parking is no longer available. Applicant to identify potential parking to be banked in anticipation of such scenario. • The licensed parking area should be for the parking of staff vehicles only, not vehicles under repair. • The agreement calls for the installation of a fence separating the licensed parking area from the rest of the property. The fence to be 	

<p>shown on the site plan. Fence to include slats to screen along side and rear lot lines.</p> <ul style="list-style-type: none"> • The license agreement provides that the licensor has the right to terminate the parking license in its sole discretion upon 90 days' notice. Notice of such termination to be provided to the Village. Paragraph 14 of the lease to be updated to reflect the same. <p>1-9-2025 – Revised plans show 24 stacked spaces in a space labeled outdoor storage of vehicles. These spaces are for vehicle storage and should not be included in the parking space count. The plan identifies 24 spaces located across the street by virtue of a license agreement. In addition, the plan identifies 21 parking spaces on the site for purposes of demonstrating adequate parking in the event that the proposed licensed agreement is terminated in the future.</p> <p>The leased parking area is now labeled as vehicle storage area. Awaiting revised agreement per earlier comments.</p>	
<p>14. 10-7-2024 – Landscaping Plan</p> <p>Planning Board to review and evaluate landscaping plan for conformity with the Village Code.</p>	
<p>15. 10-7-2024 – Architectural Review</p> <p>Applicant has provided renderings. Planning Board to evaluate samples.</p>	
<p>16. It is not clear where the entrance to the existing impound area is – applicant to clarify movement in between the two enclosures. Recommend landscaping in front of the fence, perhaps in planters.</p>	
<p>17. The applicant is reminded that Elm Street is one way and that vehicles will not be permitted to turn left out of the two enclosures. Given its current configuration, vehicles will need to be drive to North Main Street (i.e. around the block) to be brought into the proposed repair facilities.</p>	
<p>18. As a condition of approval, applicant shall demonstrate the site will operate in conformity with the New York State Fire Code (2025)</p>	

These comments are preliminary in nature and our office reserves the right to provide additional comments upon further submission by the applicant.

VILLAGE OF MONROE
PLANNING BOARD
RESOLUTION TO APPROVE THE SPECIAL USE PERMIT AND SITE PLAN
APPLICATION
123 ELM STREET, LLC
125 ELM STREET, LLC
123-125 ELM STREET
SBL 207-1-2, 207-1-3, and 207-2-9

WHEREAS, the Village of Monroe Planning Board is in receipt of an application for the expansion of an existing motor vehicle repair and paint shop together with related improvements to be located at 123-125 Elm Street which consists of the merger of two tax lots (207-1-2 and 207-1-3) for the construction of a two story, 8,000 square foot addition (4,000 sq ft foot print) with accessory parking located both on site and off site (SBL 207-2-9).

WHEREAS, the Planning Board has received and considered the following:

1. Application dated, January 26, 2022.
2. Environmental Assessment Form dated May 21, 2024 together with expanded narrative dated September 25, 2024
3. Comments from the Village of Monroe Department of Public Works
4. Comments from the Monroe Joint Fire District
5. Comments of the Planning Board Attorney, Planning Board Engineer and responses thereto.
6. Comments and interpretations of the Building Inspector
7. License Agreement between property owners and Orange County in connection with encroachment onto County owned lands
8. Site Plan prepared by Arden Consulting Engineers, PLLC, dated January 3, 2024, last revised February 10, 2026 consisting of 6 sheets:

01 of 10 – Title Sheet
02 of 10 – Existing Conditions Map
03 of 10 – Site Plan
04 of 10 – Erosion and Sediment Control Plan
05 of 10 (L1) - Landscape Master Plan
06 of 10 – Garbage Truck Turning Diagrams
07 of 10 (A103) – First Floor Plan
08 of 10 (A-104) – Second Floor Plan
09 of 10 (A-201) – Front and Left Elevation

10 of 10 (A-202) – Right and Rear Elevation

9. SHPO finding of no impact dated January 31, 2025

10. Lighting Specifications – CALIBER LED Outdoor Sconce, WS-W36610, WS-W36614

WHEREAS, the Planning Board declared itself to be lead agency on June 10, 2024 and has determined that this is an Unlisted action pursuant to the State Environmental Quality Review Act (“SEQR”) and elected to conduct a coordinated review; and

WHEREAS, the application was referred to the Village of Monroe Zoning Board of Appeals on June 10, 2025; and

WHEREAS, the Planning Board held a duly noticed public hearing on February 25, 2025, and closed the public hearing that same evening; and

WHEREAS after consideration of all of the materials and comment before it, the Planning Board declared that this action will not have an adverse environmental impact for the reasons set forth in the written Negative Declaration dated February 25, 2025 incorporated herein as if set forth at length.

WHEREAS, the Zoning Board of Appeals granted affirmative relief by resolution on October 14, 2025 which is reflected in a notice of determination dated November 10, 2025 and written decision dated _____.

WHEREAS, the application was referred to the Orange County Department of Planning (OCDP) in accordance with General Municipal Law § 239-m, and by letter dated July 2, 2024, the OCDP indicated a local determination with comments.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby makes the following findings:

1. The subject site is located in the GB zoning district where motor vehicle repair and paint shop is permitted with a special use permit and site plan approval.
2. The proposed landscaping plan will work to buffer the proposed use from area residential properties and the Heritage Trail. The plan relies on both natural plantings and manmade fences to screen adjoining properties. The

Department of Public Works has provided comment as to the location of fencing along Elm Street so as to prevent damage from snow removal.

3. The applicant proposes both on-site and off-site parking as permitted by the Village Code. The proposed parking meets the Village Code for the required number of parking spaces. The proposed parking lot has been designed to accommodate emergency vehicles and garbage collection to and from the sight.

BE IT FURTHER RESOLVED that the Planning Board hereby grants site plan approval, special use permit and architectural review approval subject to the following terms and conditions:

1. The terms of the special permit shall be incorporated as if fully set forth herein at length.
2. Prior to signing the site plan, the following conditions must be met:
 - a. Receipt of signed ZBA decision substantially similar to the draft presented to the Planning Board.
 - b. Parking License and Landscaping Easement to be approved as to form by the Planning Board Attorney and recorded in the Orange County Clerk's Office
 - c. Applicant to address any and all outstanding comments as set forth in the February 20, 2026 memorandum of David Higgins, Lanc & Tully Engineering and February 9, 2026 memorandum of Elizabeth Cassidy, Planning Board Attorney
 - d. Upon acceptance of cost estimate pursuant to § 200-72(E)(4)(d-e), applicant to submit bond and inspection fees in accordance therewith prior to signing of the plan. Cost estimates and proposed performance bond is subject to review and approval by the Village Board of Trustees.
 - e. Applicant to pay all fees and escrows.
 - f. Prior to the Chairman signing the site plan, there shall be written confirmation by the Village Engineer and Planning Board Attorney that the final site plan conforms to the terms of this approval resolution.

3. Prior to building permit, the following conditions shall be met:
 - a. Applicant to obtain all permits.
 - b. Applicant to cause lots 207-1-2 and 207-1-3 to be merged by the Assessor's office and provide proof of the same to the Planning Board Secretary.
4. Certificate of Occupancy:
 - a. Exterior finishes to be installed as per sheet A-201 and A-202, last revised 2-10-2026. The following finishes are approved:
 - i. Horizontal siding – Style Encore in Sterling Gray by Certainteed.
 - ii. Vertical siding – Style Board and Batten in Sterling Gray by Certainteed (above and below 2nd floor windows)
 - iii. Accent vertical siding – style board and batten, in eclipse by Royal Building Products
 - iv. Paint to be PPG – Precipitation (R 171, G 172, B 167)
5. General Conditions:
 - a. This approval is expressly subject to the terms and conditions of the license agreement by and between the property owners and the County of Orange to maintain a fence which encroaches upon County property. In the event such license is terminated or revoked, the Applicant shall return to the Planning Board for approval of alternate screening along Heritage Trail.
 - b. This approval is subject to the terms and conditions of the decision of the Zoning Board of Appeals signed _____.
 - c. All landscaping shown on landscaping plan shall be maintained in perpetuity.
 - d. Signage to be installed in accordance with sheet A-201.
 - e. Discarded oil cans, tires, parts, etc., shall not be stored on any section of the site, except within the enclosed building.
 - f. This approval does not authorize operations outside the building such dispensing of gasoline, oil, water and tires; waxing; polishing; vacuuming; and the sale of minor items or parts
 - g. The premises shall be maintained at all times in a clean and orderly condition. The responsibility for compliance shall lie with all parties having a lease or ownership interest in such use.

- h. All vehicles, except one tow truck, shall be stored within a building when the facilities are not open for business. However, not more than five licensed vehicles requiring minor repairs may be left outside for a period not to exceed 48 hours, and these shall be effectively screened from all property lines; except as to the holding of a vehicle for not more than 60 days for insurance appraisal purposes covering property damage claims; and except as to the holding of a vehicle for the required period to perfect or protect a garageman's lien pursuant to statute; and except as to the holding of vehicles impounded by the State of New York. At no time shall any unlicensed or dismantled vehicles be outside a building. The applicant shall tag each vehicle with the date storage commences. Said tag shall be readily visible from the exterior of the vehicle.
- i. Any repair vehicle, vehicles being held for appraisal purposes, vehicles being held for purposes of a garagemen's lien and any vehicle impounded by the State of New York shall be stored within the fenced enclosures shown on the site plan.
- j. Vehicles shall not be parked on Elm Street, nor shall Elm Street be utilized for purposes of shifting vehicles.
- k. Vehicles shall not be parked between the vehicle storage fence and Elm Street.
- l. The supplemental parking lot located on SBL 207-2-9 shall be used for daily overflow parking (i.e. parking for employees) and shall not be used to store vehicles undergoing repair, rental vehicles or U-Haul (or similar) vehicles. In the event the license agreement for SBL 207-2-9 is terminated, the Applicant shall return to the Planning Board to address parking.
- m. The applicant has represented that it maintains a number of vehicles to be rented to customers as "loaner vehicles" and maintains a "U-Haul" rental operation. These operations are accessory and shall be incidental and subordinate to the motor vehicle repair operation. In no event shall more than 15 number of U-Haul or loaner vehicles be stored on site. Such vehicles shall not be stored on SBL 207-2-9.
 - i. Rental Cars – 10.
 - ii. U-Haul (max 15' box truck). – 5Planning Board may reevaluate whether the site has effectively accommodated this accessory vehicle storage as part of the special permit renewal and reserves the right to further limit the number of vehicles in the event it is demonstrated that operations cannot be maintained.

- n. Lighting – Twenty (20) wall-mounted light fixtures to be installed as shown on Sheet 3 of 10. Fixtures shall be mounted with light being directed downward so as to prevent glare upon the street and/or adjacent properties.
- o. The Applicant currently uses, and shall continue to use Oil Dri cleanup kits for oil spills within the building. This product is used by the Thruway Authority for accident cleanups and is highly effective. All vehicular work currently is and will continue to be performed within the building. Oil & fuel is stored within the existing building and will continue to be stored within the proposed building (see note 1. on the site plan sheet 3 of 10).
- p. Bulk Storage shall be prohibited.

Motion by Member _____, Second by Member Allen

Date:

- Member Keith Allen
- Member Jeff Boucher
- Member Paul Hafenecker
- Member Marilyn Karlich
- Member Fred Kelly
- Member Barbara Iannucci
- One Vacancy

Filed in the Office of the Planning Board Clerk on this _____ day of _____, 2026

 Terri Brink
 Planning Board Clerk

I, Kim Zahra, Clerk of the Village of Monroe, does hereby certified that the foregoing resolution was filed in the Office of the Village Clerk on _____.

 Kim Zahra, Clerk
 Village of Monroe.

VILLAGE OF MONROE
PLANNING BOARD
SPECIAL PERMIT
123-125 Elm Street

This special permit is issued to 123-125 Elm Street for the expansion of a motor vehicle repair and paint shop subject to the Planning Board's special permit procedures and regulations as set forth in the Village of Monroe Code Article XII § 200-48, et seq. and § 200-51,

FINDINGS

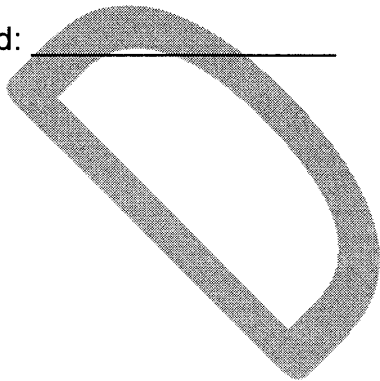
The board determines, after review of all the application materials, consultant comments and public comments, that the applicant/owner has satisfied the findings required by the Village Code § 200-48.2, in particular:

1. The Findings as set forth in the approval resolution are incorporated herein as if set forth at length.
2. The location and size of the use, the nature and intensity of the operations and traffic involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
3. The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
4. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted use not requiring a special use permit.
5. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum safety.
6. Existing municipal facilities are adequate for the proposed use.
7. The property will be suitably landscaped to protect the neighborhood and adjacent property in perpetuity.

Based upon these findings, the Planning Board approves the Special Permit subject to the following conditions:

1. The terms and conditions of the site plan approval are incorporated as if fully set forth at length.
2. All landscaping as shown on the landscaping plan shall be maintained in perpetuity.
3. Applicant to comply with Chapter 145 of the Village of Monroe Code, "Noise." The Village reserves the right to revoke or not renew this special use permit in the event of violations.
4. A special use permit shall expire if work is not initiated pursuant thereto within one year of issuance pursuant to §200-48.4 of the Village of Monroe Code.
5. In the event the parking license for 207-2-9 is revoked, the applicant shall return to the Planning Board to evaluate whether parking is adequate for the operations.
6. This special permit shall expire one year following the issuance of the Certificate of Occupancy subject to renewal pursuant to § 200-48.3 of the Village of Monroe Code.

Dated: _____



VILLAGE OF MONROE PLANNING BOARD

BY: _____

Jeff Boucher, Chairman

VILLAGE OF MONROE, NEW YORK
ZONING BOARD OF APPEALS

-----X
In the Matter of the Amended Application of
125 ELM STREET, LLC,
Designated as Tax Map Section 207, Block 1, Lots 2, 3

DECISION

For Area Variances from the
Village of Monroe Zoning Board Of Appeals.
-----X

THIS APPLICATION of 125 Elm Street, LLC (“Applicant”) comes before the Village of Monroe Zoning Board of Appeals (“Board”) requesting the following area variances: 1) Lot Area; 2) Front Yard Set Back; 3) Rear Yard Set Back; 4) Proximity Restriction and Requirements for a Motor Vehicle Repair and Paint Shop; 5) Increase in Nonconforming Bulk for Nonresidential Building; 6) Permission to Store more than Five Vehicles requiring minor Repairs for more than Forty-Eight Hours; and, 7) Relief from Screening requirements (collectively, the application for all variances referred to as the “Application”). (See Village Code §§ 200-75, 76).

PRELIMINARY STATEMENT

The Applicant is the owner of two parcels located at 123-125 Elm Street (“Property”), within the GB District. The Property is known on the Village Tax Maps as Section 207, Block 1, Lots 1,2, and 3. Lot 2 consists of 12,100 square feet and contains two commercial buildings that were previously used in support of a limousine service but are currently vacant. Lot 3 consists of 25,264 square feet and contains a 2,000 square foot building that is currently being used as an automobile repair shop. The Applicant is seeking to merge Lot 2 and Lot 3 and once merged, to construct a 6,000 square foot addition to the existing building on what is currently Lot 3. The new addition will support the active motor vehicle repair business with ancillary office use and storage. The requested lot merger has resulted in a reduction of some of the variances enumerated herein. As will be set forth below in the record of the vote, the Board voted to approve the application in part, and to deny in part.

PUBLIC HEARING AND SEQRA

The public hearing on this Application, upon a notice duly published, was held on September 9, 2025. No members of the public appeared at the hearing and no written comments

from the public were received by the Board. The public hearing was duly closed by a 5-0 vote from the Board.

Action taken by the Board on this application is classified as an Unlisted Action under the State Environmental Quality Review Act (“SEQRA”). The Planning Board acted as Lead Agency for this coordinated review. On February 25, 2025, the Planning Board issued a Negative Declaration, thus concluding the SEQRA process. *See, generally*, 6. N.Y.C.R.R. §§ 617.

COUNTY GML § 239 -l, -m or -n REPORT

This application was referred to the Orange County Planning Department as per the requirements of General Municipal Law §§ 239 *l, m and n*. The Orange County Planning Board responded by written comment dated March 13, 2025, and stated that the matter was of local concern and had no further comment.

DECISIONS ON THE REQUESTED VARIANCES

The Board viewed the Application through the lens of the five-prong balancing test. The most important factor of the analysis is considering the impact any approvals would have on the existing neighborhood and surrounding area. The Board reviewed the Application and supporting materials, analyzed photographs of the existing site and conditions, made site visits to the Property, received testimony from the Applicant’s representative, and held a discussion based upon the totality of the information provided. The submitted materials and the Board members’ personal knowledge of the site and its current operation formed the record upon which it based its decisions on each of the requested variances.

Consistent with its statutory obligations under New York State Village Law § 7-712-b when considering an area variance, the Board balanced the benefit to the Applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community if the requested variance was granted. Further, as also required by statute, the Board took into consideration the following five issues in its balancing test:

1. Whether an undesirable change would be produced in the character of the neighborhood, or a detriment to nearby properties would be created, by the granting of the requested area variance.
2. Whether the benefit sought by the Applicant could be achieved by some method, feasible for the Applicant to pursue, other than an area variance.

3. Whether the requested area variance is substantial.
4. Whether the requested area variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. Whether the difficulty professed by the Applicant were self-created.

The Board was also aware of its obligation to grant the minimum variance that it deemed necessary and adequate.

The Board began by discussing whether an undesirable change would be produced in the character of the neighborhood, or a detriment to nearby properties would be created, by the granting of the requested area variances, and whether the requested variances would have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The Board considered the character of the neighborhood, which is largely commercial, and that the Property already supports an active automobile storage and repair business. And while the Board found that the record supported granting some of the requested variances, it also found that some of the requested variances will result in a detrimental change to the neighborhood. The Board's determinations are largely based upon the legalization of existing conditions versus the detrimental impact of proposed new construction and requested waiver of required screening.

The Board also considered whether the alleged difficulty was self-created, and whether the benefit sought by the Applicant could be achieved by some alternative method feasible for the Applicant to pursue. In considering whether the alleged difficulty was self-created, the Board recognized that the current layout of the site, namely the outdoor storage, the traffic pattern and the screening, are challenges to the site that the Applicant must overcome outside of the variance process by way of redesigning where possible. In denying the Application in part, the Board encouraged the Applicant to engage in a re-design and to explore alternative forms of relief such as legislative action to amend certain Village Code requirements.

When considering whether the variances requested were substantial, the Board found that the record supported approval in part and denial in part. Regarding the enumerated requested variances, the Board voted as follows:

Vote on Requested Variances:

1. Lot Size: Upon Motion to grant an area variance to allow a variance of a deficiency of 482 square feet on the required minimum lot size of 40,000 square feet for the operation of motor vehicle repair use, the Board approved by a 5-0 vote¹:

Chairman Paul S. Baum, Esq. Aye

Member Elizabeth Doherty Aye

Deputy Chairman John Gilstrap Aye

Member James Laniare Aye

Member R. Daniel Margotta Aye

2. Front Yard Set Back: Upon Motion to review three requested variances for front yard setbacks, the Board voted as follows:

- a. Approved: One existing structure on Lot 2 requires a variance of 38.8 feet to legalize the existing structure; the Board voted 5-0 to approve the variance.

- b. Approved: The existing garage building on Lot 2 partially encroaches into the front yard setback and requires a variance of 8.4 feet to legalize the existing structure; the Board voted 5-0 to approve the variance.

- c. Denied: On Lot 3, the new construction of the addition will require a variance of 31.3 feet. The Board determined that the new construction will create a negative change in the neighborhood and the balancing test weighed in favor of denying the proposed design. The Board invited the Applicant to revisit the design and propose a less impactful building. The Board voted 5-0 to deny this requested variance.

3. Proximity Variance: Upon Motion to approve the requested variance, the Board made the following determination: The Property is located immediately adjacent to the Heritage Trail and approximately 89 feet from Crane Park, requiring a variance from Village Code Section 200-51(N). Due to the use being pre-existing, and with the character of the surrounding neighborhood, the Board voted 5-0 to approve this requested variance.

4. Variance to extend Non-Conforming Condition to Reduce the Front Yard as it relates to the Proposed Addition: Upon Motion to deny the requested variance, the Board made the following determination: In a finding consistent with the actions on this application, as it relates to the new construction and the resulting increased impact on the immediate

¹ Throughout this decision, the Board acted in unanimity, either to approve or to deny. Therefore, in the interest of economy, the roll-call of the vote will not be listed.

neighborhood, the Board voted 5-0 to deny this requested variance. The Applicant was encouraged to re-visit the proposed design and return to the Board with a revised proposal that lessens the potential adverse impact on the neighborhood.

5. Variance to Permit the Outdoor Storage of Vehicles on the Property for longer than 48 Hours: Upon Motion to approve the requested variance, the Board made the following determination: The Board approved this request in part and denied the request in part. The Board voted 5-0 to approve continued storage in the rear and side yards; however, the Board voted 5-0 to deny the requested storage in the front yard of the Property without the additional of the required screening. The Board invited the Applicant to revisit the design and return with a proposal that includes adequate screening of the Property and vehicles.
6. Variance for Outdoor Storage of more than 5 Vehicles for Longer than 48 Hours: Upon Motion to deny the requested variance, the Board made the following determination: Here, the Board made a determination that an alternative to the variance must be explored prior to this requested variance satisfying the balancing test in favor of approval. The Board found that the best course of action is for the legislative body to deliberate upon proposed amendments to the Village Code that would more effectively alleviate the condition leading to the need for this requested variance. Therefore, the Board voted 5-0 to deny this requested variance.
7. Request for Variance from Front Yard Screening Requirements: Upon Motion to deny the requested variance, the Board made the following determination: The Board made a determination that the balancing test weighed in favor of denial, and voted 5-0 to deny this requested variance. The proposed lack of screening would result in an adverse impact to the physical environment and character of the neighborhood and design alternatives are available to the Applicant. The Board invited the Applicant to re-visit the design and return to the Board with a revised proposal that includes the required screening.

CONCLUSION

As a consequence of the Board's discussion and deliberation upon the record and testimony, the Zoning Board of Appeals hereby grants in part and denies in part, the requested variances. Where granted, the Board weighed the factors of the balancing test and found that approval was appropriate. However, where denied, the Board determined that the adverse impacts to the character of the neighborhood, and that other feasible alternatives are available to the

Applicant and therefore the balancing test weighed in favor of denial. In addition, the Board hereby finds that the variances as granted is the minimum variances necessary and adequate and at the same time preserve and protect the character of the neighborhood.

Issued by Board: September 9, 2025

Written Decision Signed: December ____, 2025

Paul S. Baum, Esq., Chairperson