

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 04/23/2024

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, April 23, 2024)

Generated by Norinne McSweeney

Members Present:

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

Members Absent:

Marci Daniel

Zoning Board Counsel:

David MacCartney, Esq.

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 - Owner

the board closed the public hearing

the board reviewed the 5 factor read into the record by Mr. MacCartney

the board made a motion to approve this project

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to close the public hearing.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the area variance.

Motion by Steven Thau, second by John Seeley.

Final Resolution: Motion Carries

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

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to direct the attorney to prepare the resolution and have the chairman sign

Motion by John Seeley, second by Kevin Scully.

Final Resolution: Motion Carries

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

3. Returning Projects

Action, Discussion: 3.01 **Remmy Burdiez & Yolyn Almonte** (Z086-2024) SBL # 15-4-29 234
Park Terrace Monroe, NY

Applicant Representative:

Remmy Burdiez

Yolyn Almonte

Chairman Postiglione - applicant sent in new pictures of what he will be doing on the property to reduce the lot coverage. Very much appreciated. We were asking this applicant to really work out the lot coverage could be adjusted

Sent some picture which was very helpful.

Mr. Burdiez - I was doing my research about one is to get down more or less to remediate the lot coverage and as you could see I provided a copy of the survey and I marked out a couple of areas that I'm willing to remove and more or less that would be a total of 795 square footage of surface and that would bring me down roughly to 36% 36.7 hopefully more percentage and proposing to treat these decks. I contacted an engineer and everybody like I was told that any deck raised deck that has dirt underneath is at least a 50% preview like water goes through no issue as long as you have gaps in the woods and that's why I provided the pictures which I have half an inch 38 of an inch of it's all over the place of spacing between every plank so if that's something that we could work on and we could add the pull deck and the front deck. I'm willing to the deck behind as you see in the survey to bring it down to like half of the size only keep like 120 square foot behind the house and removing all the pavers behind the house to move all the brick patios behind the ones that I marked out. Spoke with the neighbor going to remove the driveway pavement that is on our property.

deck # 10 would be coming down to 22 square feet out of original 153 square feet. Number 9 big deck on back will be removed, all the gravel around the pool will be removed

Open discussion as to what the applicant plans to do to reduce his lot coverage.

Public hearing set for May 28, 2024

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to reschedule the public hearing for May 28, 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: 3.02 **Nelson Luciano** (Z079-2023) SBL # 15-4-30 78 Cromwell Hill Rd, Monroe, NY

Applicant Representative:
Nelson Luciano

Chairman Postiglione - was there anything new submitted for us since the last time
Ms. McSweeney - pictures of his driveway and a bulk table completed by a surveyor from April 9th

Chairman Postiglione - so the surveyor calculated out the area coverage anyone on the board have any questions because this one like the other projects has been going on a little bit with give and take of what we've been looking for and trying to understand what's going on this one. It's a little more complex with the pool, we had a pool that was taken down a pool that didn't have a permit that was taken down and a bigger oval pool went up without a permit is that correct, then we have the Gazebo and the shed.

Member Scully - we thought there was an issue with the fence but there is a letter from the Highway Supervisor that he is ok with that.

Mr. Luciano - what I proposed was to remove the stone area number six and also remove the shed over to the second driveway on Park Terrace, also that same driveway half is black top the other half it's permeable it grows grass submitted pictures of the driveway as well

Open dialogue between board members and the applicant as to what he was going to be removing or adjusting on the property to make it closer to the maximum allowable lot coverage.

items discussed:

deck 7,8, & 9 permeable and rain goes through
remove stone area # 6 around the fire pit
move shed # 2 to 2nd driveway on the blacktop
10 keeping it 5 ft off the property line Gazebo
9 deck will remove

the decks have spaces between board so water can run through discussion whether permeable or not

new calculation was 34% saving 1219 square feet

#9 shed , Gazebo, # 10 will still be on or close to the property line

would like to keep the Gazebo and get a variance for that

the pool is still an issue with meeting the setback what is the proposed action for this

need plans showing what all is being removed with adjusted bulk table showing current calculations and then adjusted calculations

last time I never got to the public hearing or a denial from the board. I removed the pool and withdrew my application as the variance wasn't needed anymore.

Put in an oval pool versus a round one again with no permit or guidance and now back before the board for the same situation

putting sod down on the 2nd driveway instead of stone

Chairman Postiglione want to see on a mapped survey with the calculations of how much square footage you're taking out of which areas done accurately no estimating

Action, Discussion: 3.03 Yirmiyahu Weiss (Z082-2023) SBL # 7-3-2 210 High Street, Monroe, NY

unable to attend do to the Passover Holiday

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to reschedule until May 28, 2024.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

Action, Discussion: 3.04 **Town of Monroe Planning Board**

Applicant Representative:

Bonnie Franson

Mr. MacCartney just need to cover a procedural point to make sure that everything is covered in terms of the mailings. I want to make sure that Summer Crest definitely received a mailing at the time of all the mailings. We have the proof of the mailing. It is a return receipt green card showing mailing received.

Chairman Postiglione - Ms. Franson what have you prepared for us this evening.

Ms. Franson -

-essentially tried to do a little more research on the question of non-compliance, non-conforming, was the use abandon Etc and you know as I don't live around there I wouldn't have necessarily seen things but I looked at the record I looked at what was on file with the tax assessor. I also found some for what it's worth real property sales information that I can offer up. The other thing I wanted to bring to your attention was my firm at the time before I became Planning Board Chairwoman we prepared the Zoning that was adopted in 2017 which is essentially the current Zoning with some local Law changes that have come and go, but it was that Zoning that amended the non-conforming summer cottage development section so if you go to General code and if you're able to look at archives you'll see that before 2017 the same language exists that says any property lawfully used on or before the third day of September 54 for the purpose of rental summer Cottage development shall be considered a lawful non-conforming use and may be continued back then before 2017 there were there was another section that said may contain additional summer cottages but only within the boundaries of such property as they existed on third day of September and only on the following conditions and essentially it says you have to have had a map showing the location of all existing and proposed buildings and installation shall be filed with and approved by the Planning Board. I bring this up because to my knowledge there's nothing in the Planning Board files related to this particular property and that there was any filing of a map and that there was anything given to it in terms of status allowing additional Bungalows allowing them to be converted to two family Cottages that didn't occur. So in 2017 that language was removed because the Town did not want to have any more continuance of summer cottages summer bungalow developments that essentially either they would be converted to a conforming use or they would have to disappear. So I was trying to find out where some of the language came into existence and the one thing I did find was that it was specifically changed in 2017. The other thing again this is information that I found there was a Kushman Wakefield flyer in 2014, so this property had been for sale for a while and back then it described it as a 16 unit and Bungalow Colony with single family home with pool and more. It makes reference to one single family home it says closed down for many years and then it says but grandfathered in for a colony probably referencing the summer Cottage language in the Zoning, but the point is this was back in 2014 and it said closed down for many years, I don't think this has been operational for quite some time that gets back to that whole question of whether it was abandoned. There was another Kushman Wakefield ad and this was probably it has to been 2018 or 2019 because in the description it says soon to open Legoland and all new Cartwright Resort and looking those up Legoland was open I think in 2021 when I did a little search and Cartwright Resort all new opened in 2019 this was likely after that, but again it talks about prestigious 17 acre estate it says property offers three single family homes, makes the large pond and an inground pool suitable for a buyer for a family complex or private estate. This article talked

about three single family homes the point is there's never

Mr. MacCartney - what's the year on that?

Ms. Franson - I believe it has to be around 2018 2019 again because Legoland hadn't been open and that was 2021 so it had to be before then. I can provide links to this or I can provide this OB dated.

Member Scully - the article is not dated?

Ms. Franson - this isn't, it's just a property being described online at Kushman and Wakefield the other was it Kushman and Wakefield in the earlier advertisement where it said one that's also Kushman and

Wakefield that one when I look at the PDF property information it says 2014 and that just refers to one dwelling it refers to one dwelling and now later one says three but all single family right no two family no multifamily and specifically the one says that the Bungalow had been vacated something to the effect of closed down for many years.

Member Thau - these flyers are advertisements obviously for the sale of the property?

Ms. Franson - yes, so is it going to be precise, I think it's good they're trying to sell a property so they're describing what's there on the site and then also looking at the Building Inspector's information I didn't see reference to any 2 family. There's this back and forth apparently between the tax assessor and the property owner about the assessment and the buildings and whether they're being described properly with the present owner and it's involving the two family saying that there's a photo of the two family there, but interestingly this ad that talks about the one single family dwelling has a picture of that specific building that in question that's a two family and it's only describing a single family and I think at least in terms of what I could find I see no reference to two families. There's an old survey that accompanied our Planning

Board submission and it showed three stone houses it was from the prior owner Shapiro before the Roncos purchased it and the Roncos were the ones who had the bungalow community or inherited it and

then it eventually went vacant. There's reference to three stone houses and then everything else is just showing little boxes for buildings but the date of that survey 1969 October 22nd survey as in possession of the lands of Morris El Shapiro to be conveyed to Angelo and Enchenza Ronco. We've been at this for a while and when I had left and unfortunately I couldn't come back at the time for personal reasons there was a question about what we knew about these properties in terms of when they got vacated or did we have any additional information on what they were. I just wanted to offer up from my perspective again no reference to two families, no more than one to three single family, evidence that Bungalow development had been vacated. I want to share that the Zoning was changed in 2017 to get rid of this language that would have allowed you to actually continue and had standards for the use of a Summer Cottage development, because the intent was the Town didn't want to allow them to continue, they can exist now in their seasonal form, but beyond that you know if they are abandoned that would be it. That's what I want to offer I can give you this yeah.

Chairman Postiglione - I would like the copy of that stuff along with the survey like you said we've been at this a while and it's been a couple of months since we all talked about this in the prior conversations and meetings I don't think there was any evidence of two family housing.

Member Thau - it was on the Building Inspector's report

Chairman Postiglione but no nowhere in the history to say it was what's kind of Happening Now type of deal but nothing there in any of the archives or research leaning towards two family home there was none Mr. MacCartney - correct and and Mr. Maldonado determination was not to that effect his determination was that four of the structures were single family year round dwellings nowhere does he find any of them to be used as two family. The question that the board was looking at before the hearing was closed was the status of those ones that he determined were single family year round dwellings, when did they you know what was the history of each of those four, right and that's what you're the information that you're bringing today is relating to those single family dwellings right.

Ms. Franson - I question whether in fact and there were four is there any record of that fourth one. There's evidence of one to three and there's so part of the question is also so what was vacated because it's not

just about the fact that there's you know how many are there but also were they vacated and what's non-conforming.

Chairman Postiglione - and where the archive says that it's been or the advertisement said that it's been vacant for a while for some time for years and that was 2014 information referred to one single family dwelling and then the information that you found later was it 2017 referred to three

guess 2018 2019 that refers to three

Member Thau - here's a crazy question if you know from the photos you looked at the link do you know which structure it refers to the one single family home right I can show you what it shows

Ms. Franson - I would only add that is 2022 the actual deed that went from Claire Runco to whoever became the new property owner it says in the deed Clare Runco residing at either 25 Pine Crest

25 Summer Crest because that's been used interchangeably so I believe from that at least one one was occupied right but beyond that there's evidence and also there's a hydrological report that the applicant provided us dated May 25th 2022 site is currently vacant residential property and that's probably because when he took it over Ms. Runco left and people moved out so then it was certainly vacant entirely.

Chairman Postiglione - from 2014 to 2018/2019 we can it by the advertisements for sale we can show that there was one home to three homes no evidence of the fourth home, and in the 2014 advertisement for sale where did it say 16 units with one home right and so there's no other from all the other information that we have and that's what was in question is they were

summer bungalows seasonal and we can't come up with what you're going to give to us and add to that we can't come up with the fourth

Ms. Franson - I will get a narrative to you and to you I'll do an excerpt of the deed where it says resided that was 2022 maybe put together chronology as far as where I came up with the date especially for the one advertisement and that's again based on the description of Lego Land soon to open.

Chairman Postiglione - Then later on 2022 deed kind of referred to Ms. Runco residing in.

Member Thau - was there anything in the tax assessor's information

Ms. Franson - it was it's very confusing the information because there was at some point Mr. Mitt the applicant or the owner or whoever it is, I'm not sure of his ownership but involvement in the property he refers

to he's going back and forth with the tax assessor arguing about the property and what's there even historically before this previous owner I'm sorry the current owner. I can put that all together do you have any of the tax assessor information.

Opened hearing to the public

Scott Fisher Monroe New York - I own the property Five Pine Crest Lane and that is the first one on the left as you drive up the road

- to this date I still have not received a notice of public hearing just so you're aware if one was sent to me

- I purchased that property in 2012 renovated the property and then rented the property out so I do not live there

- what I do know is I did have the pleasure of meeting Claire and Netta Runco that lived up there let's see here when I moved in or when I bought purchased property there were four

- units that were could be considered year round one was Claire's house which is the first when you pull in second is Nettas which is the last on the left the third is the grandparents house which is where there or the parents house that's where their parents lived Yellow House in between the two and then the fourth one was a small Bungalow that's on the left as you pull in there Bungalow style it's basically rectangular it's small what year was that 2012 the small Bungalow is a newer built house so it's not from the 30s 40s 50s whenever it was a bungalow Colony. To the best of my knowledge I did have the opportunity a couple times of going up there I also had the opportunity to tour the property with Claire's permission in April of 21 at that time Claire still lived in her house, the grandparents house was still vacant as far as I know it was vacant since I purchased it Netta's house was being rented out that would be the two family house I think you're talking about. I do not ever remember it being a two family house she rented hers out

maybe three years before they sold the property could be more could be less and the newer Bungalow was being lived in by one of their sons.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to re-open the public rehearing.

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

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

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to to keep the public hearing open until May 28, 2024 at 7:00 pm or soon there after.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

4. Minutes

Action, Discussion: 4.01 **October 24, 2023**

BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to approve the October 2023 minutes.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

Action, Discussion: 4.02 **November 28, 2023**

tabled

Action, Discussion: 4.03 **January 21, 2024**

tabled

5. Adjournment of Meeting

Action: 5.01 **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