

ZONING BOARD OF APPEALS
Village of South Blooming Grove
811 NY-208
Monroe, New York 10950
January 13, 2022 via Zoom Webinar

PRESENT: Yehoshua BITTMAN: Chairman
Chaim GOLDSTEIN, Member

ABSENT: Peter PIAMPIANO, Member

ALSO PRESENT: Melissa FOOTE, Secretary
Gardiner BARONE, Counsel
Al FUSCO, Engineer

Call to order

Chairman BITTMAN to call meeting to order @ 8:32pm. Broadcast via Zoom Webinar Meeting for the Village of South Blooming Grove and opened with the Pledge of Allegiance.

Adoption of Minutes

Motion to Adopt the Minutes of the December 9, 2021 meeting as written.

Motion made by Chairman BITTMAN

Second by **Member GOLDSTEIN**

Vote – 2 Ayes, 0 Nays

Adoption of Meeting Dates for ZBA

Motion made by **Chairman BITTMAN**

Second by **Member GOLDSTEIN**

Vote – 2 Ayes, 0 Nays

Business

2 Duelk

Engineer FUSCO: Reading Correspondence Received from OCDP, 239 dated January 5, 2022. Board Passed a Resolution for Bulk Variances, 1 Side Yard from 20ft. to 14ft., both Side Yards from 45ft. to 29ft., and a Rear Yard from 50ft. to 17ft. 239 was sent out to OCDP and the NYSDOT. The DOT had recommended ADA access in relationship along Duelk from 208, and the Board would review that. The VOSBG has been advised by the Village Board that they would give property for lease for parking on the project which would resolve the parking issue. The board resolved to declare itself Lead Agency under SEQRA as an Unlisted Action based on Environmental Review grants a Negative Declaration of Environmental Impact. The ZBA grants a conditional approval to the following Bulk Variances Side Yard from 20ft. to 14ft., both Side Yards from 45ft. to 29ft., and a Rear Yard from 50ft. to 17ft situated at 2 Duelk, in the Village of South Blooming Grove, subject to the following conditions:

Review of OCDP comments Review of DOT Comments. Lease with the Village of South Blooming Grove by the Village Board for parking. In reference to the Sidewalk, I would

recommend discuss this and include it with the lease of the Parking. The County made a recommendation which is a required modification.

Counsel BARONE: Zoning Board of Appeals has unanimously voted to grant the request of variances, the ZBA has an obligation to respond to comments submitted by the OCDP.

Applicant & Engineer should address comments initially. Counsel will review comments along with Mr. Fusco. If so authorized by the Board members Al and Counsel will work together a proposed response to the OCDP comments circulated to the Zoning Board of Appeals members 1 week to 10 days in advance of next month's meeting so they can read it process it and discuss it at the next meeting and distill an approved response to the OCDP. The one thing I will note that some of the items that they bring up are not Zoning Board of Appeals concerns. You can grant the lot ratio variance, but it's still up to the applicant in front of the Planning Board to make the Storm Water fit. That's not the ZBA's consideration. One of the things that isn't raised is the fact that this is a religious use and under federal law, LOOPA, the applicant is entitled to special exceptions. The standards for granting those exceptions are different than the standard for granting variances. That wasn't addressed in their memo. We can incorporate the LOOPA factors into our response to the OCDP. If the applicant can show that they have a reasonable expectation and need to use a facility of a certain size, and there is no alternative to them to locate elsewhere or to downsize their facility then the Village needs to make these reasonable accommodations. We can't let certain artificial constraints in the Zoning Code such as a 25ft or a 50ft setback; inhibit a religious institution practice of their religious belief.

Chairman BITTMAN: With our approval at the last meeting, does anything change?

Counsel BARONE: The variance is approved and will stand but under general municipal law 239 the ZBA needs to make a response to the County. The response should be relatively thorough and address the LOOPA considerations.

Chairman BITTMAN: I'll make the Motion for Counsel Barone and Engineer Fusco to work together to create a proposed response to the County.

Second by **Member GOLDSTEIN**

Vote – 2 Ayes, 0 Nays

Member BITTMAN: Motion to Adjourn the meeting at 8:52pm

Second by Member **GOLDSTEIN**

Vote – 2 Ayes, 0 Nays

Respectfully submitted,

Melissa Foote
Zoning Board of Appeals Secretary