

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 10/22/2024

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, October 22, 2024)

Generated by Norinne McSweeney

Draft

Members present

Kevin Scully, Chip Postiglione, Steven Thau, John Seeley, Zachary 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 **Brannin Russell** (Z092-2024) SBL # 38-8-10 12 Lakeview Drive
Monroe, NY

Applicant Representative:

Brannin Russell - owner

Review of the project by applicant:

variance needed to build a deck (215 s/f) and add on addition (69 s/f)

brought receipts for the mailings

brought a sealed copy of plans that board requested

Member Murphy:

- property is pre-existing non conforming
- needs side yard variance from non conforming existing conditions
- addition goes to the back towards the lake
- not affecting any neighbors with addition

Mr. MacCartney -

- garage is 3.7 feet pre-existing condition
- house other side 9.3 feet pre-existing condition
- squaring off house on back corner
- set of back steps off addition

Mr. Russell -

- enclosed stairway up into the house addition 8" out past the staircase
- flush with the roof line

Mr. Russell approached dais to show board members where the staircase and back of house is (inaudible)

reviewed the 5 factors - balancing test

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 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 John Seeley.

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 the application of Brannin Russell for his variance.

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 direct the attorney to prepare a resolution and 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

Nay: None

Abstain: None

Action, Discussion: 2.02 **Luciano, Nelson** (Z079-2023) SBL # 15-4-30 78 Cromwell Hill Road, Monroe, NY

Applicant Representative:

Nelson Luciano

Mr. MacCartney confirmed all the postings and mailings done confirmed good to open public hearing

Chairman Postiglione reviewed the application

- there was a pool
- firepit
- deck
- pictures of pool being removed, firepit
- driveway 15x16

Mr. MacCartney - is there a current plan of what has been removed and what is remaining, everything that has been changed

open discussion as to needing an as built survey with current situation of the property including lot coverage and to whether or not to close the public hearing

Chairman Postiglione - must have an as built survey submitted prior to next month with lot coverage calculation on it in bulk table

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

3. New Projects

Action, Discussion: 3.01 **Suta Qosaj** (Z094-2024) SBL# 11-7-47 207 Sunset Terrace, Monroe, NY

Applicant Representative:
David Niemotko - Architect

Mr. Niemotko presented the application to the board:

- house is located at 207 Sunset Terrace
- proposed addition in the back which triggered ZBA appearance
- front of house encroaches on front yard set back non-conforming pre-existing condition - 11 feet into the front yard set back
- front porch - existing - proposing to put a roof over it and would like to extend it to the right and left of the front of the house
- extending porch 10 feet on both sides
- 1 story house

Chairman Postiglione -

- do you have any drawings of the addition

Mr. Niemotko we can provide the floor plans and the elevations will show back porch and front porch and all the elevations

Chairman Postiglione - what is the dimensions of the addition on back?

Mr. Niemotko - width of the house 30 x 12 foot addition still 48 feet from the property line

Chairman Postiglione - what does the extension consist of

Mr. Niemotko - extension of the existing kitchen, laundry room and utility room

Mr. Niemotko - looking for a lot area variance 15,000 s/f required we have 13, 896 s/f pre-existing non-conforming condition

- also a variance for the front yard set back

Chairman Postiglione - brand new owner

- private road on Sunset Terrace

Member Murphy - speaking to the neighbors concerned of the culverts during construction as there are water issues, this addition should not affect any of the pre-existing non conforming issues that already exist

nothing moving forward in the front yard

500 feet Town of Chester send them the application

verify if this has to go to GML 239

Action, Discussion: 3.02 **Imer & Shpresa Cosaj** (Z095-2024) SBL # 10-3-5 548 Lakes Road, Monroe, NY

Applicant Representative
David Niemotko - Architect

Mr. Niemotko explained the project to the board:

- pre existing non conforming condition encroaches the side yard
- provided plans and elevations for this project
- removing a shed against property line
- the house 2.4 ft away from property line
- adding addition to the left 580 sq feet
- remove attic space and add a second floor
- second floor will align with the house footprint
- side yard setback needs a variance

Mr. MacCartney - asked about the shed or item leaning against the house to be removed

Chairman Postiglione - on the survey and elevation plan way house situated faces inward facing the garage

- on the survey covered deck extend to the front like a Juliet balcony
- proposed addition to the front of the house facing the garage

Chairman Postiglione = proposing 2 bedrooms in the addition

Mr. Niemotko - 3 bedrooms on the 2nd floor

ST 2 bathrooms on the 2nd floor

Chairman Postiglione - what your looking to do is not going to be changing the offset side yard is pre-existing

set public hearing November 26, 2024

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to set a public hearing for November 26, 2024.

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

Action, Discussion: 3.03 **Home Depot** (Z096-2024) SBL # 2-1-31.2 Larkin Drive, Monroe, NY

Applicant Representative

Dorin Balan - Kimley Horn

Mr. Balan reviewed the application before the board:

- looking to add additional storage areas around the building and the parking lot
- currently 611 stalls outdoor reduce to 580 stalls requirement of 918 stalls
- variance 338 parking stalls

Member Scully - who is storage for Home Depot or outside sources

Mr. Balan - for the store merchandise for sale and Penske Rental equipment, large format equipment for rental, plant corrals

- no construction forming permeant parking and storage spaces
- in response from a violation from the Building Inspector and Fire Department

Mr. MacCartney - what is your status with the Planning Board?

Mr. Balan - before them twice and referred to the ZBA

double check if PB is handling SEQRA for this application

Chairman Postiglione - is Town of Woodbury involved in this

Mr. Balan - portion of the storage was over one of the boundaries and one of the comments from the Planning Board was to either modify the area and move everything into the Town of Monroe area and was told we wouldn't need to get any approvals from Town of Woodbury.

Mr. MacCartney - conversation with Town of Woodbury to see how it plays out

Member Seeley - inaudible - traffic study

Mr. MacCartney - a parking study was submitted

Mr. Balan - we provided a parking study that went out to view parking during peak hours and did some arial imaging as well. Did a survey on a Friday and Saturday max cars 121

Member Seeley - the spots that are being removed need to be looked at by emergency services to verify if there is any issue with the equipment being able to access the area in emergency

Mr. Balan - we have a truck turn analysis that shows that fire truck can still maneuver the site

Mr. MacCartney - is the Planning Board getting a Traffic Engineer involved in this and or the Town Engineer

- looking for notes or comments from Shawn Arnott
- Planning and Zoning looking at overlapping issues here like emergency access, site flow, traffic flow within the site, what is blocking what, where things are going to be.
- can't approve without approved variance
- what is next for the Planning Board application
- solstice the Town Engineer for assistance on this application
- full traffic study review from the Engineer
- the ZBA can't even act until the Planning Board has completed SEQRA, more progress at the Planning Board
- have they declared to be lead agency, have they issued a negative declaration, have they started SEQRA

Chairman Postiglione - need input from the Planning Board as to this project

- going back to Town of Woodbury within 500 feet they should be informed or involved in this as well at least a letter from them stating they are ok with the project

Board feels that this application is appearing too early as they need to move ahead with steps at the Planning Board.

Need to work with Town of Woodbury.

Go back to the Planning Board to get update on application.

Come back in November for a status check

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion that the Town Engineer review the package presented to the ZBA and to be present at the next ZBA meeting.

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

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.

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