

# TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 06/22/2021

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TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, June 22, 2021)

Generated by Norinne McSweeney

Draft

Members present

Chairperson - Michael Murphy, Kevin Scully, Marci Daniel, Chip Postiglione, Peter Lewis

Members Absent: Austin Seid

Consultants:

David MacCartney, Esq.

1. Welcome

Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

Procedural: 1.03 Fire Exits

2. Public Hearings

Action, Discussion: 2.01 Rodit Marcovici (Z060-2021) SBL # 19-1-2 308 Lakes Road

Julian Avior applicant

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby opens the public hearing

Motion by Chairperson - Michael Murphy, second by Peter Lewis.

Final Resolution: Motion Carries

Yea: Chairperson - Michael Murphy, Peter Lewis, Kevin Scully, Marci Daniel, Chip Postiglione

Absent: Austin Seid

request for a variance on the existing homefront yard set back 21ft non conforming all construction will be in the back no variances needed in the construction area upgrading the property Chairman Murphy located on Lakes Road near Round Lake 2.9 acre parcel of land Member Lewis last month questioned the 40 ft set back on Front yard off a county road being 50 ft Chairman Murphy unable to find any information on that Ms. McSweeney spoke with the building inspector and he was unaware of that as well south side yard and rear yard - existing set back in front 19 ft 40 required front yard set back only variance being requested at this point Member Lewis kitchen and bedroom addition move the deck back, adding a

garageMr. Avoir yes more or less 700 square feet of living spaceDM brought up the GML review the 30 daysboard worked out the difference regarding the responseGML review submitted no response as of yet just under 30 day periodMr. MacCartney the rule is you can't take action until after the 30 days has passed or you have a response from OCDP within the 30 days. The building is not imposing additional burdens on sight lines. Not sure will have a response in 30 days and you are then free to act at that point even if they come back with something after the 30 days. If the board was inclined to entertain a motion to approve on the current facts.Member Postiglione none of the work that he is proposing is going to change the footprint of what's not compliant at this time anyhow.Mr. MacCartney maybe there is a way through it vote tonight if you're inclined to vote for an approval contingent upon there being no negative response from the county within the 30 day period and then in the unlikely event that we get something from the county then the chairman doesn't sign the resolution and we come back next month and address it.review of the 5 factors

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 Kevin Scully, second by Chip Postiglione.

Final Resolution: Motion Carries

Yea: Chairperson - Michael Murphy, Kevin Scully, Marci Daniel, Chip Postiglione, Peter Lewis

Absent: Austin Seid

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to grant the Rodit Marcovici a front yard variance to allow the 40 foot from the 18.9 pre- existing non-conforming front yard to exist contingent upon not receiving a negative letter from the OCDP on this action. Authorize the ZBA attorney to prepare the resolution for the Chairman to sign thereafter.

Motion by Peter Lewis, second by Marci Daniel.

Final Resolution: Motion Carries

Yea: Chairperson - Michael Murphy, Kevin Scully, Marci Daniel, Chip Postiglione, Peter Lewis

Absent: Austin Seid

Action, Discussion: 2.02 Claire Runco (Z059-2021) SBL # 25-3-6.12 355 Rt 17M

David Niemotko - Niemotko ArchitectRon Kossar - Attorney

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby opens the public hearing for Claire Runco project.

Motion by Kevin Scully, second by Peter Lewis.

Final Resolution: Motion Carries

Yea: Chairperson - Michael Murphy, Peter Lewis, Kevin Scully, Marci Daniel, Chip Postiglione

Absent: Austin Seid

presenting 355 Rt 17M Air LLC - Clair Runco in a managing member Tri Angelina Restaurantwork needs to be done in the back to repair certain items and bring them to code as a result the building department cited section 57-5 of the town code compliance with bulk requirements regarding non-conforming structure asking for 2 area variance front yard set back required 60 feet existing 18.9 seeking 41.1 variance lot area coverage max allowed 65% lot coverage existing is 87% 22 % variance all noted in the public hearing notices mailings done green cards received for submission Chairman Murphy Mr. MacCartney the map submitted for lot coverage is dated when Mr. Niemotko 5/4/21 revision date Member Lewis wasn't present at first meeting what is causing the issues Mr. Niemotko upgrades to the back of the building, some appendages that needed upgrading or removal. When we submitted for the building permit the building inspector realized the building's a pre-existing non-conforming condition. The work didn't trigger the variance the actual building's condition of a pre-existing non-conforming variety did need the variances in order to sell Mr. MacCartney if it's pre-existing non-conforming and you're not expanding the footprint the front yard condition isn't being changed your not adding to the lot coverage, usually maintenance and repairs doesn't itself trigger the need for a variance for pre-existing non-conforming so what is actually triggering the need for the variance. Mr. Niemotko in the building inspectors letter it is pretty broad the interpretation regarding the 57-5 it says anything structurally altered, enlarged, rebuilt etc would fall under this parameter under this regulation. Mr. MacCartney it's the structural alteration not the enlargement or expansion. You're doing structural alterations. Mr. Niemotko repairs barely more consistent with the structure of a building but other modifications yes Member Daniel would you explain exactly what you are doing? Mr. Niemotko there's an area in the back that was built throughout the many decades that this has been in existence that need to be upgraded. There is an enclosure in the back for storage, there's a connector as shown on the site plan that goes across the back of the building those need to be upgraded. They haven't been documented in the past and now they are, in addition there is a swale in the back of the property to catch any water coming from the upper part of the property that the building inspector has granted. Mr. MacCartney so the structural alterations that are not affecting the footprint, not increasing the lot coverage and not increasing the conditions that's in the pre-existing condition that's in the front yard. It's less than specific on what the structural alterations are but looking at the building inspectors denial letter dated February 24, 2020 it quotes the sections that's applicable to expansions of pre-existing non-conforming uses and in there the language is 57-5 it says accept as here and after provided no building or structure or part thereof shall hereafter be erected structurally altered enlarged or rebuilt except in conformity. Member Postiglione if the board was to grant the variance for volume and set back does it prelude to expansion in the future open discussion regarding variances and different scenarios as to what would happen if additional expansion was wanted and who would need to grant approval as to what the changes could possible be. Chairman Murphy granting the 2 variances tonight we're just allowing them to keep what's

existing out there. Board reviews the 5 factors.

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

Motion by Peter Lewis, second by Kevin Scully.

Final Resolution: Motion Carries

Yea: Chairperson - Michael Murphy, Kevin Scully, Marci Daniel, Chip Postiglione, Peter Lewis

Absent: Austin Seid

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to grant 2 variances one for front yard setback of 18.9 feet where 60 feet is required in the zoning and a maximum lot coverage of 87% where 65% is allowed. These variances would be subject to receiving or not receiving a negative letter from the OCDP on this action. Authorize the ZBA attorney to prepare the resolution for the Chairman to sign thereafter.

Motion by Kevin Scully, second by Peter Lewis

Final Resolution: Motion Carries

Yea: Chairperson - Michael Murphy, Kevin Scully, Marci Daniel, Chip Postiglione, Peter Lewis

Absent: Austin Seid

### 3. Returning Projects

Action, Discussion: 3.01 DG Realty (Z052-2020) SBL # 1-1-96 Schunnemunk Road  
postponed until July

Action, Discussion: 3.02 Jule Rutledge (Z054-2020) SBL # 11-1-1 228 Sunset Terrace  
no show

### 4. Adjournment of Meeting

Action: 4.01 Adjournment of Meeting

BE IT RESOLVED, the Zoning Board of Appeals of the Town of Monroe hereby adjourns the meeting at 8:30 pm.

Motion by Marci Daniel, second by Kevin Scully.

Final Resolution: Motion Carries

Yea: Chairperson - Michael Murphy, Kevin Scully, Marci Daniel, Chip Postiglione, Peter Lewis

Absent: Austin Seid