

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 08/22/2024

TOWN OF MONROE ZONING BOARD OF APPEALS (Thursday, August 22, 2024)

Generated by Norinne McSweeney

Members present

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

Board Counsel:

David MacCartney, Esq.

1. Welcome

Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

2. New Public Hearing

Action, Discussion: 2.01 **Ilona Bito** (Z090-2024) SBL # 22-2-1.2 122 Ludlam Rd Monroe, NY

Applicant Representative:

Ilona Bito - owner

Robert Kocik - Contractor/Designer

Mr. Kocik:

appeal for relief for an accessory apartment 335 sq/ft Town minimum 450 sq/ft

no way to build out in any direction

apartment can be used for family care giving, guest and rental

Ilona had begun the STR process but has changed her mind

changed to an accessory apartment

Chairman Postiglione - anyone on board any issues with updates

anyone from the public like to speak regarding this issue

Resident:

Claus Lawson Rye Hill Road

- in my opinion that our local Monroe home owners Community is under a siege by Kiryas Joel leadership and their fellow Associates

- just a short walk along Ludlam Road you can see examples of residencies that have been bought and placed for rental

- one way to identify these properties is the absence of maintenance

- strong consideration should be considered regarding a local Town law requiring a minimum of 10 years of 10 years residency before the Zoning Board should even consider a variance
- as far as the applicant the petitioner they don't even live there they live in Brooklyn or Queens
- as far as I know they purchased the property 2 years ago
- two owners - multiple owners should be on paperwork

Christine Trinkle - Rye Hill Road -

- don't want this to become a precedent for other houses in the area
- concerned about being the first and then more to follow
- additional dwelling on the property - could anybody do this
- if passes others will follow
- where is this in Zoning

Chairman Postiglione -

- do you think they are building a new structure
- no additional abuilding going on same footprint of existing structure now
- what your concern is now where does it stop if a neighbor wants to build a separate structure
- to get approval for an ADU has to be approved by many boards

Christine so I can do the same

Mr. Kocik - these are Ilona concerns as well how to integrate into the community

- anybody here can do the accessory apartment
- we are asking for smaller unit otherwise we wouldn't be here
- Ilona owns the house with her husband gives them the chance to have guests stay there and possible income
- environmental everything is staying the same

Chairman Postiglione - what you have to keep in mind is the words possible income, short term rentals is another process for approval. You're sitting here saying everyone has the right you know and that's a thin line. You have to go in front of the Town Board for approval, then the Building Inspector and possible still need some form of variance.

- We are the Zoning Board and you were sent here for a variance as you are looking for a smaller unit then the code allows 335 sq/ft where the code is minimum 450 sq/ft
- the right to have the apartment does not depend on the use
- our ability has nothing to do with and when you might be able to rent it out - that is another boards approval

Christine Trinkle - what is the current square footage of the house

Mr. Kocik - approx. 1900 square feet

- accessory apartment will be situated solely on the first floor

- the certified letters came from Brooklyn because that is where I am based and I mailed them

Member Scully - refresh my mind as to why you can't reach the 450 sq/ft

Mr. Kocik - the 350 sq/ft was an addition made to the house so there is a natural separation to expand into the house that affects the hallway, the kitchen and the master bathroom would have to change the pitch or eliminate the garage, naturally fits in the spot that is there

Member Scully - does it have it's own bathroom -

Mr. Kocik - will be added

Counsel reviewed the 5 factors

5 factors standard balancing test

1 no

2 yes

3 no

4 no

5 yes

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

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

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the application for the square footage not approving for rentals.

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to direct counsel to draft a resolution for the Chairman to sign.

Motion by Kevin Scully, second by Steven Thau.

Final Resolution: Motion Carries

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

3. Returning Public Hearing

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

applicant is not present

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 Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

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

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to authorize counsel to prepare a resolution 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

4. Returning Projects

Action, Discussion: 4.01 **Isual Pena** (Z089-2024) SBL # 41-2-9 46 Hain Dr

Applicant Representative:

Isual Pena - owner

purchased house Oct 23 there was an open permit on the property. We closed the permit on the deck but the last owner built a room on top of the deck.
we passed the inspection we took the room away and started from square one.

Chairman Postiglione - the room from previous owner you tore down

Mr. Pena - yes

Member Scully - rebuilding to the same specs

Chairman Postiglione - all of this is preexisting non conforming
you went to Building Inspector and he referred you here - why

Mr. Pena - purchased house with an open permit for the deck but the last owner built a room on top of deck without a permit
got final inspection on deck and was told to remove room as it would be easier for me to proceed
so I removed the deck and i need a variance to rebuild it

last month verify lot coverage prior to next months meeting

Member Scully nothing changing on the foot print

Chairman Postiglione - if on other comments we can go ahead and schedule public hearing for next month Sept 24, 2025

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to schedule a public hearing for September 24, 2024.

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

Action, Discussion: 4.02 **Town of Monroe Planning Board**

Applicant Representative:
no one here to represent

Chairman Postiglione - we've all got the decision/resolution from the attorney few weeks ago I'm trusting that we've all gone through it and read it found it to be accurate.

Any comments or statements on the decision resolution that we had drafted up.

Counsel read the conclusion and determination of appeal into the record. (Video time 42:06)

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to go into attorney client session.

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to return from attorney client session.

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

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

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the decision resolution.

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

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

5. New Projects

Action, Discussion: 5.01 **Lyn Abrams** (Z091-2024) SBL # 36-7-3 716 Forest Glen Rd Monroe, NY

Applicant Representative:

Lyn Abrams - owner

Joe Fedor - owner

Mr. Fedor -

- non-conforming lot

- we have preexisting 3 season room built on top of a garage on a slab and the room had slanted windows and everything leaked and we overstepped to stop the water from intruding

- we are seeking a variance to keep the roof over the slab and the straightening the gable wall on the end of that three season room

- we want to add a staircase off of that slab down to a pre-existing walk

Chairman Postiglione -

- what do you mean over stepped

Mr. Fedor -

- the roof was leaking and I fixed it
- I built a shed roof
- prior to the shed roof was a concrete slab above the garage nothing covering that area.

Member Scully - what is structure made of?

Mr. Fedor

- everything is concrete
- footprint didn't change
- roof over the slab
- would like to add staircase down to a walk

Member Scully - did you have plans drawn up for the roof?

Mr. Fedor - Yes

Member Scully - before it was built?

Mr. Fedor - no

Member Scully - do we have copies of those drawings?

Mr. Fedor - no

have applicant send a PDF file of the plans made for the roof and the stairs

Chairman Postiglione - just to be clear I am looking on the survey so we're talking about what is called the enclosed porch

Mr. Fedor - where it says porch awning

Chairman Postiglione - looking at survey closed porch

Mr. Fedor - new roof does not have gutters but they will be installed

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to schedule a public hearing for September 24, 2024 with the condition they get the current plans prior to meeting.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

Action, Discussion: 5.02 **Brannin Russell** (Z092-2024) SBL # 38-8-10 12 Lakeview Drive
Monroe, NY

Applicant Representative:
Brannin Russell

Mr. Russell -

- requestion to add addition on to my living and a deck
- 5 feet x 12 feet
- applied for building permit denied for lot width and side yard
- nothing has been built as of yet

Chairman Postiglione -

- lot width 75 feet required proposed 50 ft pre existing non conforming condition
- side yard setback 15 feet one for 30 total of 30 feet
- corner of house 3.9 and 19.6 total pre existing non conforming

Mr. Russell -

- the plans show that I am not encroaching on any setbacks I am just squaring up the house and adding a deck
- plans with the building department
- there was a survey done

applicant will email plans and survey

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 Kevin Scully.

Final Resolution: Motion Carries

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