VILLAGE OF MONROE, NEW YORK
ZONING BOARD OF APPEALS

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In the Matter of the Application of
BSD Y&U REALTY,
Designated as Tax Map Section 220, Block 5, Lot 16.312

DECISION

For An Area Variance from the
Village of Monroe Zoning Board Of Appeals.

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THIS APPLICATION of BSD Y&U REALTY ("Applicant") comes before the Village of Monroe Zoning Board of Appeals ("Board") as a request for an area variance from prohibiting the placement of dumpsters in any required setback as per Village Code Section 200-34(H)(3)(g). *See, Village Code § 200-34(H)(3)(g)(Dumpster enclosures shall not be located any closer than five feet to a lot line).*

PRELIMINARY STATEMENT

The Applicant is the owner of a commercial building located at 581 Rt 17M in the Village of Monroe, New York and shown on the Village tax maps as Section 220, Block 5, Lot 16.32. The proposed action that has triggered the application for the area variance is for the construction of 14,370 square foot two story office addition with unfinished basement storage and attached to an existing two story office retail and other, ancillary site improvements. Due to the configuration of the new plan, traffic circulation throughout the newly constructed site to accommodate increased buffering and wider drive aisles, along with the necessity of having access to the dumpster, the Applicant is proposing to re-locate the dumpster and construct its enclosure at a location that is within five feet of the lot line.

The application before this Board, received by the Building Department on or about February 2, 2024, requests an area variance from the prohibition of placing a dumpster within five feet of a lot line. (*Id.*). Upon due deliberation, the Board voted to approve the application and grant the variance.

PUBLIC HEARING AND SEQRA

The public hearing on this Application, upon a notice duly published, was held on April 14, 2026 and closed at the same meeting. No members of the public appeared to be heard.

COUNTY GML § 239 *-l, -m* or *-n* REPORT

This application was referred to the Orange County Department of Planning on or about March 12, 2026. By reply to the referral dated March 20, 2026, the Orange County Planning Department stated that approval of the application would not have an impact on countywide planning and did not object to the applications approval.

DECISION

Village Code § 200-34(H)(3)(g), Dumpster enclosures shall not be located any closer than five feet to a lot line: Variance

Village Code § 200-34(H)(3)(g) prohibits the construction of a dumpster enclosure within five feet of a lot line. The application is based upon proposed improvements to the parking lot with better screening and wider drive aisles, thus resulting in an overall improved traffic flow and parking layout. Consequently, the relocation of the dumpster enclosure must be configured in such a way as to allow the commercial carting service to have access to the dumpster in such a way as to operate the mechanical lift mechanism to empty the contents into the truck without the operator leaving the vehicle. Therefore the Applicant showed the rationale behind the proposed dumpster location and its connection to the overall design of the site.

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 variance, and whether the requested variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The Board considered the character of the neighborhood and noted that the proposed location of the dumpster would have a bank parking lot on the side and a parking lot to a commercial property to its rear. There are no residential neighbors, and the enclosure would not be visible from the street. The Board determined that granting the variance would not create any undesirable change in the character of the neighborhood nor would it be a detriment to the immediate adjacent commercial properties. The Board determined that as proposed, the Application would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

Additionally, the Board weighed whether the variance was substantial. Based upon the totality of the site design the related parking and traffic improvements, as well as the necessity for the operation of pick up and collection, the determination was made that the variance was not substantial.

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. While it can be argued that the variance was self-created, under the current design, there is no preferential feasible alternative. And finally, the Board may make a finding in the self-created prong, but it should not be considered as a deciding factor against granting an application.

Upon Motion by Member Elizabeth Doherty to grant an area variance to allow the Applicant to construct a dumpster enclosure within five feet of a lot line, the Board voted as follows:

Chairman John Gilstrap	Aye
Member Elizabeth Doherty	Aye
Member James Lanari	Aye
Member R. Daniel Margotta	Aye
Alternate Member Larry Hearn	Aye

CONCLUSION

As a consequence of the Board's discussions, the Zoning Board of Appeals hereby grants the area variance requested to construct a dumpster enclosure within five feet of the property line, subject to the Applicants obtaining site plan approval from the Planning Board, if necessary, and all required permits from the Building Department and commencing and diligently pursuing construction within 18 months of the date below. The Board hereby finds that the variance 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: June 9, 2026

Written Decision Signed: 6 June, 2026

John Gilstrap, Chairperson