

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 03/26/2024

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, March 26, 2024)

Generated by Norinne McSweeney

Members present

Kevin Scully, Chip Postiglione, Steven Thau, John Seeley, Zachary Murphy

Meeting called to order at 7:01 PM

1. Welcome

Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

2. Continued Public Hearing

Action, Discussion: 2.01 Chris Robinson (Z081-2023) SBL # 34-2-2.1 124 Second Ave, Monroe NY

Applicant Representative:

Chris Robinson - applicant

Chairman Postiglione - reviewed where we are with this application. There are a number of things that need to be reviewed. Lot area coverage, front yard setback, side yard setback, pool is 8 feet off the line and shed be 15 feet. Am I missing anything?

Mr. Robinson - the Palisades Park Commission has an issue with the rock wall being over the property line by 3.5 feet. I have a new survey with the exact amount and I have the landscaper coming in to fix that issue once corrected will have the surveyor do another updated survey.

Ms. McSweeney - I spoke with Mr. Matthew Shook at the PIPC asking why they were asking the applicant to add a buffer at the end of his property as there was never anything there prior to this. We spoke about the plans that Mr. Robinson had with getting the rock wall moved within his property line and the results are if a new survey shows that there is no encroachment on to the PIPC property then nothing else will have to be done on Mr. Robinsons part. We were also waiting for the OCDP GML review and we have that back now with local determination.

Chairman Postiglione - public hearing to be held until next month and hopefully you will have the updated survey and we can move on at that point.

3. New Project

Action, Discussion: 3.01 CV Associates (Z087-2024) SBL # 24-2-46 71 Talbot Road, Monroe, NY

Applicant sent an email earlier in the day that they are withdrawing their application.

4. Returning Projects

Action, Discussion: 4.01 Town of Monroe Planning Board

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to set the Public Hearing for the Town of Monroe Planning Board for April 23, 2024.

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

Yea: Kevin Scully, Chip Postiglione, Steven Thau, John Seeley, Zachary Murphy

Action, Discussion: 4.02 Remmy Burdiez & Yolyn Almonte (Z086-2024) SBL # 15-4-29 234 Park Terrace Monroe, NY

Applicant Representative:

Remmy Burdiez - owner

Yolyn Almonte - owner

Chairman Postiglione - why don't you give us an update on what is happening with the project. I see we have new survey submitted to the board also received an email of original violation letters from BI.

Mr. Burdiez - the new survey shows the covered area with amount for each item. We sent a couple of support letters from our neighbors. One of the questions from last time was how much has it changed since we bought the property. The surveyor said about 10% with the pool and deck and the Patio floor.

Member Scully - is that brick all around the pool.

Mr. Burdiez - no in the back of the pool it is gravel up to the wall.

Mr. MacCartney - after stone is done it is brick up until the A/C Unit.

Chairman Postiglione - the Gazebo is going to be moved to the Patio currently counted as 2 covered areas. Than you said an issue with # 15.

Mr. Burdiez - when we bought the house there was a driveway that doesn't belong to us, it's our neighbors driveway, but getting rid of that will make a big difference.

Open conversation speaking about the potential changes to be made to improve the lot coverage.

Things to be done:

- 1) move the Gazebo
- 2) moving shed # 2 to fix the setback
- 3) during the resurvey ask them to concentrate on shed # 3 and the driveway # 15 accurately show the driveway because it might be calculated twice

Member Thau - What is plan with brick patio # 10 ?

Mr. Burdiez - that it there to help with the water issue at the house.

Member Scully - what about the encroachment of the pool?

Mr. Burdiez - we put the pool up during Covid, thought all offices were closed, read all the information on line and it said the setbacks were 15 ft for everything. We then found out by the Building Inspector the Zoning code had changed and it was 40 feet which means that there was an issue with the pool. This is why we are here for the variances.

Chairman Postiglione - you are going to have to make some choices. Look at the most recent survey that you have given us and try to see where you can make some concessions and where you can cut back on getting on getting the lot area coverage to where it is not an issue. Since they are trying to get this done sooner than later can we go ahead and schedule a public hearing for next month.

Mr. MacCartney - to set a public hearing the only issue with that is we have to notice a particular lot coverage that he is looking for and it seems to be a little bit of a moving target right now. We're talking about them maybe coming in with a compromise, if there is anything that you could remove to bring the coverage down. There's two ways to proceed you could put it on again for another meeting like this next month to see what changes have been made, if the Gazebo and shed have been moved and get new computations and look at XYZ as to what else could possible be removed to get that number down. That's one way if the applicant was going to do that and could do that soon then we come back for one more meeting we see what that number is and then we put it on for a hearing it doesn't mean that becomes the be all and all there could still be discussion about it. but at least we have a number that's accurate. The other way that you could do it is you notice a public hearing for the number that he has on the latest survey and know that during the hearing it's going to be a continued topic of discussion how to drop it. The problem is you could notice a public hearing for more and then have the applicant come in and reduce the request, but you can't do it the opposite way. okay I is the from what I'm reading here and

Board members having open conversation regarding as to what the next steps for this application should be.

Action, Discussion: 4.03 Nelson Luciano (Z079-2023) SBL # 15-4-30 78 Cromwell Hill Rd, Monroe, NY

Applicant Representative
Nelson Luciano

Chairman Postiglione - have a survey in front of us we have a number of things on this that needs variances. There is a Gazebo, a deck in question, a pool and a shed. Items were built without a permit. How did we leave off the last time you were here? Were you on last months agenda?

Mr. Luciano - I was at the meeting but not scheduled on the agenda, but you did speak to me briefly. The last meeting a question was whether the deck was part of the permit for the pool, I sent you paperwork showing that yes the deck was part of the permit and part of the variance. There was a question regarding the stone area where we use a moveable firepit does the water pass through this area. The driveway on Park Terrace where it says paved driveway and is says 80, half of that driveway is paved and the other half is dirt and grass. Does that go against my lot coverage.

Mr. MacCartney - so the definition of impervious surface or cover in in the Town of Monroe, it's different in many municipalities, it includes those surfaces which do not have a permanent vegetative cover and/or cannot effectively infiltrate rainfall including driveways and roads with a surface of compacted dirt or gravel. So if it's got a surface that's compacted dirt or gravel then that counts as impervious coverage.

Mr. Luciano - if I move the shed to the driveway and set it on the blacktop would that help towards lot coverage?

Mr. MacCartney - what is it sitting on now?

Mr. Luciano - grass

Mr. MacCartney - yes than that would help

Member Thau - we don't have a breakdown of the percentages

Mr. MacCartney - I think a breakdown of each of the components of your lot coverage would be very helpful to the board.

Chairman Postiglione - I am going to make a statement here, so you were in front of this board previously with another pool and it was denied.

Mr. Luciano - yes I was before the board, but I actually took the pool down and pulled my application.

Chairman Postiglione - so this is a different pool it's smaller, do you have a survey of that pool available? Judging by this survey this is a fairly large oval pool what was the other pool?

Mr. Luciano - it was a larger round pool.

Member Thau - as far as the shed that you mentioned looks like the shed has to be moved anyway because of the setback, I also have a note here from the last time that the pool deck setback there is an issue with that as well.

Mr. Luciano - yes

Member Scully - regarding the fence off your property

Mr. Luciano - I have a letter from the Highway Superintendent he is okay with the fence being there as long as I am aware that I am responsible for any damages caused by the snowplow or anything else.

Chairman Postiglione - the current pool doesn't encroach within the building envelope? Yes it does it should be 40 ft you only have 34.4 feet on one side and 34.7 on the other side? Was there a permit for this pool? When you tore down the other pool which was bigger than this pool you had to know that pool was encroaching the original pool right correct? Again, did you get a permit for this pool in this deck for this one?

Mr. Luciano - no I did not

Chairman Postiglione - you're saying that the deck was part of the permit correct part of what permit. You just said you didn't apply for a permit?

Mr. Luciano - the permit that I applied for with Mr. Maldonado

Member Scully - you just applied for it - yes

Member Thau - the application for the permit is ultimately what brought you here before us.

Chairman Postiglione - so there's a couple issues here right as the board see this is a pattern. You were in front of the board for a different pool took it down and removed your application knowing that there were issues with that pool. Obviously you know I'm stating the obvious this all could of been taken care of if you if you had gotten a permit and found out where the proper place to put this was.

Mr. Luciano - one of my many mistakes was originally I thought it was SR10 Zone because my original survey when I bought the house says SR10 so when I looked at the code it said it has to be 25 ft and 25 ft so when I put the pool up I figured okay it should be 25 feet I personally didn't get a surveyor that's another mistake I did, I measured from where the green grass goes to where the pool goes and I measured 25 ft when the actual surveyor came because I was told I could draw the whatever it is to scale I didn't understand what the scale meant I figured I'd take a measuring tape I'll do it myself and I did everything and I said boom and that's when Mr. Maldonado told me no you have to get a surveyor to actually do the measurement because it has to be to scale he explained to me what to scale meant and then I already had the pool so I paid the penalty and then I applied for permit and then I applied for variance and I came here and then when I saw where it was going I decided you know what I'm going to pull my papers to the variance and I am just going to get a, since it

was round and more towards Park Terrace, I got something oval figuring it'd be thinner and it'd be closer and it would make the 25 feet and then once I realized it was SR15 zone, I don't know why my old survey said SR10, but the new one says SR-15 and I told Mr. Maldonado he said no it was changed because of whatever the area became so I went from 25 ft to 40 ft setback and that's when everything just went sideways.

Chairman Postiglione - I get it but it all could if you would have went for the to permit first correct it would all have been crystal clear.

Member Scully - this is pre-existing non-conforming but the lot area should be 15,000 ft and your lot area is 9,900 ft and that's pre-existing non-conforming, but that really plays to lot coverage. When you are now doing 40 something percent of your lot coverage that's tremendous because it's only a 9,000 about a 10,000 square foot piece of property.

Chairman Postiglione - Mr. MacCartney had made a mention going forward here tonight, you know what you've done wrong so you're going to have to think what your doing wrong and how you can make it right so let's start with what we had the last applicant do is have a lot area coverage broken down here in your survey that's showing us how they're going to calculate what you have on your property.

Member Scully - shows the applicant what the Board Members are looking for as a breakdown of each item on the property. Looking for good faith decisions to make adjustments.

Chairman Postiglione - come up with a calculation of your lot area broken down by item. Get a hold of your surveyor have him put a chart on a survey of what Mr. MacCartney just said a breakdown of your lot area coverage, he should know this.

Mr. MacCartney - So that way each item that's counting towards the 48.2% he's already computed 48.2% so your surveyor knows how he computed that he just didn't show it here. If he shows you each item is like for example that stone area I don't know if he's counting that stone area towards it he may not be counting that towards lot coverage. Now I know what each component part is creating towards this gigantic number and where I can work with the board and the board can work with you.

Mr. Luciano - so then the area also that the driveway I was talking about the half is paved and half is not he'll also give number to absolutely and have them located because you know again.

Chairman Postiglione - if your a surveyor has got his license on the line and have him show where the pavement ends and the grass starts and it'll be in his calculations so I'd like to see photos of that driveway, photos of the fire pit anything you can show us to help us out.

Action, Discussion: 4.04 Yirmiyahu Weiss (Z082-2023) SBL # 7-3-2 210 High Street, Monroe, NY

Ms. McSweeney - in November they were scheduled for a public hearing for January they never responded to my mailing that I gave them the list and everything the letter. They responded after the fact, they were due to come back last month to have the public hearing

changed to this month but they never showed up. So, Mr. Weiss is here this evening asking for a new date for a public hearing for them to do the mailing to get on the next months agenda.

Member Scully - this was a really tiny little shed shed that was pre-existing Spanish style like the house so it was kind of original to the house I remember it very well.

Chairman Postiglione - so the shed is within outside of the building envelope is that what is that right. It's encroaching on the property line it is 47 feet from the front property line and what is required is 50 feet.

Member Thau - what type of foundation does it sit on?

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to set the public hearing for April 23rd.

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

Yea: Kevin Scully, Chip Postiglione, Steven Thau, John Seeley, Zachary Murphy

5. Minutes

Action, Discussion: 5.01 October 24, 2023

tabled

Action, Discussion: 5.02 November 28, 2023

tabled

Action, Discussion: 5.03 January 21, 2024

tabled

Action, Discussion: 5.04 February 27, 2024

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the February 27, 2024 minutes.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

Yea: Kevin Scully, Chip Postiglione, Steven Thau, John Seeley, Zachary Murphy

6. Adjournment of Meeting

Action: 6.01 Adjournment of Meeting

BE IT RESOLVED, the Zoning Board of Appeals of the Town of Monroe hereby adjourns the meeting.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

Yea: Kevin Scully, Chip Postiglione, Steven Thau, John Seeley, Zachary Murphy