

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 03/23/2021

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, March 23, 2021)

Generated by Norinne McSweeney

Members present Chairperson - Michael Murphy, Peter Lewis, Kevin Scully, Austin Seid

Consultant:

David MacCartney, Esq.

1. Welcome

Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

2. Public Hearing

Action, Discussion: 2.01 Michael LaBagh (Z053-2020) SBL # 17-9-27.2

Michael La Bagh - applicant continuation of public hearing Mr. Labagh reviewed the new maps added cars to the parking spaces variance lot coverage 25% is met sidewalk arch to driveway measurements on there front entryway area Member Lewis side parking not there yet will be, there is a drop off but this works out well won't affect the grade Chairman Murphy map presenting tonight updated signed and sealed by a licensed professional engineer address all what Building Inspector asked for remove additional pavement front set back area by covered porch must show 2 parking spaces only one beyond front yard checkerboard spots removed going to be grass seeded portion of parking in front is represented by car no public present to speak on this application BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to close the Public Hearing.

Motion by Peter Lewis, second by Kevin Scully.

Final Resolution: Motion Carries

Yea: Chairperson - Michael Murphy, Peter Lewis, Kevin Scully, Austin Seid

Chairman Murphy the public hearing is now closed, the board will review the impact potential Mr. MacCartney yes the board now needs to review the 5 factors under the town code 267-B standards, it's a balancing test guided by the five factors BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to approve 2 variances on condition of the plan set received on March 18, 2021.

Motion by Austin Seid, second by Peter Lewis.

Final Resolution: Motion Carries

Yea: Chairperson - Michael Murphy, Peter Lewis, Kevin Scully, Austin Seid

BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to authorize out legal counsel to draft the resolution outlining what we have approved in terms of this application and that it would get signed by the Chairman.

Motion by Peter Lewis, second by Kevin Scully.

Final Resolution: Motion Carries

Yea: Chairperson - Michael Murphy, Peter Lewis, Kevin Scully, Austin Seid

3. New Projects

Action, Discussion: 3.01 Pietro Fini (Z056-2021) SBL # 31-1-25.42

Jay Myrow - Attorney with Blustein, Shapiro, Frank & Barone application for an interpretation on property 144 Fini Road site plan from 1983 Mr. Fini and his brother purchased the property in 1973, it use to be bungalow colony building labels single family dwelling is issue that we are hear for tonight Chairman Murphy do the bungalows still exist, map doesn't reflect today it is dated 1982 over 40 years ago and it shows multiple bungalows listed on the property Mr. Myrow if you look at the note on the bottom it was a map used from 19? approximately 10 years older than the most recent date, you are here some 40 years later presenting an application Mr. Myrow - Mr. Fini purchased it in 1973, according to him that house was 2 family house when he purchased it, next to the house is a larger building which was a 5 unit apartment building, prior to that it had been a boarding house, in 1981 the large building burned down Mr. Fini goes to Building Inspector he wants to reconstruct the building as a 5 unit apartment building, the building inspector needs him to show proof that it's a pre-existing non-conforming use for the current zone which is a single family. He can't prove anything so he goes to ZBA 1982 for an interpretation of the law. The determination based on evidence received from a Mr. Fava and a prior owner, the board concluded using a 1965 as reference point, there wasn't enough evidence to show that it was a pre-existing legal non-conforming so they denied the application. In 1983 applicant goes back to ZBA asking for them to rehear application, the board concluded it in fact had been an apartment building and it was used that way prior to burning down, but still not enough proof 1983 return to the ZBA again to re-hear the application, the board agrees there's evidence that was submitted at the time going back to 1926 saying it was an apartment building eventually the prior decision was set aside, agrees that it's illegal non conforming and instructs the Building Inspector accordingly, at this point guessing the Building Inspector sent Mr. Fini back to the Planning Board to get approval to rebuild that structure. So this plan must have been prepared, if you notice the only detail on the plan has to do with the five unit building, the septic design, it's soil testing results, it looks like the sole purpose of this map was to get approval for the building inspector to issue building permit to construct the house. Building constructed in 1983/1984. 2019 I am guessing in the course of doing routine inspections of properties the Building Inspector went to the Fini property and noticed that the house was being used as a 2 family house a violation was

issued for the building being used as a 2 family. In speaking with the owner he said when he purchased it in 1973 it was a 2 family house and he has never made any changes to it. So now I was given the case to determine what the facts are in terms of what is in the records to see whether or not there's any indication that this was converted to a 2 family. I foiled the assessors records doesn't appear to be anything in those records., can't find anything prior to 1983 that indicates the use was changed. Mr. MacCartney reviewed what has been presented Mr. Myrow I tried to find any documents related to this property. I FOIL requested the Building Department, the Accessors office and the ZBA files, but was unable to come up with anything prior to this plan. Chairman Murphy would like to see prior maps on the property that Mr. Deutsch prepared Member Lewis when did Mr. Fini purchase this property Mr. Myrow 1973 Member Lewis then he constructed these other homes on the lots Mr. Myrow it was subdivided done in the late 70's I have reviewed those maps there is no indication on any of them for the larger piece of land which is the one we are talking about Member Seid I think we need more documentation as to what the prior boards had to make their determination from. Chairman Murphy I would like to see an updated site plan, as you are saying most of these buildings shown on here don't exist anymore. Mr. Myrow we are only here for an interpretation of the map, saying this was an error showing one family versus 2 family. We are not here for a site plan, the only thing is whether this is an error and it's a legal two-family non-conforming unit Open discussion between Board members and Mr. Myrow. some issues with inaudible periods reviewed and discussed varies papers that were submitted to the board looking for more documents prior to scheduling a public hearing.

4. Adjournment of Meeting

Action: 4.01 Adjournment of Meeting

BE IR RESOLVED, the Zoning Board of Appeals of the Town of Monroe hereby adjourns the meeting at 9:00 PM.

Motion by Kevin Scully, second by Austin Seid.

Final Resolution: Motion Carries

Yea: Chairperson - Michael Murphy, Peter Lewis, Kevin Scully, Austin Seid