

**VILLAGE OF MONROE
ZONING BOARD OF APPEALS
MEETING
SEPTEMBER 11, 2012
MINUTES**

PRESENT: Chairman Baum; Members Margotta, McCarthy, Proulx and Vitarelli;
Attorney Greenberg and Assistant Building Inspector/Code Enforcement
Officer James Cocks

Chairman Baum called the meeting to order at 8:07 pm with the Pledge of Allegiance to the flag. Chairman Baum then called for a moment of silence to recognize the thousands of people lost on September 11, 2001.

1. **Application for Area Variance: Viktor and Lilia Gridin – 315 North Main Street (T/M 201-5-9)**

A Public Hearing was held on the application of Viktor and Lilia Gridin for an area variance to permit an accessory apartment which will have less than the minimum 600 sq. ft. of habitable floor area.

William Carpini, son-in-law of the applicants and a resident at 315 North Main Street, spoke on their behalf. Mr. and Mrs. Gridin rented the basement apartment with their daughter in 1997. In 2001 they purchased the home after which they moved upstairs and rented the basement accessory apartment to a tenant for about a year. At that time their daughter, Violetta Gridin, moved into the apartment. Last year Mr. Carpini married Ms. Gridin. The newlyweds moved to the upstairs apartment and the in-laws moved to the basement accessory apartment.

In 2011 the Gridins received a mailing from the Village of Monroe Building Department. The mailing was a questionnaire the purpose of which was to find out if any part of the building was rented. The mailing was sent to owners of every building in the Village of Monroe. The Gridins indicated that they had a rented basement apartment and in accordance with the instructions on the mailing they made an appointment to have it inspected. This led to the discovery that the apartment is 462 square feet, less than required the minimum of 600 square feet.

Mr. Carpini pointed out that they didn't unlawfully build the apartment and that they have followed proper procedures since buying the building. Further, the apartment is not a money-maker for them. It allows both couples to stay together as a family something that will be of great help to the younger couple if they have children. In addition, Mr. Carpini argued that the extra apartment is not detrimental to the community. The apartment is not visible from the road. Mr. Carpini summed up that

since there is no negative impact on the community and they just want to keep their family together they should be allowed to continue to use the apartment.

Assistant Building Inspector Cocks said that the accessory apartment passed the safety inspections and the fire inspection. He also said that when the existence of the accessory apartment came to light the family went to the Planning Board to get a conditional use for an accessory apartment. That was when they realized that the apartment had less than the minimum habitable floor area. The applicants were directed to get an area variance from the ZBA after which they will proceed to the Planning Board to get a conditional use.

Member Vitarelli asked if a variance could be granted with the condition that only the in-laws could stay in that apartment. Mr. Cocks said that if a conditional use is granted by the Planning Board it would expire upon the sale of the house. Chairman Baum clarified that the new owner could re-apply for a conditional use but he would not have to get a variance. Assistant Building Inspector Cocks agreed, saying that the variance would permanently apply to the house but the conditional use would apply to the owners of the house.

No further comments from the public were received.

On a motion by Chairman Baum, seconded by Member Proulx, it was unanimously: **Resolved to close the public hearing.**

Ayes – 5

Nays – 0

Chairman Baum read the Orange County Department of Planning review pursuant to § 239 L, M, and N of General Municipal Law in which the County recommended local determination.

On a motion by Chairman Baum, seconded by Member Vitarelli, it was unanimously: **Resolved that this application be classified as a Type 2 action under SEQRA and not subject to additional environmental review.**

Ayes – 5

Nays – 0

On a motion by Member Vitarelli, seconded by Member McCarthy, it was: **Resolved that an area variance be granted with the condition that it will expire on sale of the premises.**

Ayes – 4

Nays – 1 (Member Margotta)

2. **Approval of Minutes: August 14, 2012 Meeting**

Chairman Baum drew the Board's attention to the first full paragraph on page 7, a sentence which read, "[Chairman Baum] pointed out that last month the ZBA faced a similar situation which they interpreted in favor of the applicant." Chairman Baum asked that this be changed to, "He pointed out that last month the ZBA faced a similar situation in which we declined to issue an interpretation."

On a motion by Member Margotta, seconded by Member Vitarelli it was unanimously: **Resolved, that the Zoning Board of Appeals approve the minutes of the August 14, 2012 meeting as modified.**

Ayes – 4

Nays – 0

Abstaining – 1 (Member Proulx)

3. **Action of the Board on the Resolution for The Depot, f/k/a Smokers Discount – 70 Millpond Parkway (T/M 207-1-11)**

On a motion by Chairman Baum, seconded by Member Margotta: **Resolved to approve the resolution for "The Depot," f/k/a/Smokers Discount, granting an area variance to permit a sign 33" high x 15' wide on the parking lot wall of the building.**

Ayes – 4

Nays – 0

Abstaining – 1 (Member Proulx)

4. **Action of the Board on the Resolution for Goddard Development Partners IV LLC – 340 Route 17M (T/M 221-1-1&2)**

Chairman Baum asked that this matter be tabled so that he could confer with Attorney Reineke on the resolution wording.

On a motion by Chairman Baum, seconded by Member Vitarelli: **Resolved to table Action on Goddard Development Partners IV LLC, until next month's meeting.**

Ayes – 4

Nays – 0

Abstaining – 1 (Member Proulx)

5. **New Business: Authorize attendance at Orange County Municipal Planning Federation-sponsored seminar**

Chairman Baum authorized Members McCarthy, Proulx, Vitarelli and Secretary Doherty to attend, "The Interacting Roles & Responsibilities of the ZBA and Planning Board," on September 24, 2012 from 7pm to 9pm. The cost is \$15 per person. Member Margotta is authorized to attend all four two-hour sessions of the Fall 2012 series. The cost of the series is \$60. ZBA budget line A8010.472.

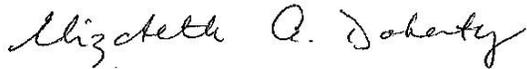
ADJOURNMENT:

On a motion by Chairman Baum, seconded by Member Vitarelli, with all in favor, **there being no further business, the meeting was adjourned at 8:56 pm.**

Ayes – 5

Nays – 0

Respectfully submitted,

A handwritten signature in cursive script that reads "Elizabeth A. Doherty".

Elizabeth A. Doherty
ZBA Secretary