

**Village of South Blooming Grove Zoning Board of Appeals
Resolution - December 12, 2024**

NAME OF APPLICANT: Hartman Design / 572 Route 208 LLC
SITE ADDRESS: 572 Route 208, Monroe, NY 10950
ZONING DISTRICT: ORI
SECTION-BLOCK-LOT: 224-1-2
VARIANCES REQUESTED:

1. **SIDE YARD:** Reduce from 50 feet to 28 feet.
 2. **MAXIMUM HEIGHT:** Increase from 2 stories to 3 stories.
-

WHEREAS, an application was submitted to the Zoning Board of Appeals (ZBA) by the above identified Applicant for the variances indicated above; and

WHEREAS, the variances sought to develop 4,852 square feet , as shown on a site plan prepared by its engineer, was reviewed by Fusco Engineering as well as by its planning consultant, Shepstone Management Company; and

WHEREAS, the ZBA determined the application was reasonably complete and, following public notice, held a public hearing thereon on December 12, 2024; and

WHEREAS, the Planning Board has referred this application to the ZBA, which has the authority to grant variances to side yard and building height standards in the ORI District, and

WHEREAS, the ZBA has duly considered public comments received; and

WHEREAS, the ZBA has determined, for the purpose of review under the State Environmental Quality Review Act (SEQRA), that granting of area variances constitutes an Unlisted Action, and

WHEREAS, the granting of setback variances are a recognized Type II action under SEQRA, and

WHEREAS, the ZBA has, of this same date and as Lead Agency, declared that granting of the requested maximum height variances will not have a significant adverse environmental impact on the environment, and

WHEREAS, Orange County has reviewed this application under General Municipal Law §239 and indicated the variances requested were properly a matter of local determination, and

WHEREAS, in considering whether to grant or deny each of the requested variances, the ZBA engaged in a balancing test, weighing the proposed benefit to the Applicant against the possible detriment to the health, safety and welfare of the community, as well as consider the five statutory factors enumerated in the applicable law; and

**Village of South Blooming Grove Zoning Board of Appeals
Resolution - December 12, 2024**

WHEREAS, the ZBA herein has addressed the requisite statutory factors in approving the each proposed variance after a review of the recommendation and advice of its planning and engineering consultants, the ZBA members' knowledge of the location of the site and the relevant surrounding areas and also such material and relevant public input as received; and

WHEREAS, the ZBA considered whether the requested height and yard variances were substantial when compared to the nearby buildings, would improve the physical and environmental condition and character of the neighborhood, and whether the requested variances were the minimum variances required to promote the legitimate interests of the Applicant in due regard to the interests of the general public; and

WHEREAS, the ZBA believes the substantial evidence in the record supports the rationale for the ZBA's determination to grant the requested Variance;

NOW, THEREFORE, BE IT RESOLVED, that the ZBA of the Village of South Blooming Grove finds the Applicant has submitted all required materials, and met all applicable requirements as set forth in the Zoning Code and applicable law for the granting of the requested variances, subject to conditions set forth herein and/or limitations imposed by applicable law, based upon the following findings and determinations:

- 1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties:**

Determination: No

Reason: This is a proposed use in a district intended for such development.

- 2. Whether the benefit sought by applicant can be achieved by a feasible alternative to the variances:**

Determination: No

Reason: The site is constricted by unique conditions, including an existing water well.

- 3. Whether the requested variances are substantial:**

Determination: No

Reason: Neither the side yard reduction to 28 feet nor the building height increase from two stories to three are substantial in light of other development along Route 208.

**Village of South Blooming Grove Zoning Board of Appeals
Resolution - December 12, 2024**

4. Would the variances have an adverse impact on the physical or environmental conditions in the neighborhood:

Determination: No

Reason: Route 208 is a commercial highway.

5. Whether the alleged difficulty was self-created:

Determination: No

Reason: The existing water well and other site characteristics restrain the ability to use the site for permitted uses without any area variances.

6. Whether the variances will comply with other Village variance criteria.

Determination: Yes

Reason: The use enabled is very practical, will not burden municipal water and sewer services and will improve upgrade the appearance of Route 208

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

Upon the foregoing reasons and evidence in the record of the proceedings before the ZBA, the ZBA further finds that the foregoing variances are the minimum variance that should be granted to preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The ZBA, therefore, hereby makes the following findings in connection with its granting the variances set forth above:

1. That the variances are not substantial in relation to the requirement and to other factors set forth herein and otherwise made applicable by relevant law.
2. That the effect of any increased population density which may thus be produced upon available services and facilities is not significant.
3. That a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties will not be created.
4. That the difficulties cannot be alleviated by some method feasible for the applicant to pursue other than variances or that lesser variances cannot alleviate the difficulty.

**Village of South Blooming Grove Zoning Board of Appeals
Resolution - December 12, 2024**

5. That, in view of the manner in which the difficulties arose and considering all of the above factors, the interests of justice will be served by allowing the variances.

6. That the variances will not cause adverse aesthetic, environmental or ecological impacts on the property or on surrounding areas and will not harm the general health, safety or welfare.

7. The difficulty addressed by the variances are not self-created,

The ZBA did not identify any detriment that would result to the neighborhood or community by reason of allowing the land to be developed with the variances requested. Moreover, the ZBA, taking into consideration the above factors, finds that the benefit to the Applicant outweighs any potential detriment to the neighborhood or community, and, therefore the requested variances are hereby granted. Nonetheless, the granting of the requested variances shall not relieve the Applicant from obtaining any other necessary approvals, permits, etc. for the use and development of the site.

NOW, THEREFORE, BE IT FURTHER RESOLVED

On a motion by _____, seconded by _____, and carried by a vote of _____, Ayes, _____ Naes, and _____ Abstentions, with _____ members being absent, the Zoning Board of Appeals makes the foregoing findings and determinations, and it hereby grants the requested variances of side yard and building height standards, which are subject to such conditions as the Village Engineer shall impose.

The above does not relieve the Applicant from obtaining any other permit, approval, and/or license required in connection with the proposed use of the site.

Dated: December 12, 2024

Zoning Board of Appeals
Village of South Blooming Grove

Hon. Yehoshua Bittman, Chairman