

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 08/27/2019

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, August 27, 2019)

Generated by Norinne McSweeney

Members present Chairman - Michael Murphy, Kevin Scully, Aaron Fried

Members Absent:

Peter Lewis, Austin Seid

1. Welcome

Action, Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

Procedural: 1.03 Point out All Fire Exits

2. New Business

Discussion: 2.01 75 Seven Springs (Z039-2019) SBL # 1-1-48

Joel Mann - Brach & Mann representing the applicant Background 2015 variance greater than now, it was non-conforming as the width of the property existing house is pre-existing non conforming with the set backs 2015 was allowed accessory apartments so it was proposed for a single family with accessory apartment April 2016 Town went into moratorium New Code was brought in accessory apartment was not allowed Currently proposing to rebuild a single family home on the property in a different configuration variances: lot coverage, lot size - width, setback denial letter from building inspector stamped site plan Chairman Murphy - clarify you are planning on demolishing existing house and rebuilding a new house allowable building setback is not correct on plans reviewing building inspectors letter buffer between wetland & Sewer lot width 125 feet required major issue with side yard variance not mentioned by building inspector is lot area - this zone is a 1 acre zone and you have 1.03 acres but minimum lot area deducts out wetlands, easements and other encumbrances on the property you have a wetland area of .35 acres so that brings down lot area bringing lot area down to 29,600 sq ft where 43,560 required another major variance on the plans small sanitary system for a proposed large house also to close to the wetlands - need 100' buffer only have 85' buffers suggestion to try and reconfigure house on the property to lessen the necessary variances Member Scully questioned if existing septic system would be used Mr. Mann - yes we are planning on using existing system, it was installed not too long ago and it is designed for the 4 bedroom proposed house Member Scully - how big is system Mr. Mann - I don't know but I can check on it. Chairman Murphy this is an existing system that was recently installed so there should be plans at the Town Hall Member Fried - do you have plans of proposed house Mr. Mann - not at this time Member Scully - do you know size of existing dwelling and

what is proposed size of new dwelling Chairman Murphy - need to have the Pietrzak & Pfau survey updated to show proper building envelope 5 significant variances think you need to rethink the design and come up with something to fit within the building envelope this is all self created hardships In order to keep the non-conforming status you need to keep the existing house, but you are demolishing the existing house and rebuilding, so its starting over again with a vacant lot and new zoning code Mr. Mann questioning 57-39 regarding this application and 57-65 C7 we will have a wetland delineation done on the property Discussion: 2.02 Khan Kudo (Z035-2019) SBL # 15-4-23.1

Mr. MacCartney attorney for the ZBA of the Town of Monroe Before we begin I wanted to disclose something on the record Mr. Kudo are you the same Mr. Khan Kudo my firm represented many years ago in connection with an employment matter with Panda Express Mr. Kahn - yes Mr. MacCartney you and I never worked together individually but I know you were previously a client of the firm and in a matter totally unrelated to your property I wanted to disclose that to the Board so they're aware that my firm you know years ago had a relationship with Mr. Kudo and represented him in an unrelated matter I don't see any present conflict any actual conflict it's not going to affect my objectivity in advising the board in regard to the variance application but I wanted to disclose it for the record make sure parties new and all parties consented to me acting as counsel for the board they saw fit Kahn Kudo applicant Steven Reef builder my company will be building a 3 season room over the existing deck structure not changing the footprint of anything it's going to be a single slope three season glass enclosure Chairman Murphy - asking for a property survey map updated applicant received a C/O for the deck in 9/8/ 2005 and a building permit 8/2005 letter from building department stating following issues: lot area required 15000 exist 10,500 preexisting front yard required 40' current 34' preexisting rear yard required 40' current 25' altered as inclosing deck makes a difference from where setback starts lot coverage 25% allowable 26.3% proposed Building Inspector said an as built survey should be submitted as measurements are estimates Member Scully - the deck can handle the additional structure applicant - we are updating deck to meet code- adding more footings enclosure will be 16 x 18 current deck is 16 x 22 3. Returning Projects

Action, Discussion: 3.01 Brandel, Arna & Saul (Z038-2019) SBL # 6-1-5.2

Arna & Sol Brandel Secretary McSweeney spoke with the building inspector only one variance is needed on a shed that is on a concrete pad. Other sheds have permits and c/o granted to prior owner. looking for a variance on one shed 3.5' from property line Board members, applicant and Mr. MacCartney discussed the issues regarding the variance necessary. GML has been sent out to OCDP Public Hearing has been set for September 24th Action, Discussion: 3.02 Nelson Luciano (Z037-2019) SBL # 15-4-30

Nelson Luciano Chairman Murphy reviewed that the last time before the board you were asked for a new survey of the property which you have now provided. Chairman brings up the fence that is a safety issue in his opinion. Mr. MacCartney advises the Board to give the Building

Inspector copy of new survey ask for a revised letter with the additional possible variances. One so the board knows exactly what variances are needed and 2 the application doesn't have to come back again for additional variances. Chairman, board members and attorney discussed application with applicant. How does Ben view it? Bulk table correct? Variances needed? Compare to 5/1/19 letter. Applicant provided board with paperwork regarding an easement that he was not aware of. This board can't give you legal advice regarding this. Get in touch with a title abstractor. 4. Approval of Minutes.

Action, Discussion: 4.01 May 28, 2019

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby approves May 28, 2019 minutes.

Motion by Kevin Scully, second by Aaron Fried.

Final Resolution: Motion Carries

Yea: Chairman - Michael Murphy, Kevin Scully, Aaron Fried

Absent: Peter Lewis, Austin Seid

Action, Discussion: 4.02 June 25, 2019

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby approves the minutes from June 25, 2019

Motion by Aaron Fried, second by Kevin Scully.

Final Resolution: Motion Carries

Yea: Chairman - Michael Murphy, Kevin Scully, Aaron Fried

Absent: Peter Lewis, Austin Seid

5. Adjoinment 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 at 9:30 pm.

Motion by Kevin Scully, second by Aaron Fried.

Final Resolution: Motion Carries

Yea: Chairman - Michael Murphy, Kevin Scully, Aaron Fried

Absent: Peter Lewis, Austin Seid