

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 07/23/2024

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, July 23, 2024)

Generated by Norinne McSweeney

Members Present:

Kevin Scully, Chip Postiglione, John Seeley, Zachary Murphy

Board Counsel:

Chris Pavlacka - filling in for David MacCartney, Esq.

1. Welcome

Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

2. New Projects

Action, Discussion: 2.01 **Isual Pena** (Z089-2024) SBL # 41-2-9 46 Hain Dr

Isual Pena - owner

Mr. Pena reviewed application:

- purchased the house November 25, 2023
- we were notified at the last minute that there was an open permit from the previous owner
- last owner built a room on top of his deck and never closed the permit for the deck and didn't have a permit for the room
- my attorney called the Building Department asked if it would be a problem to continue with closing on house, was told no could be completed after
- so we bought the house and I went to Building Department and spoke to Mr. Mark and Mr. Maldonado they told me now I have to close the open permit from the deck
- was told to hire an architect to make plans for the deck and the room - was told to take room away and start from fresh
- prior room had no electric, no water, no a/c just 3 walls
- we passed inspection on the deck so the next step is approval for the room
- previous owner never closed permit on deck and built room without a permit
- I am planning on making improvements to the room with heat and electric
- will be same size as the previous one

Chairman Postiglione asked regarding other inspections:

Mr. Pena - as far as I know all the inspections were done except for the final inspection

Chairman Postiglione - 5 variances are needed

Member Scully - everything is pre-existing except E & F

Mr. Pena - have plans that an Architect design

Chairman Postiglione - can you get us a copy of plans

Mr. Pena- survey done when we bought the house

Chairman Postiglione - get us copy of design, contact surveyor for a copy of the plans to calculate your lot area coverage 9% over pre-existing - not needed

Mr. Pena - room size 14 x 14

Chairman Postiglione - come back for August meeting then we can set up for public hearing

Action, Discussion: 2.02 **Ilona Bito** (Z090-2024) SBL # 22-2-1.2 122 Ludlam Rd Monroe, NY

Applicant Representative

Robert Kocik- designer for applicant

accessory apartment area variance

within the 335.5 sq ft

min 450 square feet

basis for accessory apartment guests, rental income, eventually care for parents

addition to home so already has a separation from the main house

how is electric being handled? no additional meter uses a sub meter to service the apartment

Mr. Kocik - some background from the owner that the accessory apartment was always a necessary part of the vision for the owner and how she would live in the space and her means for living there in order to receive guests, family, and for possible rental income. Eventually home care for parents. That's the basis of the application. I have the plans in front of you I drew up one plan for the Zoning Board of Appeals for the area variance and I'd be happy to walk you through each of the conditions on the ground for the variances. We've integrated is an existing den and bedroom incorporated with a piece of the hallway and a closet converted into a bathroom in order to make the accessory apartment this section of the home was a later addition so there's like a natural separation in between the primary living space and what would be the apartment area any kind of lateral extension within the building or to the any directions east west south really proposes an insurmountable problem practical problem for the owner and it would defeat the project to expand within the floor plan would cut off the bathroom from the master, the kitchen from the upstairs. I added visual so that you could see

each direction outside of the house and the obstacles there one direction would kind of eliminate a garage and the other direction would require a pretty massive new foundation wall and that north side of the building is already cantilevered 3 feet so it's already kind of precarious, that's the entrance that exists and it's just the reason I'm speaking with the owner we're kind of going forward with this plan even though on the square footage it's just by virtue of how it fits in the space and how much light it already has and how comfortable would be to live in.

Member Seeley what is the existing square footage?

Mr. Kocik - existing is just over 2000 square feet. The ground floor on which the accessory apartment would be situated is 1500 square feet so that the minimum of 450 square feet on that ground floor

equals the maximum allowance also of 30%, so it's like a incredibly tight spot to be working in and there's no way to fit that square footage minimum in that comfortably.

Chairman Postiglione - this is an attached accessory dwelling of 335 square feet. I'm trying to envision how this is overlaying to the existing footprint. On the first floor we're looking at the primary entry right and that's the existing primary entry of the home now. All entries are existing. Let's go to page four where you can see the pictures of the home there okay shots there one with the garage, another one is the different side looks like a door underneath, and then a third picture with the stairs.

Mr. Kocik - there was a later addition into the house where the 2 windows on the North side one is the existing bedroom and one is the existing den, which will be a small kitchen and then a living area in the proposed. It's all right there and I've just picked up a closet to make for the bathroom and all I need to do in the entire plan is a three-foot wall to separate if you see the existing bedroom from the hallway that's the only addition to the entire floor plan and no it exists that exists just kind demarking it into an accessory apartment it's all there see the first yes the entire first floor so what that's what I'm saying is that the first floor or underneath it door underneath is that living space that just a is it's a cellar with the two car garage.

Chairman Postiglione - regarding electric how is that being handled?

Mr. Kocik - there is a 200 amp service to the house, there is no additional metering allowed it is against the code, so the electrician suggested a submeter that takes care of the apartment, but it is all on one meter.

Chairman Postiglione - make sure your client has all the proper approvals especially if she is considering short term rentals as that is an approval from the Town Board not this board. If she was denied from the Town Board would that change what she is looking to do here?

Mr. Kocik - she still moved up from the city so still interested in having a place for people to stay and visit and eventually taking care of her parents.

Member Scully - I was under the impression that an accessory apartment can't even be rented.

Counsel - reading from code section 57- 44 sub 1 it is a purpose and intent of the section to allow the establishment of one accessory apartment located entirely within a single family dwelling in order to provide an opportunity for the development of small rental housing units to designed to meet the special housing needs of senior citizens, single persons, and small households to ensure the retention of single family neighborhood character allow the more efficient use of the town's housing stock and provide economic support for existing resident families that can be rented.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to set a public hearing for August 27, 2024.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

3. Returning Public Hearing

Action, Discussion: 3.01 **Yirmiyahu Weiss** (Z082-2023) SBL # 7-3-2 210 High St, Monroe, NY 10950

applicant did not show up

emailed pictures giving the board everything that they asked

motion to keep public hearing open until August 27, 2024

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to keep the public hearing open until the August 27, 2024 meeting.

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

Yea: Kevin Scully, Chip Postiglione, 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:

Mr. Luciano - owner

showed pictures to the board of the driveway and where improvements were to be made
I would like to keep the shed where it is - it is listed as needing a variance
so far I've taken off 998 sq/ft which includes the stone fire pit, the deck and the pool and once
I cut the driveway those 4 items will total 998 sq feet removed
Chairman Postiglione - did your surveyor do the calculations
Mr. Nelson - I took the numbers off the bulk table provided by the surveyor
driveway scheduled to be removed on August 1.

set public hearing for August 27th Chip 2nd John all in favor

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to to schedule the public hearing for August 27, 2024.

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

5. Minutes

Action, Discussion: 5.01 **January 21, 2024**

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the January 21, 2024 minutes.

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action, Discussion: 5.02 **March 26, 2024**

BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to approve the March 26, 2024 minutes.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

Yea: Kevin Scully, Chip Postiglione, 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 adjourn the meeting.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None