

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 07/27/2021

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, July 27, 2021)

Generated by Norinne McSweeney

Draft

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

Consultants:

David MacCartney, Esq.

1. Welcome

Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

Procedural: 1.03 Fire Exits

2. Returning Projects

Action, Discussion: 2.01 DG Realty (Z052-2020) SBL # 1-1-96 Schunnemunk Road

John Queenan - Lanc & Tully Engineering 2 area variance 15 unit subdivision Oreca Terrace 9.5 acre of land been before the Planning Board approximately 2 years 2 variance cluster subdivision regulations first variance is for providing less than 50% open space in a cluster subdivision we have 9.5 acre parcel cluster required to provide 4.75 open space our proposal provides 1.7 acres our actual building area is 3.9 which lends us to the requirement of 2.6 acres if you want to take the easement out of the calculation, but that is not how the code is written. cluster regulations 75 foot yard requirement to the open space 3 lots 1, 6, 7 that would require a variance lot one has 25 foot rear yard and 6&7 35 feet each to open space went through a conventional subdivision process, by right conventionally we are allowed 15 lots or 15 units. Town code provides the Planning Board with a mandate that they require a cluster plan also be prepared as part of the approval process, you take the 15 lots by right and cluster them into an arrangement as discussed with Planning Board. We now have a 9 lot subdivision clustered with 15 units. All of this under the purview of the Planning Board at which point the Planning Board picks which layout they prefer and they chose the cluster they felt that there were significant environmental benefits to clustering smaller footprint, open space around the property. The caveat to the whole thing is the property is 9.5 acres 3.9 acres of the property is an Orange & Rockland easement. During deliberations it was determined we could not use the 3.9 acre easement as part of our open space calculations. open discussion about easement, open space conventional plan is all single family homes cluster plan will be single

family and multi familycode is gray in regards to what open space is. It says that it should be something that should be preserved for scenic ecological wildlife.conventionally we can get the 15 lots without the easement and without any variancesif variances were not granted, the applicant would have to go back to Planning Board and explain why they would like to use the conventional plan. The Planning Board has the authority to waive the clustering provision in the code, but they would have to justify the waiver, which would be we were unable to receive the necessary variances.all the lots meet the SR-10 Zoning district regulations, all are 10,000 square feet or greaterprovide a narrative of everything we have just discusselike to see a lot layout plan for the cluster calling out the variances that are being soughtshow a pictorial of how much additional land you would need to meet the 50%board members are looking to see conventional plan and latest cluster plandone with tech review with Planning Board starting SEQRA review next month with Planning Boardhave everything fairly lined up with the Planning BoardChairman Murphy series of questions I would like to go through one at a timemaximum length of cul-de-sac 500 feet Planning Board granted waiver for longer cul-de-sac 830 foot longMr. Queenan the code gives the Planning Board the authority to waiveChairman Murphy I just want it on record that it was not the ZBA who granted you a waiver or variance from that requirementdisagree overall cluster plan comply with all state local and federal regulations for the subdivision plot - feels it doesn't comply especially because the cul-de-sac is too longwetland wild lifeyield plan has to be a clean plan cul-de-sac lengthroad access the only road frontage this parcel has is along Oreco Terrace to a public roadMr. Queenan original access was from Schunnemunk Road with an O&R 50 foot easement, O&R decided we couldn't use that access, so the applicant sought out the neighboring subdivision to get access through there and were turned down, the applicant then researched an landed up where they are with the current accessChairman Murphy has the Village subdivision been approved? Is it a filed map? Is the road bonded?Mr. Queenan yes on all countsdiscussion regarding connection to the other subdivisions road and the gradeworried about fire issueshas the Village of Monroe granted access to this applicant. would like to see some correspondence from the Village of Monroe stating that.Mr. Queenan can I ask what this has to doChairman Murphy it has to do with understanding your subdivision application, what potential impacts there are to adjoining properties, and it impacts to the neighborhoodanticipate planning for blasting not at this timeO&Rstorm drainagedone a full SWPPPproposed drainage in village seepage pitsroad profilesChairman Murphy questioned the size footprints of the housesJohn questioning feels like another Planning Board review. The application before you is for 2 variance, not about the storm drainage, the utilities that is all the planning boards purview.Chairman Murphy continues mentioning his concernspotential ground water seepagefoot prints of the building are fixedproperty was clear cut when - around 2016 with prior ownersubdivision plan shows 3 street lights - since amended 1 at the end of the cul-de-sac - goodsubdivision section A65-a contour lines for full list of requirementscontour lines don't extend 200 feet beyond the subdivision boundary makes difficult to determine how site ties into surrounding neighborhoodsMember Lewis is asking for attorney-client privileged to ask for some guidance BE IT RESOLVED, that the Zoning Board

of Appeals of the Town of Monroe hereby makes a motion to go into executive session to receive attorney-client advise.

Motion by Peter Lewis, second by Kevin Scully.

Final Resolution: Motion Carries

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

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to exit the attorney client privilege and reconvene the meeting.

Motion by Kevin Scully, second by Marci Daniel.

Final Resolution: Motion Carries

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

Chairman Murphy I just went through a long list of questions that I have in trying to better understand the project that's being presented to us and what brought you to the point of requesting the variances for open space and 75-foot setbacks. I am going to open the floor to the board members at this time. Member Postiglione I am trying to catch up so I am trying to understand how we got from the conventional vs cluster, especially with the conventional plan not require variances where cluster has open space and rear set back. The conventional plans were done by your company and are on file. Mr. Queenan yes we did and those plans are on file with the planning board. Member Postiglione Chairman can we ask to see the conventional plans to get a better understanding what we are doing here. Member Daniel that raises a very good point as I am also new and it would be helpful to see why you are resenting a request for the variances as we don't quite understand the conventional. Mr. Queenan reviews with them the code when you start a major subdivision more than 4 lots you are required to do a conventional layout. You present to the planning board a conventional layout to see how many lots you are allowed to get by right per the code. this is an SR-10 district those are 10,000 square foot lots. we came up with 15 lots we prepared a grading plan, road layout and a stormwater plan, we showed the utilities the planning board made a resolution that the yield lot would be 15 the code then mandates the planning board to look at a cluster plan so that was the next step regardless of conventional whether you need a variance or not the next step is required for the planning board to look at a cluster plan. planning board needs to determine is which plan is a better alternative by reviewing more open space to be preserved, a view shed that will be preserved, are there wetlands, watercourses etc. that clustering would give the ability to save. the conventional plan had lots spread out across the entire parcel, with the cluster layout the planning board was happier because it provides a buffer from Oreco Terrace and a visual buffer from O&R Lake and the park. Also gives us the ability to plant throughout so there is a landscape plan before the planning board as well the cluster plan even made the cul-de-sac shorter. planning board decides what plan they want to see furthered along - they chose the cluster. environmental benefits with cluster plan was more beneficial. If ZBA denies variances then go back before

Planning Board for permission to go with conventional planboard asked for conventional plans and the current cluster plans Chairman Murphy would like to see lot layout plan for variances requesting show a pictorial of how much additional land you would need to meet the 50% Member Scully lots 1, 6 7 lots with rear yard to open space area code 75 f t from rear yard to open space provide narrative mark up of lot layout showing variances - red line conventional plan GML

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

Rommel Lasso - Avid Developments respond to a violation for building without a permit replace shed with a new and larger shed violation submitted to Building inspector to get building approved received notice front yard not compliance corner lot both area subject to front yard setback second variance building height 15 ft we are at 15.9 lot coverage no variance required under the new paperwork submitted survey map June of 2018 should have April 27 2021 original shed 8x8 upper floor has gym equipment and storage items lights to the shed not water, no heat space utilized as a gym lower level has lawn mower upstairs has gym equipment and miscellaneous items stored in it is there a true definition of a shed? map needs bulk zoning requirements Building Inspector to confirm need for lot coverage bulk table is missing no information provided for us to review no square footage on lot at all on survey number of structures by my observation impervious area of the lot PL on height building - narrative bulk table summary of the impervious area slot coverage zoning code defines how to measure roof lines average of the height of the 4 corners - verify with the code construction is completed get variance to make permissible or tear it down need stamp version of the survey

3. Minutes

Action, Discussion: 3.01 January 26, 2021

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the January 26, 2021 minutes.

Motion by Peter Lewis, second by Kevin Scully.

Final Resolution: Motion Carries

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

Action, Discussion: 3.02 February 23, 2021

postponed

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 9:16 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