

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 11/26/2024

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, November 26, 2024)

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

Applicant Representative:

David Niemotko - Architect

Mr. Niemotko reviewed the application before the board:

- we are before you at the last meeting and today for the public hearing to ask for a side yard variance of 12 feet 8 in where the required side yard is 15 feet
- we did minimize the effect by removing a shed on that side of the project or that side of the building which made the original side yard approximately 2 and a half feet
- we are looking to receive this variance of 12 feet 8 inches
- the project is an existing house we're adding an addition to the planned left of the project and then a second floor over that footprint

Chairman Postiglione -for better terms the short side of the property okay does that make sense to you so where you've got the on the survey it looks like it's 2.4 feet to the top corner, see that offset yes and then you see where it says house .4 feet the shed is that the shed that's underneath the dark line that shed is being removed. There is a proposed garage, that is not part of the application?

Mr. Niemotko - the Building Inspector didn't include it in his referral letter to the Zoning Board. It's within the setback requirements it does not impact the lot coverage.

Chairman Postiglione - on the the zoning table on the survey where it talks about the lot

coverage percent is that calculated, is the proposed garage calculated in a percent of lot area coverage. So that would be where you have your required at 25% the existing is 12.3% correct and the proposed is 18.5%. I just wanted to make sure that that coverage included the garage.

Mr. Niemotko - yes it does coverage the garage in the percentage

Chairman Postiglione - the last meeting we went over the elevations of the building quite thoroughly the architectural plans

Mr. Niemotko - the house remains within character of the surrounding neighborhood without question there are several houses along there that have a second story. We have a front deck which is pretty consistent with everything else it's a good project.

Chairman Postiglione - it is a good project on our end because it's nice to see everything that we need to evaluate here so we do appreciate that.

opened the public hearing to the public

reviewed the 5 factors

Mr. MacCartney - as you all know it's a balancing test to weigh the benefit that the applicant is seeking against any detriment to the health safety and Welfare of the community and that's Guided by five factors. f

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 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 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

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 project including the three standard conditions compliance with all the plans submitted, payment of all due fees, and compliance with all other laws rules and regulations.

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 counsel to draft a resolution and authorize the Chairman to sign.

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

3. Returning Public Hearing

Action, Discussion: 3.01 **Luciano, Nelson** (Z079-2023) SBL # 15-4-30 78 Cromwell Hill Road, Monroe, NY

Applicant Representative:

Nelson Luciano - owner

Chairman Postiglione - still issues here, I thought the gazebo was being removed. Is the block wall over the property line by 2.7 feet?

Mr. Luciano - no the surveyor missed it when he came out and I told him that. He can revise it but that wall isn't there anymore it doesn't go over 2.7 ft anymore.

Member Thau - the stone wall isn't there or it doesn't go past the property line?

Mr. Luciano - it doesn't go past the property line it has been modified.

Member Murphy - you took down the stone patio, the deck and the pool and about a third of the paved driveway. Cut about 1000 square feet.

Chairman Postiglione - just don't know how the surveyor misses something that's over the property line and goes ahead and seals it and signs it

Member Scully - was the stone wall over the property line when the surveyor was there?

Mr. Luciano - no

Chairman Postiglione - the surveyor is out there to do an update of the property and I can only go by what a signed a sealed sign copy of a survey is telling me. Does everyone here realize

what a signature and a sealed copy of a survey means it's binding. Member Murphy you were pointing out that the revised coverage calculations on this right.

Member Murphy - he's updated the revised coverage so he's gone down 11 point or 10.1% which is a 1,000 square feet about

Mr. MacCartney - the original plan the very first application was for 48.5% it says and now he's down to 38.4% right so he's 3,806 in coverage now which is 38.4 38.39 whatever way you look at it.

Chairman Postiglione - also it is showing that the wooden fence is over.

Mr. Luciano - I got a letter from from the Highway supervisor saying that he's okay with the fence where it is as long as it doesn't block anything and if there's any damages done that they're not liable.

Member Thau - I thought that letter pertained to the vinyl fence along Park Terrace. We are talking about the wooden fence encroaching on your neighbor that's their wooden fence.

Member Murphy - did we get a copy of that letter from the Highway Superintendent. yes

opened public hearing to the public

BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to go into Attorney client session for the purpose of seeking and receiving legal advice.

Motion by Zachary Murphy, 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 return from Attorney Client session.

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

Chairman Postiglione - I am going to make a statement here we do not have a December meeting, I would like for the applicant to come back in January with a revised accurate survey and I also would like an up to date picture of the shed which is time stamped, this is important as it is part of the variance that's being looked at right is not only the lot area coverage but the offset of the shed not only to the property line but is it also too close to the house. Accurate up to date pictures with time stamps. Have your surveyor give you distance from shed to property

line and shed to house labeled on survey.

4. Returning Projects

Action, Discussion: 4.01 **Suta Qosaj** (Z094-2024) SBL# 11-7-47 207 Sunset Terrace, Monroe, NY

Applicant Representative:

David Niemotko

Mr. Niemotko reviewed the project:

at our last meeting you requested architectural, we kind of combined them into one plan to just help visualize everything and to highlight the points. As you could see the plan the first floor plan shows the proposed addition in the back and then what we're also proposing in the front and how it would look from the front and how it would look from the side. The existing front yard is 22.7 ft to the existing front porch as we shown a survey, we don't want to change that we're asking for that existing condition to be approved, what we had asked the board is to allow us to extend that existing footprint in the front to the left and to the right just to the width of the house. We are asking the board to let us extend that porch, not habitable space, to the end of the house on both sides. The back portion of the addition complies with the zoning code, but we are asking for lot area variance. The lot area for this zone is 15,000 s/f and existing is 13,890 s/f pre-existing non-conforming condition. Front yard set back is 40 feet existing is 22.7 feet

Decision regarding a roof over the porch does one exist or proposed?

Mentioned neighbors concerns with heavy equipment on the private road and stormwater drainage issues to be considerate.

Mr. Niemotko - we can add to the architectural plans will do footing drains around the house and do damage maintenance of the driveway and private road. Or you can make it a condition of the resolution.

Mr. MacCartney - in advance of the public hearing add a note or two that addresses both these concerns and then point that out to the board at the next meeting and it is on the plans.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to set the public hearing for January 28, 2025.

Motion by Chip Postiglione, second by John Seeley.

Final Resolution: Motion Carries

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

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 Steven Thau.

Final Resolution: Motion Carries

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