

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 06/24/2025

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, June 24, 2025)

Generated by Norinne McSweeney

Draft

Members Present:

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

Zoning Board Council:

David MacCartney, Esq.

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

Applicant Representative:

Michael Dy - 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

Mr. Dy reviews project:

- applied for a STR rental permit pre-existing non conforming
- need a front yard variance width required 85' proposed 79.56' encroachment of 5.44' pre-existing non-conforming
- side yard setback 15' one/40' total - right corner setback 12.7' encroachment of 2.3' pre-existing non=conforming

Monique Blount - 81 Walton Terrace
received notice so I am just here to understand what is going on

Chairman Postiglione -
- the applicant has applied for a STR
- the Town Board has sent him to the ZBA because there are 2 pre-existing non-conforming conditions that are encroaching 1 is minimum lot width and the other is the side yard setback
- will go back to the Town Board for STR approval after leaving here

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 Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

reviewed 5 factors

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the variances with standard conditions payment of fees, compliance with all the laws, rules and regulations.

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 have council prepare all the necessary documentation and 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

Action, Discussion: 2.02 **Jule Rutledge** (Z054-2020) SBL # 11-1-1 228 Sunset Terrace
Monroe, NY

Applicant Representative:

Jule Rutledge - owner

R. Lasso - contractor

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

Mr. Lasso -

- we let the previous variance expire

- we are here looking for an extension on the expired variance to get the C/O and close out the permits

Chairman Postiglione:

- last month we asked for photos of the inside of the shed which the applicant dropped off

Are there any pictures of the lower level? No

Member Scully can I get a reminder of exactly what we are voting on.

Mr. MacCartney - it's an unusual position the section of the code the provision that says when you have an extension you have to request a rehearing in order to get an extended period of time to complete the improvements. This is a rehearing on the original application and it's simply to extend whether the time should be extended to complete the improvements.

Chairman Postiglione - if you look at the package it will tell you what the variance granted was. I believe I mentioned previously when we were approving this variance, my concern is that we give approval and down the road it becomes a living area.

Mr. MacCartney - that becomes an enforcement issue on the Building Inspector. You're prohibited by code as you are granting a variance not a use variance to allow a two family residence or to allow a habitable second structure on the premises. It is just an accessory structure. The application was not specifically for a shed it was for an accessory structure, which is permitted under the code.

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

Nay: None

Abstain: None

Chairman Postiglione - this is unusual for us, so we don't need to review the five factors?

Mr. MacCartney - The five factors don't come into play unless there's any material changes in circumstances that would warrant a different result. If there's nobody thinks that there's any material change in circumstance, then I think there's just a motion to grant an extended period of time to complete the improvements. The time given is discretionary, I believe the improvements are all completed he just needs to let the Building Inspector know that the variances are now no longer expired and the C/O or certificate of compliance can be issued.

Chairman Postiglione - where do you stand, is everything complete?

Mr. Lasso - All Mr. Maldonado needs is as you mentioned the extension to be approved and then he will accept the as built plans that we put together do a final inspection and provide a C/O and that'll be happening as soon as he's available.

Mr. MacCartney - is there a particular time you are looking for?

Mr. Lasso - however long Mr. Maldonado will need for the final inspection.

Chairman Postiglione - let's do 60 days remember this is all your fault. This was brought upon by yourselves, this isn't the Town or anything we did, you received your approval and then you dragged it on so I think 60 days is fair.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve this variance with a stipulation of 60 days to get this completed within 60 days which is August 24,2025.

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 have counsel prepare all due documents of the resolution and authorize the chairman to sign.

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

Applicant Representative:

Jacob Zicherman - 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 Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Mr. Zicherman reviewed the project:

- filed an application for STR
- need a variance for front yard setback required 40 feet only have 25.9 feet pre existing non-conforming condition
- need a lot coverage variance as well pre-existing non-conforming
- the board asked for an updated survey

Chairman Postiglione -

- we asked for survey with embossment and lot coverage calculation
- your here for front yard setback and lot coverage
- the existing front yard is 25.9 from the property line for an encroachment of 14.1 this is a pre existing non-conforming condition
- lot coverage is also pre-existing non-conforming
- how long ago did you purchase the property 2019
- have you made any improvements to the property

Mr. Zicherman -

- purchased in 2019
- added a wood deck in the back 38.44 x 8.50

applicant provided 9 photos of the property

talk to Mr. Maldonado about the letter

Board continues to review the survey trying to figure out the true lot coverage for a variance
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 Murph

Nay: None

Abstain: None

reviewed the 5 factors

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve this variance with all due stipulations and information coming back for clarification on lot coverage from the Building Inspector.

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 have council prepare a draft resolution and 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 **Aaron Zimmerman** (Z101-2025) SB: # 25-3-14.22 37 Dry Hill Rd, Monroe, NY

Applicant Representatives:

Dan Richmond - Zarin & Steinmetz LLP

Mike Morgante - Arden Consulting

Mr. Richmond reviewed the project:

- we are here from a referral from the Planning Board seeking relief from conditions opposed by your board about 25 years ago when this lot was created pursuant to a subdivision.
- in 2000 this board granted a variance from New York State Town Law 280-A which regards construction on approved roads and imposed three conditions that the entire length of Dry Hill Lake Road be extended to 22.5 feet, storm drains along road would be lowered and resurfaced. To our knowledge these actions have not been taken as Mr. Morgante will explain. We had a discussion at the site with the fire chief who indicated that they've responded to calls on Dry Hill Lake Road with no issues. We're requesting relief and report from these conditions. As a fact of the matter it doesn't appear feasible to widen the road or to do the other measures, including the that whether or not the drains even exist, but they would require the cooperation of multiple land owners along Dry Hill Lake Road which does not appear to be forthcoming.

Chairman Postiglione - So, you're saying that this board granted a variance in what year?
2000 And the variance was for?

Mr. Richmond - 2000 the variance was from Town Law 280-A.

Chairman Postiglione - and to date you are saying nothing was done to the road

Mr. Richmond - there were specific conditions associated by your board conditions imposed the road would be widened to a certain length that would be resurfaced and the drainage would be lowered

Mr. Morgante - to be specific September 13, 2000 is the date of the resolution it says the applicant will widened Dry Hill Lake Road to 22.5 feet, they will lower the storm drains which presently exist along the road so that they would be below grade and function as storm drains allowing the water to drain as required and they will resurface Dry Hill Lake Road from the northwest property line of block one through the cul-de-sac terminus at the southeastern end.

Chairman Postiglione - Lot one is right off Orchard Drive

Mr. Morgante - there were 2 lots that were subject to that resolution. Essentially this is lot 14.1 and this one is 14.22.

Chairman Postiglione - I'm going back to where you in your statement that the applicant will do work to the road from lot one all the way right and you refer to a cul-de-sac, right now there's no cul-de-sac.

Mr. Morgante - there is a cul-de-sac there but it's gravel, the road is paved roughly to about this location the beginning of lots 14 somewhere that and it turns into a item four road.

Estimating the paving was done as part or the resolution 20-25 years ago. Overall the road is fairly decent with only 2 potholes and the road varies between 17-18 Feet wide. The

driveways on the one side of the road are curbed to prevent water drainage onto the properties. There are only 2 catch basins one on Dry Hill Road that is visible which connects to another one at the intersection of Dry Hill Road and Orchard Drive.

Chairman Postiglione - did you say that the current owner is willing to do work to the road?

Mr. Morgante - we're looking for relief from anything that the owner might be required to do on this road as it relates to this resolution before the board. Whatever the work that was required to develop this particular lot and get a C/O was never completed. As a condition of the C/O these conditions should of been completed and they were not there is no widening of the road, no pavement of the cul-de-sac, no catch basins to either raise or adjust to allow for proper drainage.

Chairman Postiglione - asked if anyone recalled this property being before the board prior to this application? Questioning a concrete runoff at the top of the property?

No one on the board recalls

Mr. Morgante - explained there is a concrete building, as part of the resolution by the ZBA and the Planning Board for this particular subdivision, it is the responsibility of the owner of this lot to operate, maintain and fix this spillway. There may be some work associated with the spillway to be done. That is all in the resolutions the owner of the property though not willing is required to take responsibilities.

Chairman Postiglione - a year or two ago the state maybe saying a lot of work needed to be done at the spillway.

Mr. Morgante - I believe I have seen a correspondence it was NYS DEC they regulate the dams, they did an assessment and there is work that needs to be done

Member Scully - earlier you said that work couldn't be done

Mr. Richmond - our client started approaching various people along the road, there was manifest unwillingness and to go onto properties. We were made aware that there would be opposition to the work.

Mr. Morgante - don't believe there's a maintenance agreement in place for this road which makes it even more difficult.

Mr. MacCartney - In 2000, there was an application for a subdivision to create three lots that are in the row 14.1, 4.2, 14.21, and 14.22. Is it those three lots that were created back there?

Mr. Morgante - I have to double check. I thought it was just not sure about the one that you mentioned in the middle.

Mr. MacCartney - I thought I read that it was a three lot subdivision, but two of them, it was hard to follow, two of them needed a 280-A. But there's three lots and they're all on a private road and none of them connect. I I was scratching my head trying to understand that. I mean, I don't think it's really relevant to get into that level of detail. But and the reason I thought of it though is just at the time of the variance that was granted, all these other lots up and down Dry Hill Lake Road existed and were not owned by the applicant at the time. So he somebody

would have needed permission from the adjoining property owners to widen the road back then. Right? Maybe I'm asking part of the history that you don't know.

Mr. Richmond - what you're saying is that he would have needed the same permission back then and that is why it never happened. I'm looking at the Planning Board resolution of January 9, 2001, it says subdivision allowed creation of a total of three parcels of a 7.059 acre parcel.

Chairman Postiglione - I also believe and I don't know if this has anything to do with it, block 14.21 I believe owned 14.21 and 14.22.

Member Murphy - commented on the conditions of Dry Hill Road saying a short choppy road

Mr. Morgante - reviews his conversation with the Fire Chief regarding Dry Hill Road - his concerns were some low hanging wires that should be raised to avoid ladder truck getting caught on them, would like 2 potholes filled in, regarding the cul-de-sac no concern about paving it, another issue are the fire hydrants as in most of Monroe they don't operate for fires talked about putting in a dry hydrant that would connect to the pond and potentially hook to a pumper truck.

Chairman Postiglione - Going back to the 2000 resolution I can understand the widening of the road not occurring as the parcels are not that big and the residents not wanting to lose land, but I can't understand why the resurfacing and the drainage didn't occur.

Mr. Morgante - I don't know that the resurfacing did not occur. I suspect that the only thing that happened was that it did occur. It just didn't occur for the 22 1/2 ft width that they required. I think they might of just resurfaced the 17 to 18 foot existing width.

Chairman Postiglione - resurfaced how? Rolling it with # 4?

Mr. Morgante - can't really say as to what was actually done

Mr. MacCartney - what is the status with the Planning Board regarding SEQRA? What's the relief from the Planning Board that you need? It is a single family home.

Mr. Morgante - submitted the EAF not sure we have circulated for lead agency as of yet. We meet all the Zoning bulk requirements this is not an issue for lot development. According to the Planning Board and ZBA resolutions we had to come back to the Planning Board for the development of this lot and once developed then it needs to be filed with the County. The resolutions state that in order to build on lot 3 you need to return to the Planning Board for approval. The lot is currently filed at the county as a not to build on.

Mr. Morgante read from the resolution in question. It says this is the resolution that the land subdivided is such character for lots designated for residential purposes and safely be used as proposed for building purposes without danger or help for safety. fire department and that lot three, which is designated as not for residential purposes in the absence of a sewer permit for Orange County sewer district number one and without Planning Board approval has been viewed and would also be safely used as a building lot provision of sewer services. So we had to come back to the Planning Board for the development of that lot because in the original

subdivision it was deemed not for residential purposes. So now we're making it for residential purposes. We technically would have to refile that map with the county when it's done because the original map showed it is not for residential purposes. If we get an approval from the Planning Board for residential purposes, we'd have to refile that to amend the original subdivision map.

Open discussion regarding SEQRA status how being listed and review with the Planning Board.

Chairman Postiglione - just to be clear, the original subdivision was supposed to widen, resurface, and do some type of drainage, correct? And it never happened for whatever reason.

Mr. Richmond - the drainage improvements, I think we're sort of scratching our heads on because it said to raise the drains.

Chairman Postiglione - I'm just trying to keep it as simple. So the original subdivision was supposed to do this work and it didn't. So now right what for whatever reason time passes this lot here is looking to build and looking for us to say yeah it's okay not to do the road widening, the resurface and the drainage that was supposed to happen in the completed subdivision. Just so we're all clear sewer has nothing to do with this.

Mr. Morgante - That is correct. We need to apply to OCSD # 1 after Planning Board approval. BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to schedule a Public hearing for July 22, 2025 at 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

Action, Discussion: 3.02 **Paul Sisilli** (Z102-2025) SBL # 36-3-26 57 Lake Shore Dr, Monroe, NY

Applicant Representative:

Paul Sisilli & Rose Sisilli

Mr. Sisilli reviews the project:

- owned since 1999 did an addition 2004
- contractor went to old Building Inspector got approval for the porch 16 x 16
- coverage in 2004 was 40% and side setback was 15 foot
- building department looked at footings

- had to have permit reissued due to violation of being too close to side property line (less than 30ft) because it's a coverage porch
- same issue with the shed that has been there since 2000 after built got building permit at electrical inspection found out only 4.9' off property line not 5' will need to be moved

Chairman Postiglione - reviewed the project

- own property since 1999
- got building permit in 2004
- a contractor did the work for the covered porch and garage
- shed is a tenth in violation
- front yard set back pre-existing non-conforming condition
- side yard and lot coverage all pre-existing non-conforming

Mr. Sisilli answered questions or comments:

- contractor did the porch I build garage myself without permit
- there was an electrical inspection that was closed
- when we bought the house front yard setback was 30 feet it is not 50 feet
- there is another lot which I am in the process of trying to buy from my neighbor
- this use to be a bungalow community
- temporary tents on back lot wanted to add additional building denied by Building Inspector, temporary tents will be removed if and when building can be built (pole barn)

Mr. MacCartney -

- lot coverage with the tents in place you're at 30.9% coverage
- pre-existing lot area by a couple of 100 feet
- front yard setback 34.7 required 50 feet
- side yard setback by the shed/garage 14.2 required 30
- in 2004 you were in compliance with lot coverage

Mr. Sisilli

- when we applied for the permit for the covered porch the lot coverage was 40% in 2004 which changed in 2017 to 15%

Chairman Postiglione - none of the lot coverage is pre-existing only the lot area

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to schedule a public hearing for August 26, 2025.

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. Reapproval of resolution

Action, Discussion: 4.01 **Home Depot**

Mr. MacCartney - the resolution was drafted based upon the original application where they were looking for 585 parking spaces. At some point during the process they lowered the spots to 580. The documents that I drafted including the EAF Part II all reference the 585 instead of 580. We have to amend the approvals so I prepared new documents. Then there was one additional item we didn't discuss explicitly was an approval by the Village of Woodbury Planning Board. In the resolution of approval I changed the 585 to 580 and the other documents to coincide with it and then added a condition. Make a motion to amend the SEQRA documents

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to amend the SEQRA documents to note the parking change from 585 to 580.

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 approve the amended resolution to reflect the proper number of spaces and the condition regarding the Village of Woodbury.

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 **November 2024**

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the November 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 **January 2025**

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the January 2025 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

Action, Discussion: 5.03 **February 2025**

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the February 2025 minutes.

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: 5.04 **March 2025**

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the March 2025 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

6. Adjournment of Meeting

Action: 6.01 Adjournment of Meeting

BE IT RESOLVED, the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to adjourn the meeting.

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