

**TOWN OF MONROE
ZONING BOARD OF APPEALS**

Tuesday, July 28, 2026
Town Hall
1465 Orange Turnpike
Monroe, New York

Board Members Present:

Zachary Murphy, Chairperson
Steven Thau, Board Member
Chip Postiglione, Board Member
Kevin Scully, Board Member
Aaron Hughes, Alternate Board Member

Board Members Absent:

None

Staff/Consultants Present:

David H. Chen, Esq., ZBA Attorney
Alyssa Kezek, ZBA Secretary

1. WELCOME

1.1 Roll Call

Roll call was taken. Present were Chairperson Zachary Murphy and Board Members Steven Thau, Chip Postiglione, Kevin Scully, and Alternate Board Member Aaron Hughes. No Board members were absent.

1.2 Pledge of Allegiance

The Pledge of Allegiance was recited.

1.3 Point Out Fire Exits

The fire exits were identified.

2. PUBLIC HEARING

2.1 Planning Board Appeal - Excellent Bus Service, 485 Route 208

Case: Appeal of Building Department Determination

Property: 485 Route 208, Monroe, New York (GB Zoning District)

Applicant/Owner: Excellent Bus Service (represented by Dan Richmond, Esq., Zarin and Steinmetz LLP; Joel Mann, Brach & Mann)

Appellant: Town of Monroe Planning Board (represented by Bonnie Franson, Planning Board Chair; Adam Rodd, Esq.)

Matter: Appeal of the Building Department determination dated September 10, 2025, classifying the proposed facility as an automotive service station.

Background:

The Planning Board appealed the Building Department's determination regarding the use classification of the property at 485 Route 208. The applicant proposes a facility including fueling stations, maintenance bays, offices, and parking areas for buses and employee vehicles.

The Planning Board conducted informal technical advisory meetings with the applicant. During those meetings, discussions occurred regarding the proposed use, which was characterized by some participants as a "bus depot." During those meetings, the Planning Board stated that a bus depot was not a permitted use in the GB District. The applicant subsequently submitted a land use determination request to the Building Inspector. The Building Inspector issued a determination on September 10, 2025, classifying the use as an automotive service station. The Planning Board filed a notice of appeal on November 7, 2025.

Planning Board's Position:

The Planning Board stated that the proposed facility functions as a bus depot rather than an automotive service station and is therefore not permitted in the GB District. The Planning Board stated that:

- The facility's primary use is storage and parking of buses.
- The definition of "automotive service station" does not encompass the proposed use and that the proposed facility functions primarily as a bus storage and operations facility.
- Bus depot is not listed as a permitted or special permit use in the GB District
- The site plan shows 29 bus parking spaces and 29 car parking spaces, indicating storage is the primary use
- The applicant initially characterized the project as a "bus depot" in pre-application meetings
- This use should be addressed through legislative action by the Town Board rather than administrative interpretation

Applicant's Position:

The applicant stated that the facility qualified as an automotive service station. The applicant contended that:

- Buses require regular fueling, maintenance, repair, and servicing
- The parking and storage are accessory uses to the primary service function
- No passengers are loaded or unloaded; only employees and mechanics use the facility
- The operation is similar to any company maintaining its fleet vehicles on-site
- The applicant followed proper procedure by submitting a land use determination request to the Building Inspector
- The applicant asserted that any ambiguity in the zoning code should be interpreted in favor of the property owner.
- The building is designed with five maintenance bays, fueling stations, and offices to support the service function
- The facility is similar to an air conditioning repair company that maintains service vehicles on-site

Applicant's Operational Details:

Getzel Gelb, President of Excellent Bus Service, testified that the company operates 29 buses total. Typically, 12 to 15 buses operate from the Monroe location per day, with the remainder at a Brooklyn location. The facility operates Sunday through Thursday from 6:00 a.m. to midnight and Friday from 6:00 a.m. to 5:00 p.m.

Public Comments:

A member of the public expressed concerns about the facility's location in a residential area near water ski lakes used for recreational purposes. The commenter expressed concerns regarding hours of operation, noise, environmental impact, traffic, and stated that the proposed use constituted a bus depot.

Aryeh Lazarus, owner of Ski Delight, stated that the lakes are used for recreational purposes including families, wildlife, kayaking, canoeing, and fishing. Mr. Lazarus objected to any use of the property as a bus depot or similar use.

Mark Lunde expressed concerns regarding environmental impact, noise, traffic on Route 208, and the adequacy of Town infrastructure to support the proposed use. Mr. Lunde raised concerns regarding potential environmental impact, including possible runoff issues.

Additional comments were made regarding the participation of municipal officials during the hearing. The Town Supervisor stated that she was present in her official capacity and not as a member of the public.

Town Supervisor Comments:

Town Supervisor Maureen Richardson addressed the Board. She stated that the Building Inspector has statutory authority to issue land use determinations independently. She noted that there is no mandatory requirement that determinations be filed with the Planning Board. She stated that this is not a unique situation and that similar issues have occurred multiple times. She noted that the Town has received legal bills and gone over budget due to this matter.

She stated her opinion that the ZBA was the appropriate body to interpret zoning definitions in this matter. She recommended that the Town develop a policy requiring notification to the Planning Board of Building Department determinations. She stated that potential conditions or negotiated measures could be considered in connection with future municipal review processes.

Board Discussion:

The Board discussed whether the Planning Board had authority under the Town Code to file the appeal, in addition to whether the appeal was timely filed under the applicable 30-day appeal period. The Planning Board argued that good cause existed due to lack of notice of the Building Department determination, while the applicant challenged both the timeliness of the appeal and the Planning Board's authority to bring it.

The Board extensively discussed the definition of "automotive service station" versus "bus depot" and the applicable zoning code provisions. ZBA Attorney David Chen noted that the zoning code does not include a specific definition of "bus depot," but does distinguish between a bus depot and a bus passenger waiting shelter in Section 57-13F. The Board discussed a definition of "bus depot" referenced during the hearing, describing such facilities generally as properties used for storage, parking, dispatching, and routine maintenance or washing of buses. Mr. Chen noted that the Town Code itself does not contain a specific definition of "bus depot."

The Board discussed communication breakdowns between the Building Department, Planning Board, and Zoning Board of Appeals. Board members noted that this type of communication failure has occurred multiple times and costs the Town significant legal fees.

Board Member Steven Thau stated that the Board's jurisdiction was limited to making a determination based upon the applicable zoning definitions and the appeal before it. Mr. Thau stated that the Board does not take into account legal costs or constitutional matters in its decision-making.

The Planning Board stated that it has stopped having informal technical advisory committee meetings due to concerns about communication breakdowns. Board members discussed the importance of resuming these meetings with improved protocols.

MOTION by Zach Murphy, seconded by Steven Thau, to continue the public hearing and keep it open for continued discussion.

VOTE: All in favor. Motion carried unanimously.

No final determination was made on the appeal. The public hearing remains open for additional submissions and deliberation.

2.2 Joel Brach (Z105-2025)

SBL #7-1-45, 190 Cromwell Hill Road, Monroe, NY 10950

The applicant was not present. No action was taken.

3. NEW PROJECTS

3.1 Daniel Tarach (Z107-2026)

SBL # 22-1-22, 135 Ludlam Road, Monroe, NY

This application was withdrawn by the applicant. No action was taken.

3.2 Francisco Martinez-Garcia (Z108-2026)

SBL #11-1-5, 150 Valley View Avenue, Monroe, NY

The applicant was not present. No action was taken.

4. ADJOURNMENT

4.1 Adjournment of Meeting

MOTION by Zach Murphy, seconded by Steven Thau, to adjourn the July 28, 2026 ZBA meeting.

VOTE: All in favor. Motion carried unanimously.

Meeting adjourned.

Next Meeting: August 25, 2026

Respectfully submitted,

Alyssa Kezek
Secretary to the Zoning Board of Appeals