

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 08/23/2022

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, August 23, 2022)

Generated by Norinne McSweeney

Members present

Kevin Scully, Marci Daniel, Chip Postiglione, Alt. Zachary Murphy

Members Absent:

John Seeley, Steve Thau

Counsel:

David MacCartney. Esq.

1. Welcome

Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

2. Public Hearing

Action, Discussion: 2.01 **Bekim Cosovic** (Z074-2022) SBL # 13-8-10 327 Mountain Ave
Monroe, NY

David Niemotko - representing applicant

overview of what is being done

add an addition in the back of the house doesn't effect zoning code

needs an area variance for a front yard set back required 40' existing 25' it is a pre-existing
conforming property

seeking a 15' variance of the front yard

Chairman Postiglione went over a couple of items with Member Murphy
on plans saw a garage no work no variance needed not before the board
only item before the board is front yard setback

open for public comments

board reviewed the 5 factors

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 Marci Daniel.

Final Resolution: Motion Carries

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, 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 Kevin Scully.

Final Resolution: Motion Carries

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, Zachary Murphy

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

Motion by Chip Postiglione, second by Marci Daniel.

Final Resolution: Motion Fails

Not Present at Vote: Kevin Scully, Marci Daniel, Chip Postiglione, Zachary Murphy

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to authorize the attorney to draft a resolution for the Chairman to review and sign.

Motion by Kevin Scully, second by Chip Postiglione.

Final Resolution: Motion Carries

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, Zachary Murphy

Action, Discussion: 2.02 **Luis Barbosa** (Z075-2022) SBL # 38-10-12 10 Stonewall Road, Monroe, NY

David Niemoetko

reviewed the project

variances granted back in 2019 project never completed and the variances have expired back before the board and asking for the same approved variances for 2022

reviewed the variances needed

nothing changed from t

asking the board to regrant the variances and the applicant to do the work

Chairman Postiglione all variances previously granted are not changing from the 2019 approval, is it the same as the building height. Was that also in original submission?

Mr. Niemoetko vertical height complies with the zoning code 31 feet and 2.5 stories

Chairman Postiglione covid slowed them down reason why time ran out on them.

Mr. Niemoetko there was a time restraint on the approval it needed to be done within 2 years, between covid and a death in the family they were devastated, but are ready and willing to do the building now

Mr. MacCartney the Zoning table on the plans doesn't match up with what the building inspector has laid out to what the requirements are. Can you explain why the difference, has there been a change in the zoning code?

Mr. Niemotko we had revised the plans, that is why I read the variances off the 2019 final resolution. We agree to the resolution from that time and the plans have been amended to that.

Mr. MacCartney error on the plans is what is required, correct information is on the plans. So for the board where it is identical request, the only legal issue before you has there been a substantial change in circumstances either in terms of the local neighborhood, something regarding the property or neighboring properties, or the zoning. If something substantial has changed then you take a fresh look at this application, if nothing changed you are bound by your prior determination based on precedence.

open to the public

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 Marci Daniel.

Final Resolution: Motion Carries

Yea: Kevin Scully, Marci Daniel, Chip Postiglione

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, Marci Daniel, Chip Postiglione

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion grant the variances on the ground no material change in circumstances from the prior granting in November 2019 will be based on the granting of the original terms and condition.

Motion by Kevin Scully, second by Marci Daniel.

Final Resolution: Motion Carries

Yea: Kevin Scully, Marci Daniel, Chip Postiglione

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

Motion by Chip Postiglione, second by Kevin Scully.

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, Zachary Murphy

Not Present at Vote: Steven Thau, John Seeley

Action, Discussion: 2.03 **Max Wessels** (Z067-2022) SBL # 7-1-24 3 Cromwell Hill Road, Monroe, NY

David Niemotko

pre existing non conforming building

Cromwell Road built after the house was there

path to garage is in the front and it dangerous for the resident to move about

looking to make a path from the back of the property to the garage a safer path to travel

50 ft front yard set back variance of 38.4 ft for pre-existing non conformance

research and it is one lot not two will remove the dash line and resubmit the survey if necessary

owner had no intention to make this 2 lots

open to the public

Tom Soder 55 Cromwell Road agrees a safety issue good idea to have the project done

balancing test of the 5 factors

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, Marci Daniel, Chip Postiglione, Zachary Murphy

Not Present at Vote: Steven Thau, John Seeley

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 Kevin Scully, second by Marci Daniel.

Final Resolution: Motion Carries

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, Zachary Murphy

Not Present at Vote: Steven Thau, John Seeley

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the the variances sought on condition revised survey removing the parcel

one and parcel 2 and the dash line in the middle is removed.

Motion by Chip Postiglione, second by Marci Daniel.

Final Resolution: Motion Carries

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, Zachary Murphy

Not Present at Vote: Steven Thau, John Seeley

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to to authorize the board attorney to draft the resolution and the Chairman to review and sign said resolution.

Motion by Kevin Scully, second by Chip Postiglione.

Final Resolution: Motion Carries

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, Zachary Murphy

Not Present at Vote: Steven Thau, John Seeley

3. Returning Public Hearing

Action, Discussion: 3.01 **Eagle View Estates** (Z068-2022) SBL # 18-4-60,61 Lakes Road Monroe NY

the applicant has asked for an extension on the application for another 60 days until October 25, 2022.

third extension feels confident that it would be resolved within the next 60 days

reviewed the application to familiarize the board with the project

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to grant the 60 day extension until October 25, 2022.

Motion by Chip Postiglione, second by Kevin Scully.

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, Zachary Murphy

Not Present at Vote: Steven Thau, John Seeley

4. Minutes

Action, Discussion: 4.01 April 26, 2022

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve the April 26, 2022 minutes.

Motion by Marci Daniel, second by Kevin Scully.

Yea: Kevin Scully, Marci Daniel, Chip Postiglione

Abstain: Zachary Murphy

Not Present at Vote: Steven Thau, John Seeley

Action, Discussion: 4.02 May 31, 2022

BE IT RESOLVED, that the Zoning Board of the Town of Monroe hereby makes a motion to approve the May 31, 2022 minutes.

Motion by Kevin Scully, second by Chip Postiglione.

Yea: Kevin Scully, Marci Daniel, Chip Postiglione

Abstain: Zachary Murphy

Not Present at Vote: Steven Thau, John Seeley

Action, Discussion: 4.03 June 28, 2022

held over

Action, Discussion: 4.04 July 26, 2022

held over

5. Adjournment of Meeting

Action: 5.01 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 Marci Daniel.

Yea: Kevin Scully, Marci Daniel, Chip Postiglione, Zachary Murphy

Not Present at Vote: Steven Thau, John Seeley