

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 06/25/2024

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, June 25, 2024)

Generated by Norinne McSweeney

Members present

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

Members Absent

Marci Daniel

1. Welcome

Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

2. Returning Public Hearing

Action, Discussion: 2.01 Town of Monroe Planning Board

Chairman Postiglione acknowledged that the public hearing is still open for this project. Asked if anybody in the audience wanted to speak regarding this project to come to the podium. with no one stepping up this has been open, it was readvertised, re public notices and we kept it open for additional time for comments and every everyone that's participating to come forward and say what they have to say about this.

Ms. McSweeney - before you continue Chairman I had my Planning Board meeting with Ms. Franson last week she asked me about tonight's meeting, told her tonight and she said she had something to submit I've received nothing so I don't know what she was looking to submit. I don't know whether there was something else out there that we asked for last month I don't recall.

Chairman Postiglione - she wasn't at the meeting last month meeting.

Mr. MacCartney - I've got one thing one issue that I would like to just discuss with you all for about five minutes to give some legal advice on something that I saw it wouldn't take long.
BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to go to attorney client privledge.

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 of the Town of Monroe hereby makes a motion to return from attorney client

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 - as there is no one here to speak on the public hearing of the Town of Monroe Planning Board and with all the information that we've gathered to this point I am going to make a motion that we Pause motion
is there anything that any board members might have that could add some light to this project
Member Scully there was the question of the four single family homes that were lived in, my personal recollection of my personal knowledge of that property that one of those 29 was build in the mid to late 90's exactly when I don't know.

Chairman Postiglione - with that being added and with the information that has come to us from the Chairwoman of the Planning Board bringing other buildings to light maybe that's a reason why we're only seeing we can track down three of the four buildings. The importance of that then would be well after the fact of the use code. So we have to look into that question is yeah does that qualify if in fact it was built in the '90s that removes the possibility potentially of being considered a pre-existing non-conforming use it becomes a use that was that was begun after the code would have prohibited multiple single family dwellings on the same parcel that's a possibility any other board members have any information on this that could be helpful going forward. If not I guess I'll go back to where I was a couple minutes ago that I think we've heard quite enough from both sides on this and we spent more time than I would care to I would like to make a motion to go ahead and close the public hearing on this project so we can go ahead and have 62 days and you can put it on the agenda for maybe next meeting for discussion or decision if you're ready by next meeting great if not you do have 62 days.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to close the public hearing project go ahead and 62 days to render a decision.

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 a findings discussion on the July 23, 2024.

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

3. New Public Hearings

Action, Discussion: 3.01 **Remmy Burdiez & Yolyn Almonte** (Z086-2024) SBL # 15-4-29 234
Park Terrace Monroe, NY

Applicant Representative:

Remmy Burdiez and Yolyn Almonte

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 Kevin Scully.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Applicant provided:

any additional information you

new survey and new photos

lot coverage went from 41.3 to 34.7

Mr. MacCartney - variance lot coverage, pool location lot size shed was relocated

lot area pre-existing

front yard

pool

lot coverage 41.3 max 25%

reduce lot coverage take away hard scape and other work to reduce lot coverage 34.7%

improvements made and documents by current survey

list of items removed

neighbors driveway
shed moved to correct location
gazebo got moved to patio floor
all gravel around pool and deck
put in a french drain for the water issues

any body have any comments regarding this project in the public

Nelson Luciano my neighbor worked very hard to get everything to code

any board members have any comments

review of the 5 factors balancing test benefits

- 1 no
- 2 no
- 3 no
- 4 no
- 5 yes

Mr. MacCartney - judging by the 5 factors it sounds like the board is looking in favor of granting this variance. Do any board members have anything they want to talk about regarding this. Any conditions they want on the variance other than the standard which are payment of fees with all laws rules and regulations.

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

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the variances sought with the amendment provided lot coverage would be 34.7% based on survey dated June 18, 2024 on the standard conditions of compliance laws rules and regulations and pay of all fees.

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 draft resolution and authorize the Chairman to sign the resolution.

Motion by Kevin Scully, second by Steven Thau.

Final Resolution: Motion Carries

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

Action, Discussion: 3.02 **Yirmiyahu Weiss** (Z082-2023) SBL # 7-3-2 210 High St, Monroe, NY 10950

Applicant Representative:

Yirmiyahu Weiss

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: Non

Abstain: None

Mr. Weiss reviewed the project:

- shed to close to property line
- previous owner built shed to close to the property line 2 ft

Mr. MacCartney - pre-existing non conforming lot area shy by about 2800 sq feet

- corner lot so it has 2 front yards
- shed is 47 ft from the Allison Drive property line but the required is 50 sq/ft

Chairman Postiglione - is the shed on a foundation and did you move it? 40 year old shed that is in violation board feels it could be moved

Mr. Weiss - nice landscaping and a block wall near the corner. Afraid to move that it would collapse. Inside floor is stone/cement.

Continue Public hearing until July 27th. Want you to bring to us the following items: size of the

shed, the type of floor, and the materials of the walls. Take some photos of the inside walls and the retaining wall. We need all the information to consider the 5 factors in order to grant or deny the variance.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to continue this public hearing at the July 23rd meeting.

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 **Nelson Luciano** (Z079-2023) SBL # 15-4-30 78 Cromwell Hill Rd, Monroe, NY

Applicant Representative:

Nelson Luciano - owner

lot area coverage required 15,000 existing 9,914 s/f difference 5,086 s/f pre-existing non conforming

front yard min 40 s/f required

above ground pool 34.7' off Cromwell Hill Road & 20.9 ' off Park Terrace encroachment of 5.3' and 19.1' respectively

shed 38' off Cromwell Hill Rd encroachment of 2' from the required front yard setback

gazebo located 10.5' off Cromwell Hill Rd & 19.8' of Park Ter encroachment of 29.5' and 20.2' respectively from the required front yard setback

lot coverage 25% maximum existing as per as-built survey 48.2% over 23.2%

shed in violation no accessory building shall be constructed within 5' of any rear and/or side

lot line shed is 4.2' from east property line encroachment of .8'

no parking within front yard

before board previously for a round pool applicant removed it then put up oval pool no permits again violations

last meeting reducing lot coverage

1 shed by block wall off property line moved to driveway # 10 not done yet

gazebo between Cromwell and pool - applicant would like to keep Gazebo in current location

Chairman Postiglione -

-gazebo doesn't meet the setback for either road

- stone area # 6 was has been removed need photos
- # 11 issue with 2 driveways stone removed and sod added
- # 10
- pool and deck (9) removed
- deck # 8

what we need :
 pool and deck gone
 #6,17 & 9 removed

would like pictures of fire pit area
 pictures of removed driveway
 setbacks
 lot area coverage
 you need to decide what you are going to do in order to bring down your lot coverage. Just like the other applicant did in order to receive your variance.

5. Minutes

Action, Discussion: 5.01 November 28, 2023

BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to approve the November 28, 2023.

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: 5.02 January 21, 2024

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 Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None