

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 04/26/2022

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, April 26, 2022)

Generated by Norinne McSweeney

Draft

Members present

Kevin Scully, Marci Daniel, Chip Postiglione, Steven Thau, John Seeley

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 **EagleView Estates** (Z068-2022) SBL # 18-4-60;61 Lakes Road

Mr. MacCartney spoke regarding Eagle View had contacted us in advance of the meeting and requested an adjournment. They sent an email today requesting an adjournment for 60 days.

Member Scully do we leave the public hearing open for 2 months

Mr. MacCartney you could entertain a motion to put it on for a continuation on June 28, 2022

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to put a continuance on Eagle View Estates for June 28, 2022.

Motion by Kevin Scully, second by Steven Thau.

Final Resolution: Motion Carries

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, Steven Thau, John Seeley

Absent: Michael Murphy

3. Returning Projects

Action, Discussion: 3.01 **Max Wessel** (Z067-2022) SBL# 7-1-24 3 Cromwell Hill Road
Monroe, NY

David Niemotko representative

review of application:

5 x 10 foyer addition add to house stairs to a grade down to a path to an existing garage
current pathway to the garage is dangerous goes along Cromwell Road which is a busy road
needed to get a survey done
established 2 fold
front yard variance non conforming 38.4 variance requested
new non conforming lot width needs to be 150 ft current 145.9 need 4.07 foot variance
the variances are all preexisting non conforming
ask the board to consider the request minor variances
help the owner to add the addition on the inside of the building

no variance for lot coverage needed - correct
variance for non-conforming pre existing

framed garage is that as old as the house - don't have exact date for that

board member comments - none

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to set for a public hearing on May 31, 2022.

Motion by Kevin Scully, second by Steven Thau.

Final Resolution: Motion Carries

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, Steven Thau, John Seeley

Absent: Michael Murphy

4. New Projects

Action, Discussion: 4.01 **Suris** (Z072-2022) SBL # 24-1-68.27 12 Country Court Monroe, NY
David Niemotko representing the applicant

History of the project:

this was an accessory apartment in 2018
apartment constructed without permit
was before the planning board 2019
came back before zoning board for pre-existing condition
all variances were granted
approved accessory apartment by the Planning Board around April and May 2019
new plans to building department to address several concerns with the house among other things was the apartment
Zoning code accessory apartment size maximum can only be 750 sq ft

apartment at time of construction was 1400 sq ft portion of first floor and stairs that led to 2nd floor

submitted plans to eliminate access to the second floor thus making apartment 750 sq feet permit under these conditions was granted

during that time the Suris were in the process purchasing the house

at that time the house was presented as a 2 floor apartment bedroom and bathroom upstairs with living quarters downstairs

we have submitted pictures and a video shows stairs intact at the time of the closing

the building department issues C/O on October 22, 2019

privacy of bedroom and bathroom very important of health with father

human element to the family

part to the process with a special use permit for an accessory apartment is inspections once a year at which time the Building Inspector saw the staircase and the permit was not approved applicant went to the planning board and they referred them to the ZBA

we are here for an apartment area variance to increase the size from 750 sq feet to 1400 sq feet

once there is no need for the accessory apartment they would take out the stair case making the apartment 750 sq feet again

Chairman Postiglione the pictures you supplies are they from a realtor when the house was listed

Mr. Niemotko some of the pictures are from the home inspection report, some re completely independent, some from the new owners and the video is from the home inspection.

Chairman Postiglione there is a letter from real estate saying stairs were already there at the time of the original showing. So when they were looking to buy this house it was in the state they were attracted to because fit their needs.

Member Scully to clarify it is all one electric and heating unit just making sure it is not a multi-family unit.

Chairman Postiglione anymore questions or comments from the board

Member Scully just wondering is there even a stipulation that we're allowed to put in the decision that once it is no longer needed it goes back to meet the code

Mr. MacCartney the issue is variances run with the land not the people, they are referred to as what we call in REM

inaudible

between the applicant and the consultant come up with something as to have a condition for the project to be approved

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe, hereby makes a motion to place on the May 31, 2022 agenda for a public hearing.

Motion by Marci Daniel, second by Steven Thau.

Final Resolution: Motion Carries

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, Steven Thau, John Seeley

Absent: Michael Murphy

Action, Discussion: 4.02 **Joel Mann** (Z070-2022) SBL # 1-2-35 105 Forest Ave Monroe, NY
Joel Mann Brach and Mann

variance all but one preexisting non conforming

owner purchased want to do upgrades and additions

7 variances are pre existing

basement with 1 story house currently -

make it a master suite on to the 2nd floor

within height limits

added small addition on back not increasing lot coverage increasing side yard setback

side yard goes from 24' to 21'

lot area required 1 acre existing .27

lot width required 125 ft have existing 100 ft

front yard required 50 ft existing 22 ft

side yard 1 with required 30 ft existing 24 ft proposed 21 ft both side yards 47 ft

rear yard required 60 ft existing 38 ft

lot coverage required 15% existing 28% staying the same

Member Scully existing concrete slab what is that - if you remove it the lot coverage will be reduced

Mr. Mann I will look into that will help reduce existing lot coverage

Chairman Postiglione what type of renovation is going to take place, not seeing a floor plan

Mr. Mann rebuild entire house

Chairman Postiglione proposed deck questioning it? Beneficial to see what you are going to do/build some plans?

needs to submit building plans

Mr. MacCartney looking through plans trying to match variances required and exact numbers
looking at site plan with bulk table

lot area pre existing

lot width existing

front yard existing

side yard

rear yard

submit amended first page to make sure match the bulk table

send applicant bulk table form

send for GML 239 need revised paperwork

Action, Discussion: 4.03 **Hu John Wen** (Z071-2022) SBL# 38-2-9 162 Robyn Road Monroe, NY

Hu John Wen representing himself

the board members were having a very hard time communicating with the applicant. He asked that the board members write down the questions and he will answer them.

Chairman Postiglione tried to review the application with Mr. Wen, discussing the 2 variances sought. Tried to explain about all the information that is required for the board to make a decision.

Mr. MacCartney wrote a note "Do you have someone that can represent you or an interpreter?"

Mr. Wen I understand English I don't interpret it. Need questions written down.

Mr. MacCartney if you are having trouble hearing the board they are certainly having trouble communicating with you. I would suggest you hire someone to help you with the application process before the board.

Mr. MacCartney through writing was trying to explain to Mr. Wen the communication issues that were happening, that the meetings get recorded and need verbal communication not written communication.

The board members were reviewing the application but were unsure as to how to proceed with not being able to discuss the application openly with Mr. Wen.

Mr. Wen I honor this meeting you make any decision and I will accept it. I have no time to come here again. If you have questions and you feel it no good I will accept this decision, I honor all of you. All my answers in the application.

discussion amongst the board trying to come up with a solution that was inaudible

Mr. MacCartney gave note to Mr. Wen to have his survey people come for him next meeting. Mr. MacCartney also gave him a note that the secretary would email him with instructions.

5. Minutes

Action, Discussion: 5.01 January 25, 2022

held over

Action, Discussion: 5.02 February 22, 2022

held over

Action, Discussion: 5.03 March 22, 2022

held over

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 at 8:45 pm.

Motion by Chip Postiglione, second by Marci Daniel.

Final Resolution: Motion Carries

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, Steven Thau, John Seeley

Absent: Michael Murphy