

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 05/27/2025

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, May 27, 2025)

Generated by Norinne McSweeney

Draft

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

Procedural: 1.03 Fire Exits

2. Public Hearing

Action, Discussion: 2.01 **Home Depot** (z096-2024) SBL # 2-1-31.2Larkin Drive, Monroe, NY

Applicant Representative:

Dorin Balan -

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

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Chairman Postiglione - last month needed to figure out the status within Planning Board and ZBA

Mr. MacCartney - what we learned was the Planning Board had declared the matter as an unlisted action and had not declared itself lead agency and an uncoordinated review, which means both boards independently do an environmental review and have to comply with their own SEQRA responsibilities. I have prepared some SEQRA documents for the board there's an EAF provided by the applicant that lays out the potential areas of concern. It is up to the board to review and then complete a Part II EAF which is the tool that guides you as to whether there'll be any environmental significance, any significant environmental impact by

answering a series of questions. Then there is a part III which is a negative declaration once completed the board can act on the application. You can't vote on the application until you complete the SEQRA process.

Chairman Postiglione - the part II you are talking about these 11 questions on EAF form, we can go through the steps or take time to review and bring back next month

Mr. MacCartney - my recommendation would be if you have the information that you need, unless there are any further questions about any environmental impacts or about the application, the applicant is here to answer them as to where you stand or get any clarification. Then you could open it up to the public for comments, once you have everything you need then you would be ready to close the public hearing and the very least complete SEQRA, go through the EAF part II and III and adopt the negative declaration. Then you can act on the application tonight or sometime within the next 62 days.

Chairman Postiglione - I think we should start going through these documents

Mr. MacCartney - the Part II is 11 questions regarding all the usual and customary on the short form potential environmental impacts. The EAF Part II is completed with each of the 11 questions will have none or small impact. This project is really a parking issue the number of parking spaces reducing it by 26 spaces.

Chairman Postiglione - I agree with the assessment you made here and it's not like we're doing this blind everything that's led up to these answers have been through the months of discussing this project. So I think that small impact is correct.

Mr. MacCartney - if everybody agrees we can move on to Part III the negative declaration saying that there will be no significant adverse environmental impacts.

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 Kevin Scully, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to accept EAF 2&3 and adopt a negative declaration.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Mr. MacCartney - that completes SEQRA if the board is ready we could go over the 5 factors and continue to move forward

review the 5 factors

Mr. MacCartney - it looks like you are in favor of approval I would condition it upon final review and approval by the Planning Board and any conditions that the board may impose. The payment of all due fees and expenses and compliance with all their laws, rules and regulations.

BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to approve with the conditions the attorney noted.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to have council draft the resolution and authorize the chairman to sign.

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action, Discussion: 2.02 **Kevin Donoghue** (Z097-2025) SBL # 20-10-22 98 Osseo Park Rd, Monroe, NY

Applicant Representative:

Kevin Donoghue - owner

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

Motion by Kevin Scully, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Chairman Postiglione - no comments from the board, nobody from the public here to speak on this project, next step for the applicant upon leaving the ZBA will be to go back to the Town Board

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 John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

review of the 5 factors

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the applicants variances add to the normal conditions payment of all due fees and compliance with all the laws, rules and regulations and the applicant shall not deviate from the survey that he provided.

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to for council to prepare resolution for Chairman to sign.

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action, Discussion: 2.03 **Camille Tokerud** (Z096-2025) SBL # 58-1-1.2 112 Osseo Park Rd, Monroe NY

Applicant Representative:

Camille Tokerud - owner

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

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Chairman Postiglione - since the last meeting has anything changed. We have the latest survey I believe.

Ms. Tokerud - nothing has changed, yes you have the latest survey. Some of the original things from Ben's letter that I needed variances for I don't anymore. It's just side yard setback and the lot coverage.

Mr. MacCartney - just to clarify my notes unit one, there's 2 units and I'm showing unit one you need a side yard where you're providing 16.7' and 30' is required and a rear yard setback providing 21.2' and 60' is required.

Ms. Tokerud - I need 2 variances side yard setback which required 30' proposed 19.5' supposed to be combined setback required 65 proposed 60.8

Unit 1 is my neighbors house I am not looking for a variance for that unit.

Conversation regarding the property and unit 1 & 2 where there is some confusion.

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 John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

review the 5 factors

Mr. MacCartney - it sounds like you are moving to grant the approval the conditions would be the same must comply with the survey, payment of all due fees and expenses, compliance of all other laws, rules and regulations.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve this application with the normal conditions payment of all due fees and expenses, compliance of all other laws, rules and regulations and to comply with the current survey.

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the attorney to draft the resolution for the chairman to sign

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

3. New Projects

Action, Discussion: 3.01 **Michael Dy** (Z099-2025) SBL # 18-4-50.2 95 Walton Terrace
Monroe, NY

Applicant Representative:

Michael Dy - owner

Mr. Dy reviews his application:

- here for a variance for a STR (short term rental)

Chairman Postiglione:

- minimum lot width and side yard preexisting non conforming
- this survey dated January 9, 2025, this is how the property sits today
- what does the house look like

Mr. Dy - it's a small cottage, a three bedroom one bath bungalow

Chairman Postiglione - the shed has no calculations distance to the property lines. How big is the shed?

Mr. Dy - shed 10 x 6 on a foundation

Chairman Postiglione - the surveyor should of listed distances from the shed to the property line.

- Is this your first action? Did the Town Board send you here?

Mr. Dy - this is my first action

Chairman Postiglione - we try to remain consistent with all applications
- it would be good to see some pictures of the home
- Member Murphy have you been out to the project

Member Murphy - yes it is nice but close to the neighbor, I was assuming that is what it was before us for.

Chairman Postiglione - on the 12.7 side of the property

Member Murphy - yes both houses are close to the property line

Chairman Murphy - to keep this project moving we are going to set a public hearing for next month June 24, 2025. For that meeting if you could supply us pictures before the meeting. Take some pictures from your deck towards the property line

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to schedule a public hearing for June 24, 2025.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action, Discussion: 3.02 **Jacob Zicherman** (Z100-2025) SBL # 19-1-1.3 10 Twin Lakes Road, Monroe NY

Applicant Representative:
Jacob Zicherman - owner

Mr. Zicherman - applying for a variance for 10 Twin Lakes Road for a STR (short term rental) I applied for the STR but I was told I need a variance for lot frontage is only 25 feet and it has to be 40 feet,

Member Scully - what is this piece on the house that is highlighted?

Mr. Zicherman - a foyer part of the original house

Chairman Postiglione:

- this variance is pre-existing non-conforming
- Is this a second home?
- the survey is dated September 19, 2022
- we want to see an updated survey with the surveyor seal on it and his stamp and signature
- need to see a bulk table on the survey especially the lot coverage
- pictures of the bumped out area

Ms. McSweeney - the information needed for the board must be in my office no later than June 9th at noon. I have extended the time for you, but I won't be able to get it in the paper in time if I don't have it by then.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to schedule a public hearing for June 24, 2025 providing you have an updated survey with the lot coverage area calculated and the photos.

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

4. Returning Projects

Action, Discussion: 4.01 **Jule Rutledge** (Z054-2020) SBL # 11-1-1 228 Sunset Terrace
Monroe, NY

Applicant Representative:

Jule Rutledge - owner

Rommel Lasso - contractor

Chairman Postiglione - this application approved variance has expired -

Ms. McSweeney - yes the applicants variance has expired and he wants an extension. I spoke with Mr. MacCartney regarding this so he has some information to share with the board.

Mr. MacCartney - last month looking for an as built and some photos. Did we get that?

Mr. Lasso - dropped off 4 copies of each with the Town Clerk have a receipt

Mr. MacCartney - the way the Town of Monroe's code is written is different then other municipalities that I've worked with. If a variance has expired the only way to revive it is for the applicant to come in and basically repeat the whole process with all fees and expenses. Every other municipality treats it that way once a variance is expired, if the applicant comes in prior to it expiring that is a different matter and you don't need a new public hearing you can just extend the variance. Your code is different what it says is that once it's expired after the 2 years it's good for the applicant because it doesn't require a new application and the payment of all the fees and replenishment of escrow, but it says before or after it expires the applicant has seek a rehearing for the purpose of getting a an extension. The code seem like a mixing and matching a couple of different legal principles. I spoke with Mr. Paige who has this matter at the Justice Court. The only way to do it legally and to help the applicant and to do it expeditiously is to consider what the applicant is doing here is a request for a rehearing for the

purpose of securing an extension, but because it has expired and because the code says he's requesting a rehearing I don't see any way around it procedurally other than to notice a rehearing for next month I think you could then complete everything next month, but so that the applicant loses a month but he gains the fact that he doesn't have to file a brand new application with all the brand new fees. So I think what I would recommend that you do is to deem this as a request for a rehearing for an extension schedule it for a a hearing on the extension request in June with the expectation that you know apparently the applicant already has given the Town the things that you requested, and then next meeting we can just consider that the applicant would have to do the mailings and then we could be done with it next month. I think that's the only way to get through it without it opening the door to every other person that comes in saying "Well I expired When did you expire i expired 12 years ago." Okay I just want a new hearing, you don't have to do a rehearing I think that's the idea so even though this isn't really that situation if you don't do it by the book you're just opening the the door wide open to future problems with others.

Chairman Postiglione - asked if anyone had the original application with the variance he was seeking?

Mr. MacCartney - front yard setback 40 ft required 18 ft proposed, maximum lot coverage 25% applicant is 27.8%, pre- existing non conforming issues

board wants pictures of the inside of the shed, stamped survey and an as built

open discussion on the previous granting of the variance. Making sure no material changes for the variance.

Mr. MacCartney - the code says he can seek a rehearing on the decision granted to seek an extended period of time to get the certificate of occupancy or completion. So it's strange verbiage as I said before, but it's a hearing you know the motion would be grant him a hearing it's really a rehearing on the decision to extend his time to Okay which is way better than having to start from scratch.

Chairman Postiglione - so tonight I am requesting pictures of the inside of the shed, clear up the misunderstanding of the plans delivered to Town Hall, and then next month schedule for a public hearing where we don't have to vote on anything we've already voted on. Is this correct?

Mr. MacCartney - I recommend that you take a motion tonight to schedule for a rehearing on the decision for the purpose of the request for an extension.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to schedule a rehearing for June 24, 2025 on the decision granted for the applicant to seek an extended period of time to receive the C/O.

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

5. Minutes

Action, Discussion: 5.01 August 2024 Minutes

approved

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

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action, Discussion: 5.02 September 2024 Minutes

approved

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

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action, Discussion: 5.03 October 2024 Minutes

approved

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

Nay: None

Abstain: None

6. Administrative

Action, Discussion: 6.01 **Discuss change of meeting time to either 6 or 6:30 PM**

approved

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to change the meeting time to 6:30 pm.

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

7. Adjournment of Meeting

Action: 7.01 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

Nay: None

Abstain: None