

VILLAGE OF MONROE

Workshop

April 13, 2026

Present: Chairman Parise; Members Allen, Iannucci, Karlich, Hafenecker and Kelly. Engineer Higgins and Attorney MacCartney

Absent: Member Umberto

Pledge of Allegiance.

Newly elected Mayor **Melchiorre** addressed the board to introduce himself and extend his support of the Planning Board.

On a motion made by Member Kelly and seconded by Member Hafenecker it was resolved to:

Open the Meeting

Aye: 6 Nay: 0 Absent: 1

Special Use Permit – Accessory Apartment

1 Alex Smith Ave. (230-1-1.232)

New kitchen in existing basement of single-family home

Present representing the Applicant: David Niemotko, David Niemotko Architects

Mr. Niemotko gave a brief overview of the project being an accessory apartment in the basement of an existing house. There is no change in the footprint or the use. The owner wanted to give the apartment to their daughter. He explained that this application has been going on for a while due to information that was needed and they have addressed the building and zoning codes that were brought up. He noted that there are additional structures on the site that were built without permits. A survey was required to show the structures and that survey will become part of the conditional approval process. This survey has been completed. Engineer Higgins went over his comment memo (attached).

Chairman Parise asked about the notes being part of the site plan. Mr. Niemotko replied that the notes are not on the plans currently as they were prepared in July and the comments from Engineer Higgins were just received and they will be incorporated in the future. Member Iannucci asked if the comments will be on the permanent record stating that the owner must live on the premises. Per Engineer Higgins, the Village code has that requirement but we also want them on the plans for future reference. This will also be in the minutes, the resolution of approval, and also the covenant that goes with the deed and is filed with the County. This is all spelled out in section 200–49 regarding accessory apartments. Member Kelly asked if the board is going to issue an approval prior to the CO for all of the structures? Engineer Higgins replied that is up to the Planning Board. There is a building permit to be issued for the accessory apartment as well as for the cabana that was built without a permit. Mr. Niemotko said that usually the site plan is approved first then they would go to the Building Department to obtain the building permits. After this the Building Department will do the inspection and issue the CO but the first step is Planning Board approval. Chairman Parise asked about the cabana. Mr. Niemotko explained that it's on the site plan once the site plan is approved then they can get the permit for it from the building department. Per Engineer Higgins if the cabana is on the site plan and the board does not want it there and determines

that site plan approval was required they could advise the Building Department that it is not approvable. At this point, a building permit could not be issued. There are 2 cabanas and one had a building permit and one did not. The board reviewed the location of the cabana on the site plan. Chairman Parise asked if it was a permanent structure and Mr. Niemotko said that per our building code it is as it is anchored to the ground. Member Karlich feels that they should get the building permit for the cabana and asked why it has not been issued yet. Chairman Parise noted that this is being done in reverse. Something that is not supposed to be on the site plan is there and we don't know if it is secure or proper or had been inspected by the build department. Chairman Parise feels a determination from the building department is needed. Engineer Higgins replied that the board had previously authorized the preparation of a resolution for approval and the building permit would be listed as a condition. Unless the board has an issue with the location of the cabana or something other than structural components, which are the building department's responsibility, it could be a condition of approval and have to be completed by the applicant before the site plan is signed. Attorney MacCartney agrees that it would be acceptable for this to be a condition of the site plan approval. This protects the Board and the Village. He agreed that if the Planning Board had an issue from a planning perspective then that is something that should be discussed with the applicant now, if not, it could be done as a condition prior to approval of the plans. Mr. Niemotko will make the necessary changes and resubmit.

Site Plan Review – Country Inn

236 High Street (Rest Haven)

Country Inn with a restaurant on the 1st floor, lodging on the 2nd, and private offices on the 3rd

Present representing the applicant: Tim Mitts, owner and Bill Johnson from Sparaco & Youngblood, PLLC

Engineer Higgins went over his comment memo (attached) and there were no exceptions taken. Discussions for specific items ensued as follows:

1. Chairman Parise spoke to the Building Inspector about open permits. Mr. Mitts said there is 1 ADA, 1 fire escape, and the electrical one keeps becoming an issue because the permit would be renewed with new numbers. He continued that there will be a need for an electrical permit for the parking lot as well as for the fence and these permits will have to be closed prior to approval. Member Kelly asked about the open permits and Mr. Mitts said that the Fire Escape and ADA are the historical aspect of the building. He had previously shown that the Fire Escape is the way out of the building and were submitted to Albany. The fire escape will be put back due to its historical significance. All permits will be closed by the completion of this project. Engineer Higgins will reach out to the Building Department regarding this issue for confirmation of what is open and to determine if the Planning Board can continue with its review while they are open.
2. Mr. Mitts will take these comments into consideration and resubmit the project narrative.
3. Per Engineer Higgins the Board needs some basis for the parking calculations. Mr. Mitts said that he intends to only fit what he can in the proposed area of disturbance for the parking lot and will back into the occupancy. He does not want to disturb over ½ acre and will tailor the business to conform to this area. Chairman Parise said that we would eventually need a calculation based on how many tables will be in the restaurant. Member Iannucci confirmed that Mr. Mitts will limit the occupancy of the restaurant to the parking spaces. Engineer Higgins noted that the Board was never given a calculation so there is no basis to determine if the square footage or tables is excessive. Member Iannucci said that the restaurant would have to be small to be kept to a 54-spot parking lot. Chairman Parise suggested they do a calculation and present it to the board so that we can see how the occupancy will work with the parking spaces. Mr. Johnson agreed that they will do this.
4. Mr. Johnson agreed
5. Mr. Mitts agreed

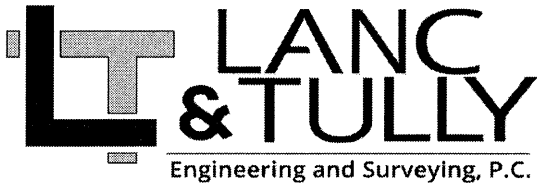
6. Per Mr. Mitts, the property has 8" of water to it. From the prior approval a 6" line was installed. He got approval from the Building Department that the water line service will be left alone and the new 6" line will be dedicated to the fire system. Chairman Parise said that the County will need to know what the proposed usage will be.
7. Mr. Johnson said that lighting time is listed on the plans on Note 15. Chairman Parise recommends sending the lighting plan to the Police Department for review and comment for security lighting.
8. Mr. Johnson agreed
9. Chairman Parise asked if the run off goes across the driveway. Per Mr. Mitts it does but does not go to the neighboring property. Chairman Parise is worried about the driveway becoming icy in the winter. Mr. Johnson explained that they have added a berm. There is a swale after the gravel reservoir. In the event of an overflow it will discharge to the street.
10. The construction cost estimate was provided
11. Engineer Higgins said that he had gotten a call from Sara at SHPO today and she said the email she sent was referencing all the changes that were made in the past 6 years and included the current plan under review. She stated that they were pleased with the plans and if the board wants to make a referral back to them she would be happy to look at it. Per Mr. Mitts all site plans and floor plans have been given to SHPO. Engineer Higgins said that he would pass along any correspondence he has with SHPO to the Planning Board. Chairman Parise noted that what was approved in the past is null and void. Mr. Mitts replied that the ADA ramp and fire escape are not void. Everything else is for the site plan but anything inside structurally is not changing. Engineer Higgins clarified that SHPO has accepted what is currently being reviewed and Mr. Mitts agreed. Chairman Parise confirmed that the specifications of the new country inn law will be met. Mr. Mitts agreed. Chairman Parise noted that we do not have a floorplan and Mr. Mitts replied that he is not changing the floor plan.
12. Mr. Mitts has already submitted the best-case scenario to the Orange County Sewer District #1. He has their reply and will work with an engineer to design the system and determine if another sewer line is needed.
13. Regarding a sprinkler system, Mr. Mitts explained that if you do not meet the code there are calculations to be used for historic homes and this property meets these requirements. He noted that he has been down this road before with the Building Department and the Building Department was overruled in Albany. Attorney MacCartney asked if the Building Department was overruled or if a variance was issued. Mr. Mitts did not have the determination and will forward it to the Planning Board. Engineer Higgins asked if the documents referenced were current to this application? Mr. Mitts replied that these forms are relevant as they show what the house has and what the state had required and the Building Department was given the information on that day. He also stated that the Building Department should reach out to Neil Collier at the State of NY to discuss the specifics of this situation. Chairman Parise read the code regarding R1 occupancy from the NYS Building Code stating that sprinklers are required. Per Engineer Higgins, Mr. Mitts' is referring to Chapter 14 which provides for the performance scoring system where they have the opportunity to provide that and the Building Inspector should review this. Chairman Parise's concern is, if there were a fire and lives were lost the Village would be liable. He continued, due to this application being a new use and a new application, we need all the documents to be specific to the new use. Mr. Mitts noted that he also has to comply with NYS SHPO. Attorney MacCartney asked what the date of the Albany decision and Mr. Mitts replied it was 4/14/2020. Attorney MacCartney stated the review memo referenced 2025 and wondered if there is difference between the version of the existing building code versus 2020? Mr. Mitts pointed back to the scoring system and said he didn't think it has changed. Engineer Higgins stated we needed something current and we need a determination from the Building Inspector as to if a sprinkler system is required. Member Kelly stated that this is an open issue requiring further scrutiny. Mr. Mitts said that the Building Inspector needs to review this. Chairman Parise said that the Building Inspector would coordinate with the Planning Board Attorney and Engineer. Mr. Mitts would like a determination and if it is an issue he will send up to Albany for their determination.
14. Informational

15. Mr. Mitts is considering using this for irrigation but if it is a problem he will not use it. Engineer Higgins noted that there are requirements for abandoning a well from the Health Department. Mr. Mitts said that this dates back to 1903 and original to the house cannot be touched. Engineer Higgins recommends the Planning Board gets some documentation from the Health Department saying they have no objection to leaving the historic well it in its current condition.
16. Noted
17. Agreed
18. Agreed

It was previously determined that this is an Unlisted Action under SEQRA.

On a motion made by Member Kelly and seconded by Member Hafenecker it was resolved to:
Adjourn the Meeting

Aye: 6 Nay: 0 Absent: 1



Village of Monroe Planning Board Review

Project:	Rhone- 1 Alex Smith Ave.
Tax Lot No.	230 – 1 – 1.232
Reviewed by:	David Higgins, P.E.
Date of Review:	April 10, 2026
Materials Reviewed:	Cover Letter prepared by David Niemotko Architects, P.C. dated March 5, 2026; County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n dated September 8, 2025; Survey of Property prepared for Maxlyn & Melisha Rhone prepared by Donald R. Stedje P.L.S. dated November 17, 2025; As-built Conditions Plans for 1 Alex Smith Ave prepared by David Niemotko Architects, P.C. last revised July 8, 2025; Plot Plan Accessory Apartment for 1 Alex Smith Ave prepared by David Niemotko Architects, P.C. last revised March 4, 2026.

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:

Project involves the conversion of an existing finished basement to an accessory apartment. The existing single-family residence is located on a 20,075 sq.ft. lot in the SR-20 Zoning District where accessory apartments are permitted subject to a Special Use from the Village Planning Board. Accessory Apartments are also regulated under §200-49 of the Village Code.

We have the following comments on the plans provided:

1. §200-49 of the Village Code regulates accessory apartments, outlined as follows:
 - A- The lot must meet the requirements of its zoning district for a single-family dwelling, or if the lot is a preexisting nonconforming lot, the accessory apartment shall not increase the nonconformity of the lot. *(Based upon the map provided, the existing building provides for only a 15.3 foot side yard which is less than the 20 feet required. As this is a pre-existing nonconforming condition that will not be increased as a result of the conversion, a variance*

should not be required.) **[INFORMATIONAL]**

- B. There shall be no more than one accessory apartment per existing single-family detached dwelling on a lot. *(Proposal appears to meet this requirement.)* **[INFORMATIONAL]**
- C. Off-street parking spaces shall be provided for each dwelling unit in accordance with § **200-46**. *(Plan depicts 4 parking spaces and appears to meet this requirement.)* **[INFORMATIONAL]**
- D. Proof that adequate water supply and sewage disposal facilities are available. *(The existing building is connected to the Village water supply system and sanitary sewer collection system. Available capacity for the additional apartment is assumed.)* **[INFORMATIONAL]**
- E. The accessory apartment, whether in the main dwelling or in an accessory structure, shall contain at least 600 square feet and not over 1000 square feet of habitable floor area, and as such shall not exceed the size of the primary residence. If the accessory apartment is proposed within the main dwelling, the primary residence shall be no less than 1000 square feet of habitable space. There shall be no more than one bedroom per accessory apartment. The design of the apartment will conform to all applicable standards in the health, building and other codes. *(The floor plan for the basement apartment indicates the area of the Accessory Apartment as 890± S.F. which appears to meet the Code requirements.)* **[INFORMATIONAL]**
- F. The owner of the property shall reside on the premises (either in the main portion of the house or in the accessory apartment). *(The plan appears to meet this requirement. For the information of future property owners/tenants we recommend this requirement be noted on the plans.)*
- G. Each dwelling unit in the structure shall contain its own separate and private bathroom and kitchen wholly within each dwelling unit. The structure in which the accessory apartment is located shall have only one front entrance and only one entrance from any other façade of the structure. An entrance leading to a foyer with entrances leading from the foyer to the two dwelling units will be acceptable. *(The plan indicates a proposed egress door on the rear side of the building and appears to meet this requirement. For the information of future property owners/tenants we recommend this requirement be noted on the plans.)*
- H. The accessory apartment shall be designed so that the appearance of the building remains that of a single-family detached dwelling. Any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the habitable space of the original house by more than 800 square feet beyond its size on the effective date of this section. Accessory apartments shall be clearly incidental and subordinate to the principal structure and shall not change the single-family residential character of the neighborhood. *(The proposed apartment does not propose any additions to the building or changes in the building footprint. The proposed apartment*

appears to meet these requirements.) **[INFORMATIONAL]**

- I. If the accessory apartment is located above a garage, an air-to-air heat exchanger and a carbon monoxide detector shall be installed to reduce the risk of carbon monoxide poisoning. In the event the apartment is proposed for an accessory structure, the apartment must be wholly contained in the existing structure. Such structure shall have a dedicated water line and sewer line that are separate from the primary residence. *(The proposed apartment is located in the basement and is not above the garage.)* **[INFORMATIONAL]**
 - J. A detailed floor plan drawn to scale, showing proposed changes to the building, shall be submitted along with the application for special use authorization. *(A floor plan has been provided with the application.)* **[INFORMATIONAL]**
 - K. Upon receiving special use authorization, the owner must file a covenant at the County Clerk's office and with the local assessor stating that the right to rent an accessory apartment ceases upon transfer of title. A copy of said covenant shall be provided to the Planning Board and Building Department. Upon a transfer of title, the local assessor shall notify the Building Department, who will then take the appropriate steps to ensure compliance with these provisions. *(For the information of future property owners/tenants we recommend this requirement be noted on the plans.)* **(This should be a condition of any approval.)**
 - L. Purchasers of homes that have special use authorization for accessory apartments who want to continue renting those apartments must reapply for special use authorization. *(For the information of future property owners/tenants we recommend this requirement be noted on the plans.)* **(This should be listed as a condition of the approval.)**
 - M. Upon approval from the Planning Board, full compliance with Chapter 158, Rental Property, including registration of the property with the Village of Monroe as a rental property, shall be completed prior to occupancy of the new accessory apartment. *(For the information of future property owners/tenants we recommend this requirement be noted on the plans.)* **(This should be noted in any resolution of approval.)**
2. Based on discussion held at the November 10, 2025 Planning Board meeting, one of the existing accessory structures did not have a building permit issued. Any condition of approval should note the applicants requirement to obtain a building permit for this structure, in addition to the building permit required for the accessory apartment.
 3. The project has been referred to the Orange County Department of Planning for review under GML 239. The Orange County Department of Planning has determined this to be a local determination and had no advisory comments regarding the application. **[INFORMATIONAL]**

4. A Public Hearing was opened during the November 10, 2025 meeting, no public comments were received, and the Public Hearing was closed in the same meeting. **[INFORMATIONAL]**
5. At the November 10, 2025 meeting, the Board authorized Attorney Cassidy to prepare a Draft Resolution of Approval. **[INFORMATIONAL]**

This concludes our comments at this time. Our office shall continue with a review of the plans as more information is provided. If you have any questions, please contact our office.



Village of Monroe Planning Board Review

Project: 236 High Street (Rest Haven)
Tax Lot No. 206-5-4.12
Reviewed by: David Higgins
Date of Review: April 10, 2026

Materials Reviewed: Comment Response Letter prepared by Sparaco & Youngblood, P.L.L.C. dated March 18, 2026; Project Description and Questions Answered unauthored and undated; Correspondence from Village of Monroe Fire Chief dated March 10, 2026; Correspondence from New York State Parks, Recreation & Historic Preservation dated March 9, 2026; Short Environmental Assessment Form (EAF) dated March 9, 2026; ADA Ramp Plan and Details prepared by David Niemotko Architects, P.C. dated May 31, 2019 and last revised November 12, 2020; Site Plan set entitled “236 High Street” prepared by Sparaco & Young Blood P.L.L.C. dated February 22, 2026 and last revised March 18, 2026; Letter dated April 10, 2026 from Building Inspector Robert Wallner

The items below are provided to help you complete your submission to the Planning Board. Please note that this is a general guide—additional items may be requested at future meetings. Ensure all listed items are completed and submit revised plans to the Planning Board at least fourteen (14) days before the next regularly scheduled meeting. If you need further assistance, feel free to contact our office.

Project Description

The project is the proposed renovation and conversion of an existing single family dwelling into a Country Inn. The property is located in the SR-10 District and is identified as a historic property on the Village of Monroe Zoning Map. Adaptive reuse of National Register historic buildings as Country Inns is permitted by Special Permit subject to the requirements in §200-61.1F(5)(d) of the Code. Adaptive reuse of a historic building requires a special permit, architectural review, and site plan approval issued by the Planning Board [§200-61.1D]. The property previously received Special Permit and Site Plan approval from the Village Planning Board in 2020 for use of the property as an adult care facility.

We have the following comments on the submission:

1. Per the provided Land Use Determination Form, the applicant currently has three open building permits (electrical upgrades, decks & ADA ramp construction, and fire escape

construction for 2nd & 3rd floors) that will need to be “closed-out” prior to issuance of a Special Permit. Applicant should discuss with the Building Department the open building permits and discuss what, if anything, needs to be done to close them. Any approval by the Planning Board should include a condition that any/all open building permits be closed out or otherwise resolved to the satisfaction of the Building Department. Applicant should provide written confirmation from the building inspector authorizing them to proceed with this application.

2. Regarding the narrative that has been provided (titled Project Description and questions answered), the following comments are offered:
 - a. The narrative is unsigned and its author is unknown.
 - b. The proposed adaptive reuse of a historic building is subject to Special Permit approval. As outlined in §200-48.2 of the Code, certain criteria (e.g. traffic, noise, landscaping, etc.) must be addressed before a special permit may be issued. Although the applicant has provided a lengthy narrative, it does not specifically address the Special Permit criteria outlined in §200-48.2.
 - c. The narrative is written in an informal, “first-person” perspective. Several statements made such as “The depth that this board looks into the property to ensure it is protected under the guidance is extremely important. The question is not how you do it, but we’re do you begin and where you end.” are unclear and subjective. We recommend that the applicant provide a narrative that is objective, impersonable and defensible.
 - d. Page 1 contains the statement, “When we consider these options, this board is to consider these future projects.” It is unclear what is meant by this.
3. Village Code does not prescribe a parking rate for the Adaptive reuse of National Register Historic Buildings or for a County Inn and instead authorizes the Planning Board to determine appropriate parking requirements [§200-61.1C]. The plan proposes 54 parking spaces, inclusive of 3 ADA accessible spaces. The narrative that was provided indicates that 54 parking spaces is what could be fit into the existing blacktop area without occupying areas of the front yard. The applicant should provide a reputable basis (e.g. ITE Parking Generation) for the number of parking spaces that could reasonably be needed for the proposed uses based upon the floor area, # of seats, etc.... so the Planning Board may review and confirm that provided parking is appropriate.
4. The Grading & Utility and Erosion & Sediment Control Plan (Sheet 3) indicates the total disturbance area is 0.4988 acres which is just slightly less than the ½ acre threshold for requiring preparation of a full SWPPP. Our office recommends prior to construction the limits of disturbance be staked out in the field to ensure that actual disturbance is kept within the proposed limits.

5. It is our understanding that the applicant proposes a restaurant that is to be open to the public. Unless one is currently in place, a grease trap should be provided to serve the kitchen sewer line. The applicant has indicated this will be coordinated with the Health Department. **(Repeat Comment)**
6. The applicant should provide the existing and proposed water use and sewer flows. To determine the proposed water use and sewer flows, we recommend confirming the age of the plumbing fixtures in use (post 1994, pre-1994, or pre-1980) and using the applicable hydraulic loading rates of the New York State Design Standards for Intermediate Sized Wastewater Treatment System for the proposed uses. For the existing water use and sewer flows, we recommend providing meter reading if available or using the NYS Design Standards Table if meter readings are not available. **(Repeat Comment)**
7. We note the Code prohibits exterior illumination between the hours of 11:00pm and 6:00am, except when the Planning Board finds that said illumination would not impact an adjoining use [§200-61.1I]. We recommend noting the hours of illumination on the plan or adding a note prohibiting exterior illumination between 11:00pm and 6:00am.
8. Village Code requires all parking spaces to be double striped [§200-45C].
9. The plan has been modified to include a gravel curtain drain at the edge of the proposed parking lot as was previously discussed. The proposed swale and berm appears to direct a concentrated discharge in the area of the proposed driveway. A site visit will be conducted to review the topography in this area to determine if stormwater runoff will be discharged to the roadway or to the neighboring property.
10. Village Code requires a performance bond to be filed with the Village Board, concurrent with site plan approval. The applicant shall provide a construction cost estimate of all site plan improvements for review.
11. The Code requires special use permit applications for the adaptive reuse of National Register historic buildings to be forwarded to the NYS SHPO for review and comment. The Code authorizes the Planning Board, in its discretion, to retain a qualified historian to assist in the review of any application. The applicant has provided an e-mail letter from SHPO dated March 9, 2026 indicating they previously issued approvals for the ADA upgrades, the fire escape and commercial hood for the kitchen. Prior to making a SEQRA finding, we recommend that the Planning Board send a written request to SHPO advising of the acceptability of the current plan complete with any changes that are being proposed.

12. Approval from Orange County Sewer District No. 1 will be required for increased sewer flows.
13. A letter dated April 10, 2026 was received from the Building Inspector that a fire sprinkler system is required throughout the building.
14. The plans were referred to the Chief of the Monroe Joint Fire District who provided a letter indicating that the plans were acceptable and that there would be no issues maneuvering in the parking area or around the building. **(Informational)**
15. The submitted narrative indicates that the existing well is within a concrete tank that is roughly 19 feet deep and 3 feet round with tile walls and that it is to be used solely for irrigation. Because the well does not have a sanitary casing and represents a possible entry of contamination into the groundwater, the applicant shall provide written confirmation from the Orange County Department of Health of the acceptability of such use.
16. The proposed restaurant is subject to a food service establishment permit from the Orange County Department of Health.
17. Regarding the submitted Short EAF:
 - a. Question 2- The Orange County Department of Health should be listed as a permitting agency for Food Service Establishment.
 - b. The included EAF Mapper Summary Report indicates the presence of Northern Long Eared Bats. We recommend a note be added to the plan limiting tree clearing to the period from November 1 through March 31.
 - c. As advised by Planning Board Attorney Cassidy, this should be considered an Unlisted Action.
18. In accordance with Village Code §200-72E(4) a public hearing is required.

A written response letter addressing each of the above comments should be provided with the next submission. If you have any questions, or require any additional information, please do not hesitate to contact our office.