VILLAGE OF MONROE, NEW YORK
ZONING BOARD OF APPEALS

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In the Matter of the Amended Application of
123 ELM STREET, LLC and 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.

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THIS APPLICATION of 123 Elm Street, LLC and 125 Elm Street, LLC (together referred to as "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) Staging of vehicles in in yard; 7) Permission to Store more than Five Vehicles requiring minor Repairs for more than Forty-Eight Hours; and, 8) 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 the following dates: April 8, 2025, June 10, 2025, July 8, 2025, September 9, 2025, and October 14, 2025. 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 though 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 where 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 vote[1]:

Chairman Paul S. Baum, Esq.	Aye
Member Elizabeth Doherty	Aye
Deputy Chairman John Gilstrap	Aye
Member James Lanari	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 to legalize the existing structure; the Board voted 5-0 to approve the variance.
3. Rear Yard Setback: The existing garage building on Lot 2 partially encroaches into the rear yard setback and requires a variance to legalize the existing structure; the Board voted 5-0 to approve the variance.
4. 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.
5. 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 neighborhood, the Board voted 5-0 to deny this requested variance. The Applicant was

[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.

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.

6. Variance to Permit the Outdoor Storage of Vehicles in the rear, front or side yard 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.
7. 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.
8. 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: March 11, 2026

Paul S. Baum, Esq., Chairperson