

Town of Monroe
Zoning Board of Appeals Minutes
Tuesday, September 23, 2025
www.townofmonroeny.gov

Generated by Norinne McSweeney

Members Present

Zach Murphy, Kevin Scully, Steve Thau, John Seeley
Counsel - David MacCartney

Welcome

Roll Call

Pledge of Allegiance

Point Out Fire Exits

Public Hearing

Bezkorawagny Subdivision

Applicant Representative:
Mr. Bezkorawagny

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to open the public hearing for Bezkorawagny Subdivision.

On a motion by Zoning Board of Appeals Member Thau, seconded by Zoning Board of Appeals Member Scully

Ayes: Zoning Board of Appeals Member Murphy, Zoning Board of Appeals Member Scully, Zoning Board of Appeals Member Thau, Zoning Board of Appeals Member Seeley

Nays: None

Abstain: None

Mr. Bezkorowaygny reviews the project:

the house is located at 276 Cromwell Hill Road

Januay 2025 there was a fire at the house causing signigicant damage

we are looking to rebuild - demolish the remaining structure and do a total rebuild

we want to extend the house 8' 6" longer out the back

the property has preexisting non conforming conditions which are - lot area, lot width, side yard and lot coverage, also a shed on property that with no permit and needs to be moved off property line

keeping existing foundation of the house

basement same, 2nd floor 8 feet setting the house on peers

then deck 10 feet on peers already existing

project was opened to the public for comment

Mr. MacCartney -

there are 5 variances that are required

four are pre-existing non conforming conditions lot area, lot width, side yard setback single side yard and total side yard

the only variance that the construction is causing is lot coverage existing 33.8 new proposed is 36.2

spoke about the information regarding the shed also no permit of record

the Building Inspector noted the shed on his denial letter, noted in the public hearing notice. It is too close to the property line and needs to be moved to comply with the 5 foot setback

Mr. MacCartney reviewed the Building Inspectors letter - the shed is in violation as no record of permit. It's in violation of section 57-58 accessory buildings and uses in any district the placement of private garages and other accessory building shall be subject to the following requirements. No accessory building shall be constructed within 5 feet of any rear and/or side lot line.

So the applicant needs to get a permit for the shed and move to comply with the above code or get a variance and then a permit.

Mr. Bezkorawagny owner the property

the runoff onto his property underground is shale rock due to flooding pushed shed back to current location

shed not mentioned in the original application but it is noted in the public hearing notice as it was on the Building Inspectors denial letter

concern about shed not being mentioned on original application, but it was noticed within the public hearing notice

bulk table not in the application

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

On a motion by Zoning Board of Appeals Member Thau, seconded by Zoning Board of Appeals Member Seeley

Ayes: Zoning Board of Appeals Member Murphy, Zoning Board of Appeals Member Scully, Zoning Board of Appeals Member Thau, Zoning Board of Appeals Member Seeley

Nays: None

Abstain: None

Mr. MacCartney if it's the board's pleasure is you can make a decision anytime between now and 62 days from now. If you'd like to consider the five factors and the balancing test now, I could help step you through it.

The board reviews the 5 factor balancing test.

Mr. MacCartney - it sounds like the factors have lined up in favor of a grant. You could take a motion to grant the variances sought. The typical conditions would be compliance with the plans submitted, payment of all due fees, and compliance with all the laws, rules, and regulations includes getting a permit for the shed.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to grant the variances sought with the conditions stated by council.

On a motion by Zoning Board of Appeals Member Thau, seconded by Zoning Board of Appeals Member Scully

Ayes: Zoning Board of Appeals Member Murphy, Zoning Board of Appeals Member Scully, Zoning Board of Appeals Member Thau, Zoning Board of Appeals Member Seeley

Nays: None

Abstain: None

Donna Galiger

Applicant Representative:

David Niemotko - Niemotko Architects

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to open the public hearing for the Galiger project.

On a motion by Zoning Board of Appeals Member Thau, seconded by Zoning Board of Appeals Member Seeley

Ayes: Zoning Board of Appeals Member Murphy, Zoning Board of Appeals Member Scully, Zoning Board of Appeals Member Thau, Zoning Board of Appeals Member Seeley

Nays: None

Abstain: None

Mr. Niemotko reviewed the project:

2 vacant lots on Walton Terrace SBL # 18-4-19 and 18-4-24

combining the 2 lots total lot area is 20,196 sq/ft which exceeds the SR15 requirement of 15,000 sq/ft

the combined lot meets all the other set backs required except for the front yard set back of 40 feet proposing a 30 ft setback

lot coverage ok

referral from Naughton & Torre

presented to Planning Board who referred to ZBA for front yard setback

Planning Board declared uncoordinated review, each board independently will conduct SEQRA

once we are completed with the ZBA we have to go back to the Planning Board to continue with the approval there

board can't act tonight need SEQRA

Mr. MacCartney - the Planning Board didn't declare lead agency they are conducting an uncoordinated review. Each Board would independently conduct SEQRA review. I have not yet prepared any SEQRA documents. Need to have EAF part II & III completed in order to do the SEQRA process. You can't act tonight until you complete a negative declaration prior to voting on the variance.

Mr. Niemotko - I'd like to further our discussion on the existing conditions surrounding this lot and the current front yard situations for the surrounding homes. We prepared a document from Google Maps. Obviously, it's not exact, but it's close enough. With your permission, can I distribute them. As you can see, many of the front yards are 6 feet, 12 feet, 25 ft, 32 feet. So we would be contextual with the neighborhood without question.

Deputy Chairman Thau - nobody's meeting the 40 foot setback. The neighboring houses are all less than 40 feet from the road.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion to close the public hearing for Donna Galiger

On a motion by Zoning Board of Appeals Member Thau, seconded by Zoning Board of Appeals Member Seeley

Ayes: Zoning Board of Appeals Member Murphy, Zoning Board of Appeals Member Scully, Zoning Board of Appeals Member Thau, Zoning Board of Appeals Member Seeley

Nays: None

Abstain: None

Next meeting Thursday, October 23, 2025.

Mr. Niemotko do we prepare part II & III for board to review.

Mr. MacCartney - it would be welcomed and would save the applicant on my fees. If you want to prepare them and email them to me for review. If you want to discuss the five factors without voting tonight, but giving me the information to prepare a draft resolution

to bring to the next meeting for your vote at that time. For clarity you can take a motion to ask me to draft with the applicant's input an EAF part II and III with a negative declaration for the boards consideration at the next meeting.

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Monroe hereby makes a motion for clarity purposes to have Council draft with the applicant's input an EAF Part II & III with a negative declaration and a draft resolution for the Board's consideration at the next meeting.

On a motion by Zoning Board of Appeals Member Thau, seconded by Zoning Board of Appeals Member Scully

Ayes: Zoning Board of Appeals Member Murphy, Zoning Board of Appeals Member Scully, Zoning Board of Appeals Member Thau, Zoning Board of Appeals Member Seeley

Nays: None

Abstain: None

Administrative

Aaron Zimmerman SBL # 25-3-14.22

37 Dry Hill Lake Road

Monroe, NY

We have a letter from Ashley Torre, Esq. Attorney for the Planning Board regarding Aaron Zimmerman amended subdivision at 37 Dry Hill Lake Road. Basically, the Planning Board is acting as lead agency for SEQRA which requires a 280-A Variance from the ZBA. The Planning Board is asking if the ZBA has any comments regarding SEQRA as an involved agency for this matter.

Member Scully - I still don't understand how it gets voted on being that it's a privately owned road and not a Town Road.

Mr. MacCartney - The variance that they're requesting from this Board is a Town Law section 280A which allows a lot to be built without direct access to a Town Road. So in and of itself it's exactly that issue. It's saying look you know are you going to allow a variance from 28A to allow them to have access via this private road? And in connection with that, your job when it's before you is to look at those factors and see what's there in regard to the road.

Deputy Chairman Thau - So where do we leave it as far as the applicant under the law section 280-A with the imposed three conditions? The applicant will widen the entire length of Dry Hill Lake Road to 22.5 ft., the storm drains that exist along Dry Hill Lake Road will be lowered below grade, also resurfaced Dry Hill Lake Road from the northwest property line of lot one, but I thought there was some push back from the current residents.

Member Murphy - I don't think any of that was done. They didn't make any effort to get

those three things done. Some of them they can't just go out and do it. It would require residents approval. They're not really passing any of those three, but this isn't about our variance per say.

Mr. MacCartney - Unless you think that there's an environmental impact, something that you had seen during the time that the applicant was before you that you'd like to bring to the Planning Board's attention on the SEQRA issue.

Deputy Chairman Thau - Environmental questions about water runoff.

Member Murphy - There is a lake on the lot. I don't know if they've done their due diligence to make sure that it's even (inaudible).

Mr. MacCartney - you're not conducting your own SEQRA review here, but if you wanted to send a letter stating you want to make sure that the water runoff from the lake is being addressed, that would be appropriate.

B

Adjournment

Adjournment of Meeting

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

On a motion by Zoning Board of Appeals Member Thau, seconded by Zoning Board of Appeals Member Seeley

Ayes: Zoning Board of Appeals Member Murphy, Zoning Board of Appeals Member Scully, Zoning Board of Appeals Member Thau, Zoning Board of Appeals Member Seeley

Nays: None

Abstain: None