

# Village of Monroe

## Zoning Board of Appeals

February 9<sup>th</sup>, 2010

The Regular monthly meeting of the Zoning Board of Appeals was held on February 9<sup>th</sup>, 2010 in the Board Room of the Village Hall of Monroe, 7 Stage Rd. Monroe, New York. Present: Chairman Baum, Members: Vitarelli, Margotta, McCarthy, Wright, Assistant Building Inspector Cocks,  
Pledge of Allegiance  
Chairman Baum called the meeting to order at 8pm.

### **MINUTE APPROVAL: January 12<sup>th</sup>, 2010**

On a motion made by ZBA Chairman Baum the minutes from January 12<sup>th</sup> an amendment was to be added, seconded by Member McCarthy, with all in favor, the “Minutes” of January 12<sup>th</sup>, 2010 were to have the amendment added and brought back for approval at the February 9<sup>th</sup>, meeting.

### **Freeman’s Auto Service, 330 Stage Rd.**

### **Tax Map No. 213-1-30, 32.**

A continuation of the application of Freeman’s Auto Service, 330 Stage Road. from October 13<sup>th</sup>, 2009. The applicant is seeking interpretation of Section 200-97-A of the Village Code as to whether or not the towing and storage of impounded vehicles has either A) been part of the long standing non conforming use at this site, or B) would be deemed to be an included activity as an automobile sales and service facility. **ZBA Chairman Baum made a motion to adjourn the application until 3/9/2010. Seconded by Member Margotta and unanimously carried; as Mr. Freeman was unable to attend this meeting.**

**Monroe Commercial Properties LLC**  
**Tax Map No. 201-1-9.3 (11 Talmadge Ct.)**

In the matter of the continuation on the application of Monroe Commercial Properties LLC, c/o Michael Maroff from October 13<sup>th</sup>, 2009 seeking an interpretation of Section 200-97-A of the Village Code for the use of a 2-Family residential dwelling in a GB District, On September 2, 2009 the Building Inspector issued a Notice of Violation in accordance with Section 200-11(A) of the Zoning Law. The applicants Attorney, James Sweeney, wanted to provide the ZBA the origin of the “Existing residential (single and two family)” clause in the GB district. This was added to the Zoning law by Local Law No. 1 in 1997 adopted on January 21, 1997. This law merged the former LI (Light Industry) district with the GB District. After this merger Attorney Sweeney stated that Law eliminated the LI district. The Village Board at this time decided to merge the two because of the overlap between uses. With this merger the GB district permitted “existing residential (single and two family) with the 1997 legislation.

The Assistant Building Inspector Cocks intervened to point out that “The Notice of Violation” came from the Building Department. It stated that 11 Talmadge Ct is listed on the tax roll as a single family residence and that the property owner does not have any permits or certificates at this time for it to be a two family dwelling. Attorney Sweeney stated that he does not deny that the property owner, Michael Maroff, at this time applied for permits or CO’S that is why they are here. Mr. Maroff then approached the ZBA Board and wanted to set the record straight. “When I bought the property I was under the assumption that this was a two family dwelling. Now I am trying to do the right thing when I found out that it was not a legal two family I came to the building department and wanted to get whatever was needed.” ZBA Member Vitarelli added that he is disappointed and saddened with Real Estate Agencies for not giving the buyer proper information. In conclusion Attorney Sweeney stated that the Building Inspector’s “Notice of Violation” of

September 2, 2009 should be reversed. The zoning Law does not require site plan approval for a two family unit in the GB zoning district Attorney Sweeney argues that because the Zoning Law has ambiguity with the meaning of the phrase “Existing residential ( single and two family)” in the permitted use for the GB Zoning district and the absence of prohibition against converting a single family dwelling into a two family dwelling in this district under long standing principles of law in New York, the language of the Zoning Law should be interpreted in the manner suggested by the landowner-the applicant.”**After further discussion ZBA Member Margotta made the motion to deny the application from a single family to a two family. Seconded by Member Wright and it was;**

**RESOLVED**, the decision of the Zoning Board of Appeals that “No where within the code or within the scheduled district regulations does it permit the conversion of single family to two family residential and two family to single family residential within the GB District. Therefore, the Board does not find that the permitted uses to be ambiguous. It finds that the plain English contained within the schedule of district regulations permitted use is crystal clear as to permit the continuation of existing residential single and two family as permitted use rather than as a pre-existing non-conforming use.”

**NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Zoning Board of Appeals of the Village of Monroe affirms the Decision of the Village of Monroe Building Inspector dated September 29, 2009 “Notice of Violation” and does not find the language contained in the Village Code to be ambiguous.**

Respectfully submitted,

Courtney Budrow  
Secretary ZBA.