

TOWN OF MONROE ZONING BOARD OF APPEALS MINUTES

— 11/28/2023

TOWN OF MONROE ZONING BOARD OF APPEALS (Tuesday, November 28, 2023)

Generated by Norinne McSweeney

Members Present:

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

Members Absent:

Marci Daniel

ZBA Board Counsel:

David MacCartney, Esq.

1. Welcome

Procedural: 1.01 Roll Call

Procedural: 1.02 Pledge of Allegiance

2. Continued Public Hearing

Action, Discussion: 2.01 Town of Monroe Planning Board

Bonnie Franson - Planning Board Chairwoman

Ms. Franson -

- the board should have received as part of the continued public hearing a letter with exhibits from the Planning Board Attorney dated November 22, 2023.

- the new letter was to address comments and correspondences that were submitted to the ZBA from Mr. De Joy Attorney for the Summer Crest community dated September 26, 2023 and October 24, 2023 it gets into continues arguments with regards to the use, abandonment, was this a summer cottage development etc. and again in response to those letters that were submitted on behalf of the applicant Ms. Torre summarized it and provided supporting documents relative to it which included the Secretary of Interiors Rehabilitation Standards for your information. She did attach a narrative that had been submitted with regard to the project as well as the Planning Board's resolution of approval. So I don't know how much more you want to get into it or if there's further explanations that are needed, but

I am here and again just to kind of the bigger picture we're not here to question the appropriateness or whether a property should be used in a particular way our appeal has to do more with what's the process for this particular property and are there other approvals whether there variances Etc that are applicable given the status of the property.

Chairman Postiglione I appreciate that quick summary. We did get this I went through it as thoroughly all day today and there was some questions I had that I think that I would like to seek some legal counsel some legal questions. I don't know if anyone else had that opinion, but if it would be okay with you Mr. MacCartney if we could have a little bit of a break so we could ask for some advice.

Mr. MacCartney yes you can make a motion to go into attorney client session for the purpose of giving and receiving legal advice.

BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to go into Attorney Client session.

Motion by Kevin Scully, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: 0

Abstain: 0

BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to return from Attorney Client session.

Motion by Kevin Scully, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: 0

Abstain: 0

Chairwoman Postiglione - asked Ms. Franson to return to the table. Thank you for all your patience there was just a couple of topics we had to go over and get some clarity on. There are a few questions that we wanted to to clarify or maybe get some information on if you are okay.

Ms. Franson - if I can't do that this evening then we extend it

Chairman Postiglione - I guess the first one would be when did these buildings start. Mr. Murphy how did we want to address this.

Mr. Murphy - When did we start using these four single family homes for single family homes? Were they open like that and were they built that way. Are there any sort of you know blueprint showing when these were built? Is there any idea what they were used for originally? if they were always used for the single family dwellings, is there a building permit?

Ms. Franson - whatever we have is what the Building Inspector supplied us with in addition to whatever was supplied to us as part of the application for the certificate of appropriateness. So some of that information came from the Tax Assessor records. Where they have the property improvements noted I don't know how official those are our understanding is just historically that this was a seasonal Bungalow Community sort of like RoseMarine and as far as those four I would have to do some more research in terms of what we have to get you specific knowledge in terms of whatever we may have.

Chairman Postiglione - if there was any building permits, and then if so was there CEO's issued

Member Thau - permits, CEOs and when those structures become in use year round dwelling, and was there a break in any point in time on those four structures.

Chairman Franson - specific to the four structures in Mr. Maldonado's chart. Plus any information for the Rec center or the barn.

Ms. Franson this is for historical information and if there's anything with regard to whether it was abandoned at some point in time. I think that just requires research we have a certain amount of information from the certificate of appropriateness as well as some information that came from Mr. Maldonado's office but I think it probably be appropriate for me to dig deeper and see what's available.

Chairman Postiglione opens the meeting to the public on this matter.

Mr. Jonathan DeJoy attorney for the Property owner Summer Crest LLC. - we have not had a chance to see that letter that was submitted I believe someone said on the 22nd so we would just ask that the board keep the public hearing open and that we have some time to review and respond to that letter.

Chairman Postiglione - no problem with that.

Mr. MacCartney - maybe you could ask him as well those same questions if he has an information on the questions that you asked Ms. Franson for.

Chairman Postiglione - are you aware of any of the questions, we'll go down on those the four year round dwellings, the rec building and a barn, do you have any information of when they might have started to become that.

Mr. DeJoy - as far as the four building go as far as the property owner is aware they have always been occupied there's never been a break from the 1930's.

Chairman Postiglione - you're not aware of any thing for permits to the single family homes

Mr. DeJoy - we did submit a FOIL request to the Town it was denied for whatever reason. I don't know if we're privy to everything, but in the research that we have been able to do we have not encountered any building permits, but the historian has confirmed that the the property and all the buildings were built in the 1930s.

Mr. MacCartney - now when you say that the historian determined that all the buildings is that

in writing somewhere that I can obtain.

Mr. DeJoy - we have a letter, not with me, prior to the Planning Board proceedings.

Mr. MacCartney - the board would appreciate a copy of said letter. But it's your understanding that it applies to all the buildings that are on Mr. Maldonado spreadsheet for which he made a determination including those four single family dwellings.

Mr. DeJoy - if the board has no further questions we would just reiterate our same points from our submissions and the previous meeting.

Chairman Postiglione - duly noted

BE IT RESOLVED, that the Zoning Board of Appeals for the Town of Monroe hereby makes a motion to keep this public hearing open until the January 23, 2024 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: 0

Abstain: 0

3. New Projects

Action, Discussion: 3.01 **Chris Robinson** (Z081-2023) SBL # 34-2-2.1 124 Second Ave, Monroe NY

Chris Robinson - Applicant

Mr. Robinson - put in above ground pool

- went through all the processes with the Town
- made sure I crossed all my tees dotted all my eyes
- originally we wanted to do inground pool we did some probes on the property and it's just all rock
- I live on a flag lot, had issues with the electrical with regards to all the rock
- did a survey everything fit according to the setback rules
- I was not there the day of installation the contractor ran into some hardships at the North West corner of the pool (it's oval) he hit a piece of ledge
- I had to bring in extra fill
- I was told very close to the property lines but shouldn't have a problem
- when the surveyor came back he told me that I had encroached on the setback going towards the woods in the back. All other setbacks were fine. -n the back so - I sent some pictures there's you know there was nobody back there I was able to maintain the sides everything else I just couldn't get any further back because of my property and how the ledge starts to work itself up towards my house and they were like you don't want to touch this because all this is holding your house back because my house is kind of built up on something and then it and then it drops down so that's that's why I'm here.

- I wasn't just installing anything willy-nilly, but that's basically was the the main Crux of the issue there

Chairman Postiglione - so it looks like from what read the pool is 8.3 feet off the property line 15 foot set back

Mr. Robinson - it is 6.7 into set back, tried to make adjustments but with the leech fields and the septic tank it was the only spot and we didn't know about the ledge

Chairman Postiglione - as the project started you got the permits were issued you were following the letter to the law of doing everything

Mr. Robinson - yes we had permits, electrical inspections was down to the last steps. Was told everything looked good to submit the finished survey.

Chairman Postiglione - the lot area coverage is all pre-existing and the front yard is pre-existing and the side yard is pre-existing.

Member Seeley - asking questions inaudible

Mr. Robinson response - to Member Seeley asking about the neighboring properties. He has 2 neighbors, owns the piece in front of his property and he backs onto the Palisades instate Park Commission Property.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to accept the application and schedule for a public hearing at the January 23rd 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: 0

Abstain: 0

Action, Discussion: 3.02 **Yirmiyahu Weiss** (Z082-2023) SBL # 7-3-2 210 High Street, Monroe, NY

Mr. Weiss - Applicant

Mr. Weiss - here about a shed built about 20 years ago which is to close to the set back by about 2 feet

Chairman Postiglione - the shed is 47 feet from front yard setback and what is required is 50 foot set back. How did this come to the attention of the Town? What where you doing on the property?

Mr. Weiss - I made the house into an Airbnb which meant a survey and permits needed to be

completed

Chairman Postiglione - putting property on Airbnb needed a survey which needed permits and the Town noticed the shed was too close to the setback

Mr. MacCartney it is a front yard there because it is a corner lot and it extends into the front yard. Do you have an actual dimension of the shed?

Mr. Weiss - it is a very small shed maybe 6x4

Member Scully and Murphy agree very small shed they drove by the property

Mr. Weiss - took picture of the shed

Mr. MacCartney - asked applicator to measure shed and bring measurements to the next meeting

Member Thau - what type of foundation is the shed on

Mr. Weiss - I think it is cement

Chairman Postiglione - confirm what type of foundation for the next meeting

Mr. Weiss - it is too nice to take it down

Chairman Postiglione - for the next meeting -

- take a picture of the shed
- include a picture of the foundation
- dimensions of the shed
- is the shed being used - Mr. Weiss no

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to set the public hearing for the next ZBA meeting January 23, 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: 0

Abstain: 0

Action, Discussion: 3.03 **Richard & Sharyn Hernandez** (Z083-2023) SBL # 26-4-13 8
Elmwood Dr, Monroe, NY

Applicant Representative:

Daniel Castricone, Esq.

Mr. Hernandez

Mr. Castricone -

- we are here for a variance
- we discovered in trying to get a C/O for the property that we've covered 31.5% of the

property with semi-impervious surfaces

- in the pictures enclosed you can see they did a beautiful job in the backyard with blue stone pavers which they obtained all the necessary permits for the project
- when it was time to get the final C/O it was discovered when the measurements were done they had covered more than perhaps allowed
- we are looking for a variance for the additional lot coverage
- we are over approximately 10 square yards
- it's a corner lot which restricts what they can do to the one area in the back
- they did a tremendous job with the drainage putting drains all around the property

Chairman Postiglione -

- lot coverage required is maximum 25% and your as built survey has you coming in at 31.5% with a 6.5% overage
- with the permits what were you working on within the property limits what were the plans with the pavers? What exactly were you doing?

Mr. Hernandez -

- the total home is a rebuild
- we bought house in 2000 we have been rebuilding everything
- we extended the patio and made it into a sun room - we had the permits for that
- then we built a swim/spa deck and we lined it out with the blue pavers

Chairman Postiglione - so then the permitting question was since you bought the house you have been working on it. The permit that put you over was the one for the pavers and blue stone.

Member Seeley - have you heard from the designer

Mr. Castricone -

- no the that was submitted to the Town was approved and has the signatures
- just don't think anybody thought about it until it was time to get the C/O

Mr. MacCartney - when was that work actually done

Mr. Hernandez - 3 years ago

Chairman Postiglione - the work was done 3 years ago and you were just submitting for final papers

Mr. Hernandez - yes we are looking to sell so we wanted to have all the permits in place so that the next buyers wouldn't have any problems

Chairman Postiglione - so when you finished the work 3 years ago you didn't close out the permits, you didn't look for the C/O?

Mr. Hernandez - that is correct because of COVID

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to set a public hearing for January 23, 2024 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

4. Administrative

Action, Discussion: 4.01 **December 26, 2023 meeting cancelation**

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to cancel the December 26, 2023 ZBA Meeting, the next ZBA meeting will be held on January 23, 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: 0

Abstain: 0

Action, Discussion: 4.02 **Approval of the 2024 ZBA meeting Schedule.**

BE IT RESOLVED, that the Zoning Board of the Town of Monroe hereby makes a motion to approve the ZBA Meeting Calendar for 2024 subject to change.

Motion by Chip Postiglione, second by Steven Thau.

Final Resolution: Motion Carries

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

Nay: 0

Abstain: 0

5. Minutes

Action, Discussion: 5.01 July 25, 2023

tabled

Action, Discussion: 5.02 August 22, 2023

tabled

6. Adjournment of Meeting

Action: 6.01 Adjournment of Meeting

BE IT RESOLVED, the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to adjourn 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: 0

Abstain: 0