

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 02/26/2019

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, February 26, 2019)

Generated by Norinne McSweeney

Members present Robert O'Neill, Seth Bader, Chairman - Michael Murphy, Peter Lewis, Kevin Scully

1. Welcome

Action, Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

Procedural: 1.03 Point out All Fire Exits

2. Public Hearing

Action, Discussion: 2.01 Gomez - Accessory Apt (Z034-2019) SBL # 24-1-68.27

Tonights ZBA attorney is Steve Hanon Esq. from Feerick, Nugent and MacCartney in for David MacCartney David Niemotko representing the applicant Karina Gomez David reviewed the application for the Board the property is located Country Court accessory apartment for parents - this project has been referred to ZBA from the Town of Monroe Planning Board maximum square footage 750 sq ft 2 variances are necessary - lot area and lot coverage footprint of the house is not changing need to add additional parking spaces per the Zoning code not necessary for the family Open to the public for comments John Patrissi - 22 Post Road Concerns: questioning how issue with square footage came about also reason of issue with lot coverage Michael Murphy responded with in 2017 the Town of Monroe changed the Zoning from a builder's lot of 40,000 sq ft to an acre of 42,560 sq ft.. Again, part of the code changes within the Town lot coverage is 15% maximum unless variance granted for more. Seth Bader also brought up that the property has to be a confirming property in order for the accessory apartment to be allowed. Which brings this applicant before this board John Patrissi questioning that anyone can put in a accessory apartment boards response yes with following the guidelines of the Zoning code Accessory apartment is only being reviewed for the current owner a new owner would have to go through the process again and get approval. Also accessory apartments need annual inspection from the Building department. David Eng - 247 Harriman Heights Road main concern that this will create more people making accessory apartments making it more people in a small area No more public comments. ZBA Board had a few questions: Parking issue might involve taking out trees possible to move to another location. Use more pervious product to assist in water drainage Public Hearing is closed Board reviews the 5 factors: 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the

area variance.2. Whether the benefit sought by the applicant can 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 proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.5. Whether the alleged difficulty was self created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.The best way to understand the rules is to examine each in its turn, together with the court decisions that rely on them. BE IT RESOLVED that the Zoning Board of Appeals for the Town of Monroe hereby opens the Public Hearing for the applicant Karina Gomez

Motion by Robert O'Neill, second by Seth Bader.

Final Resolution: Motion Carries

Yea: Robert O'Neill, Seth Bader, Chairman - Michael Murphy, Peter Lewis, Kevin Scully

BE IT RESOLVED that the Zoning Board of Appeals for the Town of Monroe hereby closes the Public Hearing for Karina Gomez.

Motion by Robert O'Neill, second by Peter Lewis.

Final Resolution: Motion Carries

Yea: Robert O'Neill, Seth Bader, Chairman - Michael Murphy, Peter Lewis, Kevin Scully

BE IT RESOLVED that the Zoning Board of Appeals for the Town of Monroe hereby grants the variances seeked with the following recommendations to the Planning Board of the Town of Monroe 1) moving the parking spaces approximately 10-15 feet east to avoid disturbing trees and 2) the use of permeable pavers or some form of pervious material.

Motion by Seth Bader, second by Peter Lewis.

Final Resolution: Motion Carries

Yea: Robert O'Neill, Seth Bader, Chairman - Michael Murphy, Peter Lewis, Kevin Scully

3. Minutes

Action: 3.01 January Minutes

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby approves the January 22, 2019 minutes.

Motion by Seth Bader, second by Robert O'Neill.

Final Resolution: Motion Carries

Yea: Robert O'Neill, Seth Bader, Chairman - Michael Murphy, Peter Lewis, Kevin Scully

Action: 3.02 November 2018 Minutes

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby approves the November 2018 minutes.

Motion by Robert O'Neill, second by Peter Lewis.

Final Resolution: Motion Carries

Yea: Robert O'Neill, Seth Bader, Chairman - Michael Murphy, Peter Lewis

Abstain: Kevin Scully

4. Adjournment of Meeting

Action: 4.01 Adjournment of Meeting

BE IT RESOLVED, the Zoning Board of Appeals of the Town of Monroe hereby adjourns the meeting at 8:40 pm.

Motion by Kevin Scully, second by Robert O'Neill.

Final Resolution: Motion Carries

Yea: Robert O'Neill, Seth Bader, Chairman - Michael Murphy, Peter Lewis, Kevin Scully