

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 05/31/2022

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, May 31, 2022)

Generated by Norinne McSweeney

Draft

Members present

Kevin Scully, Marci Daniel, Chip Postiglione, Steven Thau

Members Absent:

Michael Murphy

John Seeley

Counsel:

David MacCartney, Esq.

1. Welcome

Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

2. Public Hearing

Action, Discussion: 2.01 **Suris** (Z072-2022) SBL # 24-1-68.27 12 Country Court Monroe, NY

David Niemotko representing the applicant

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 Kevin Scully, second by Marci Daniel.

Final Resolution: Motion Carries

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

Absent: Michael Murphy, John Seeley

accessory apartment within the current zone

based on extenuating circumstances

construction prior to the current resident

stairs were there at the time of purchase later informed that it was not a legal apartment and the stairs would need to be removed

prior owners put in the staircase - blocked off the staircase received the c/o then opened up the stairs again

bought the house with the accessory apartment to assist with the care for the father of the owner

gave thought to how to condition the approval

consider time constraints conditioned on 5 yr basis will have to return for another approval

Mr. MacCartney can't put a condition on the person there. variance runs with the land not people

temporary variance that expires after a number of years is it enforceable in regards to another sale

Mr. MacCartney address Mr. Niemotko have you seen time constraints or conditions on other approvals?

Mr. Niemotko no other approvals based on Suris being the owners come back if change house doesn't change ownership

accessory apartment is annual review condition anyway

Chairman Postiglione this is all speculation with the 5 years

Mr. MacCartney have to check and see if it is enforceable

applicant is agreeing to it suggesting it

can't impose an article 78

someone could come back and say the condition is invalid

attaching condition to the person and not the land which you can't do

anyone from the public wish to speak

Mr. MacCartney resident is having hardship

Mr. Niemotko it was marketed as a valid accessory apartment

Chairman Postiglione concerned about a condition

All board members are concerned about putting on a condition, how to do it, what to do and is it enforceable. Open discussion on this matter to try and come to a decision.

Mr. MacCartney keep public hearing open until next meeting I will do further research

Mr. Niemotko can any thoughts or issues be shared to we can work with you and the applicant

Mr. MacCartney happy to have open chain of emails

Mr. Niemotko is a deed restriction that goes with the land enforceable

Mr. MacCartney the board imposed as a condition for 5 years can the board ask for a deed restriction

public hearing held open until next month

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe, hereby makes a motion to continue the public hearing for the Suris property until June 28, 2022.

Motion by Steven Thau, second by Kevin Scully.

Final Resolution: Motion Carries

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

Absent: Michael Murphy, John Seeley

3. Returning Projects

Action, Discussion: 3.01 **Joel Mann** (Z070-2022) SBL # 1-2-35 105 Forest Ave Monroe, NY
Joel Mann Brach & Mann representing the applicant

preexisting non conforming lot

make an addition to increase the non conforming

any work done on the lot need to get a variance as it is a small non-conforming lot to start with
supplied the sheet that shows the variances requested

we separated the left and right yards which was one line so now it is 8 not 7 variances

including pre-existing non-conforming

was referred to the county for GML

received back the GML response from the county - local determination

Chairman Postiglione new chart and floor plans appreciated

Mr. MacCartney reviewed the bulk table:

lot area pre-existing

front yard pre-existing

side yard pre-existing right side staying the same

total side yard being reduced

left side yard

rear yard pre-existing

lot coverage pre - existing making the variance and pre-existing condition less

any board members have any questions on the floor plan or variances

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to schedule this for public hearing on June 28, 2022.

Motion by Kevin Scully, second by Marci Daniel.

Final Resolution: Motion Carries

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

Absent: Michael Murphy, John Seeley

4. New Projects

Action, Discussion: 4.01 **Homeland Towers LLC & Verizon Wireless** (Z073-2022) SBL # 3-1-19.2 24-26 Strauss Lane Monroe, NY

David Kenny Snyder and Snyder

Vincent Xavier Homeland Towers Regional Manager

the applicant want to construct a wireless telecommunications facility consisting of a 100 foot monopole to support the equipment for Verizon wireless

it has a need for service to enhance coverage, there are surrounding sites that are at capacity or beyond

the property we found is an ideal candidate to provide the public utility infrastructure and to fulfill the service needs

Mr. Xavier as we progress with the application we will not only show that we are not able to locate in the current overlay zones, this is the best property to meet the needs of this community, it will be the least intrusive based on the size of the property, the setbacks, the existing vegetative screening and we worked with Verizon to provide the lowest tower possible. We look forward to conducting a balloon float to ascertain the visibility of the project.

Chairman Postiglione in reviewing this paperwork I believe we should get some expert consulting on this.

Mr. MacCartney this is an application for a use variance, the traditional use variance criteria does not apply because it is a utility and there's a standard governed by a case called Rosenberg that gets applied plus some federal law that also applies, basically it is up to the applicant to show and demonstrate that they have a need for the facility, there's a deficit in capacity or a deficit in our gap coverage, that this tower will solve both needs and that it is also the least intrusive option, they will need to show an alternatives analysis.
IN prior applications we engaged an RF engineer CityScapes and have used them twice now.

Mr. Kenny we have no objection to the board choosing its consultant of its choice we just ask

that the costs to the applicant be reasonable and necessary.

Mr. MacCartney the first thing we need to do is to get them started on a completeness review. Addressed the applicant what is your position on the shot clock?

Mr. Kenny we filed the application on April 19th, for a new tower the shot clock is 150 days to review the application.

Mr. Xavier as the developer Homeland we know these applications are difficult and complicated, we understand that CityScapes will be involved and we can't control the timing, Homeland has in the past to extend shot clock as long as things are progressing reasonable.

Mr. Kenny first we filed for a permit with the building department, spoke with Mr. Maldonado and suggested we go to the ZBA get the variances and then go to the Planning Board for site plan approval. Would the ZBA declare itself lead agency for the purposes of coordinated review under SEQRA.

Mr. MacCartney Zoning boards traditionally don't do SEQRA as Planning Boards are more set up for that.

SEQRA coordinated review with the planning board

first important matter is to email full application to Cityscapes with next meeting date included.

Add the application to next months agenda in hopes of having answer from Cityscapes.

Mr. Kenny the land is located outside utility overlay district, located in the RR1, why we are outside the utility overlay district it's because the area in need is physically too far away from any of the utility over lay districts, it is a permitted use. We submitted with the application a radio frequency justification report from Verizon.

Mr. Xavier it is on a residential lot, one of the reasons we chose this location the property has an existing pathway, not currently meant for cars, allowing us to minimize the tree removal and maximizes the setbacks and maintains the aesthetic buffering from the existing vegetation.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to authorize counsel to solicit Cityscape to provide a proposal and if the proposal is in line with the prior two engagements by this board to authorize the chairman to sign and engage Cityscape for this project.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

Absent: Michael Murphy, John Seeley

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.

Motion by Chip Postiglione, second by Marci Daniel.

Final Resolution: Motion Carries

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

Absent: Michael Murphy, John Seeley