

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 09/24/2024

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, September 24, 2024)

Generated by Norinne McSweeney

Draft

Members present

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

Board Counsel:

David MacCartney

1. Welcome

Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

2. New Public Hearing

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

Applicant Representative:

Isual Pena - owner

project before the board - applicant purchased a house with an open permit in the building department for a deck. Applicant took care of the open permit but there was an issue with the enclosed room the prior owner built without a permit. Mr. Pena took the room down and is here for a variance to rebuild the room on top of the deck to the same size it was prior.

open hearing to the public

Peter Proulx - 17 Scenic View Drive, Monroe, NY

- I watched my neighbor over here significantly improve his property since he's been there. The place was a wreck and he's cleaned it up the whole place the curb appeals there he's not harming anything in fact I feel like he was kind of dealt a bad set of cards with the existing conditions that house was closed without those permanent rooms and whatnot so when I got the notice in my mailbox and I just found out last week why he was for variances I wanted to just speak on his behalf because the place was a wreck for years garbage a non-conforming shed out by the street. It's great to see someone take pride in their home.

review the 5 factors

application approved

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, Chip Postiglione, Steven Thau, John Seeley, Zachary Murphy

Nay: None

Abstain: None

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

Nay: None

Abstain: None

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve this application for the variance sought payment, follow plans submitted inforced by the building dept.

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

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 sign.

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action, Discussion: 2.02 Lyn Abrams (Z091-2024) SBL # 36-7-3 716 Forest Glen Rd Monroe, NY

Applicant Representative:

Joe Fedor - owner

Lyn Abrams - owner

Mr. Fedor -

- adjusted the roof
- straighten window
- awning over the walk way

Mr. MacCartney

- non conforming property
- nothing impacting the rear yard, front yard or side yard
- increase coverage that triggers other non-conforming properties

Member Scully -

- according to Mr. Maldonado's letter the rear yard is an encroachment because of the proposed addition
- rear yard 60 feet, the west side rear of the house is 3 feet from the property line an encroachment of 57 feet

open discussion regarding the lot coverage, the deck and a proposed staircase from the deck down to the walkway.

Mr. MacCartney - can you please just explain it in very like use the diagram or just explain it to the board what it is that you're actually doing and where and what's shown on the plans and what's not in terms of the dimensions we've got to figure all this out

Mr. Fedor -

- we had a preexisting concrete garage with a sunroom on top of it with angled windows that weren't real windows and they leaked. So we went ahead and straightened the gables end to a traditional peak and added a shed roof over the rest of the existing walkway. We would also like to add a staircase down from that to the existing paver walkway on the side of the house. It looks like the eave from the new roof and the stairs that don't exist yet

public hearing opened to the public

board members reviewed the 5 factors - the balancing test

1-n

2-n

3-n

4-n

5-y

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 Kevin Scully, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

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

Nay: None

Abstain: None

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to approve this application, payment of all due fees, following plans the submitted on A-1 June 10, 2024 built to spec

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

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

Motion by Kevin Scully, second by John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

3. Returning Projects

Action, Discussion: 3.01 **Brannin Russell** (Z092-2024) SBL # 38-8-10 12 Lakeview Drive
Monroe, NY

Applicant Representative:

Brannin Russell - applicant/owner

review of the project:

proposed an addition to his house

original arch plans & survey not new

new survey done

need to see plans with the raised seal

scope of project 11x18 deck on back of house

adding on to the living room to square up to house 12 x 5

variances sought all preexisting non-conforming

lot width

side yard

garage - rear yard

all non conforming pre existing

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to schedule public hearing for October 22, 2024.

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

Action, Discussion: 3.02 **Luciano, Nelson** (Z079-2023) SBL # 15-4-30 78 Cromwell Hill
Road, Monroe, NY

He was scheduled for a public hearing this evening. Letter was sent to applicant and posted in the newspaper. Applicant didn't get my email until after the cut off date for mailing the notices so tonight the public hearing needs to be rescheduled for next month. That is all the applicant is here for this evening.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to set a public hearing for October 22, 2024.

Motion by Chip Postiglione, second by Kevin Scully.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None

4. New Projects

Action, Discussion: 4.01 **Yoel Gross** (Z085-2023) SBL # 43-3-5 14 Raywood Drive, Monroe, NY

Applicant didn't appear

Action, Discussion: 4.02 **Herman Wagschal** (Z093-2024) SBL # 1-1-47.232 16 Lanzut Court, Monroe, NY

Applicant Representative:

Michael Sandor - MJS Engineering

David MacCartney first before we get started I have to recuse myself on this project because way back in another life in 2008 my partner at the time no longer my partner represented Mr. Wagschal in regard to this particular property. I actually made an appearance before the Monroe Zoning Board filling in for my old partner so I have represented this applicant on this property even though it's 16 years ago I don't think it would be ethically proper for me to sit as Board Attorney under those circumstances, so I'm going to recuse myself with this one and I'm sorry for short notice I hadn't looked at the application at all until today and I called the Chairman as soon as I realized it.

Member Scully - can we talk with the applicant without an attorney?

Mr. MacCartney - I'll give you generic advice not related to the application if you feel comfortable hearing from an applicant without counsel. You guys have been doing this long enough to know kind of what you're doing was just need legal advice I can't give it to you. I'll just step down and the record will reflect that thanks Mr. MacCartney has left the dais.

Michael Sandor with MJS Engineering out of Goshen, New York

I sent a package with all the information that you requested, my cover letter summarizes the project. The applicant submitted a building permit application on August 7, 2023 for a 2nd story addition on an existing 3 car garage the Building Department denied request for permit on August 17, 2023 due to the schedule of district regulations in the SR-10 Zone regarding the side yard and the lot coverage. Reviewing the history of the project it is noted that the Zoning Board issued a side yard set back variance for the same structure for the same

distance on July 17, 2008. The Building Department requested an additional variance for the lot coverage. The reason they asked for the lot coverage is the Zoning code was revised from 40% coverage to 15% coverage in 2018. The variance that we are requesting is a revariance of the 20foot versus the 30 feet required and the lot coverage form 15% required to 28.2% proposed.

The survey you have is a current survey done by my office not much has changed since 2008 when the applicant applied for the side yard variance of 20 feet. I have included a copy of the original variance and the decision.

Chairman Postiglione looking at survey requesting raised seal

Mr. Sandor - understanding 2nd story is installed

Chairman Postiglione - didn't get a permit for the 2nd story, are there plans for the 2nd story? Are there plans for the 2nd story, when it was done and a raised seal of the survey? Photos?

height of the building - 35 feet is maximum

Mr. Sandor - for the next meeting you are looking for the following:

- building plans
- when it was constructed
- seal on the survey
- photos of building
- building height
- site visit notice

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 Kevin Scully.

Final Resolution: Motion Carries

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

Nay: None

Abstain: None