

**VILLAGE OF MONROE
ZONING BOARD OF APPEALS
PUBLIC HEARING
October 11, 2022
Via Zoom**

PRESENT: Chairman Baum, Members Zuckerman, Czerwinski, Gilstrap, Margotta, Alternate Member Doherty, Board Attorney Naughton, and Assistant Building Inspector Proulx.

Chairman Baum called the meeting to order at 8:06 pm.

Chairman Baum stated the meeting was being held virtually via Zoom. On September 28, 2022 the New York State Health Commissioner declared a State of Emergency due to the Polio outbreak in Rockland and Orange counties. Based on the State of Emergency which was put in place to curb the spread of Polio, the executive order gives the Board the power to hold Board meetings virtually.

Chairman Baum stated it was his recommendation that this meeting be held virtually and polled the Board for their opinion. All Board members agreed.

This State of Emergency will expire on November 8, 2022. This is the same day as the Boards November meeting. It was agreed that the November 8, 2022 meeting be held virtually via Zoom. Chairman Baum stated if this State of Emergency is extended on November 8, 2022, the Board will continue to meet virtually. The Board agreed.

Applications:

The application of Ziad Abou El Ardat, for an area variance from the Table of District Use and Bulk Regulations, SR-20 Zoning District, to add a 15' two-story addition to a single-family house which will have less than the required minimum side yard setback of 20' (14.5' is proposed). The property which is the subject of action by the Board is located in SR-20 district and is identified as Section: 230 Block: 2 Lot: 3 on the Tax Map of the Village of Monroe and is known as 97 Fredrick Drive.

The applicant, Mr. El Ardat, spoke about the project. Mr. El Ardat stated he and his family have lived in the Village of Monroe for over twelve years and they love their house, the area and the Village. Mr. El Ardat is before the Board to request a side yard variance of 5.5 feet for his 15 feet-two story-addition. The addition is needed because Mr. El Ardat is able to work from home and needs a dedicated space for a home office. The space he is currently using is his son's room. The family does not have entertainment space for company. The house is built on a concrete slab so there is no basement to finish. The attic cannot be finished as it is against Village Code to have a third floor. The addition will allow for expansion of the master bedroom, a dedicated office space and additional space in the garage on the lower level. This will allow for future conversion of the garage into living space which may happen in the future. There are no drawings of what Mr. Ardat is proposing. Mr. El Ardat wanted to make sure he would be able to build the addition with the variance before he spent money for drawings or an Architect.

Member Margotta stated he had wondered why there were no drawings. He asked which side of the house is the addition being made to? Mr. El Ardat stated the addition will be on the side of the house with the driveway. Member Margotta asked what is the current width of the side yard? Mr. El Ardat stated the

minimum setback is twenty-feet and the request is for the setback to be fifteen-feet. Mr. Margotta asked if a ten-foot addition would be enough. Mr. El Ardat stated no, because ten-feet would not be enough for a garage. Member Zuckerman asked where Mr. El Ardat currently parks his car. Mr. El Ardat stated half of the lower level is a two-car garage which is where they park now. The two-car garage will be converted into living space. Member Zuckerman stated garages are generally twelve-feet in width and asked why Mr. El Ardat needed fifteen-feet. Mr. Ardat stated he has an SUV and it would be tight with a twelve-foot wide garage. Member Zuckerman asked if the goal of the addition was to add space now or for the garage to be expanded for more future living space. Mr. El Ardat stated it was for the office space but yes, it included expanding the garage so it can be converted into living space and to comfortably fit the garage as the garage is also used as storage. Member Zuckerman stated that it would make the garage a large garage and the Board wants to make sure it is what is needed because that is what is causing the need for the setback variance. Mr. El Ardat stated he was keeping that in mind.

Mr. El Ardat stated he is trying to get the minimum variance for what he needs. Speaking with contractors they also feel fifteen-feet is needed and anything below that would not give the family the space needed and would not be worth the additional work and effort.

Member Gilstrap asked how do they approach the garage currently? Is it from the back of the house? Mr. El Ardat stated no, it is from the front, you pull in and turn left to get into the garage. Member Gilstrap asked how will they enter the new garage? Mr. El Ardat stated they will be able to pull straight into the garage. Member Gilstrap stated based on the drawing of the overview of the house, in its current state, it will be a tight space to get into the garage. Mr. El Ardat stated yes, they are planning on extending the driveway a little so it's not so tight and make it easier to pull in and out.

Member Margotta asked if other options were looked at. For example, going out the back with the new addition where there is plenty of room. Mr. El Ardat stated he did look at the option of going back for he new addition but it would not achieve what they want the addition to achieve. The plan for the addition going on the side of the house is the least disruptive to the family and going out the back would expand rooms that do not need to be expanded such as the kitchen. It would give them more space in the kitchen and the rooms in the back of the house. This will not satisfy the families need for space in the master bedroom, office space and a new garage. Putting the addition out the back would not make sense for the layout of the house and what they need. The other reason is they would have to pull out their newly built Trex deck that is only two years old, and a newer patio. There is a very large tree that would have to be dealt with. Also, going out the back would only allow twenty-feet by fifteen-feet which is a limited amount of space. This would only add about three-hundred square space to the living areas. While putting the addition to the back is do able it will not give them the space and it will infringe on the yard space. Member Margotta stated he has been building additions for fourteen years and it is hard to tell without drawings what the addition and the options will look like. Mr. El Ardat stated that was a fair statement but he is not too interested in going out the back for the addition as he has invested a lot in the back yard and does not want to rip it all up as his kids use the back yard as a play area.

Chairman Baum stated Member Margotta has a good point. The Board has a five criteria test for evaluating and granting an area variance. One of the criteria asks: Is there an alternate method for

consideration that is feasible for the applicant to pursue other than granting the variance. I know you are telling us it will not work but we don't see any plans for the addition. The Board understands you don't want to spend a lot of money on those plans, but the Board needs to discount whether or not there are feasible alternatives without encroaching into the side setback. Having an Architect may be able to help propose a different approach or maybe they won't but they can explain why other options are not feasible. The Board has no way of knowing that without a drawing. Member Margotta stated the Board does not need a complete set of plans, even a drawing on graph paper would help. This would help the Board make their decision as we need to know what is planned, if we are to go against the Zoning Laws, and to override these zoning constraints we need to know why and what the options are. Chairman Baum stated there are factors that the Board has to review when making their decision and having an alternate option is certainly one of the criteria. There are other factors as well but feasibility is one of the factors. An Architect may agree with you that this is the best way to expand the house but the Board needs to know that.

Chairman Baum polled the Board for comments. Member Czerwinski stated he would settle for a graph paper sketch so he could visualize why the side addition is better than the back addition compared to finishing the attic. Assistant Building Inspector Proulx stated Village code does not allow for a third story. Member Gilstrap largely agrees with the comments made by the Board. Member Gilstrap is not discounting the hardships Mr. El Ardat has but would like to see more substance to them. He would like to get a better understanding of the hardships or issues Mr. El Ardat is facing with other approaches. An Architect would help to make this decision and give a better understanding of the layout of the back yard. We need to hear more about those alternatives. What we have heard may be right but we don't know as we need more information about the alternatives. Member Zuckerman stated prior to 2017 the side setback requirement was twenty-five feet and it has now come down to twenty-feet for SR-20. It is fifteen feet for smaller SR-10 property. Granting the variance will mean it will have a smaller setback than required for an SR-10 lot. A smaller width alternative for the addition should be looked into.

Chairman Baum asked with regards to your neighbor facing your right it looks like you will be encroaching his side yard. Have you spoken to that neighbor? Mr. El Ardat stated he has spoken to that neighbor and the neighbor is in full support of the addition. Chairman Baum stated it might be helpful to submit to the board a letter from the neighbor stating his support.

Chairman Baum opened the meeting to public comment.

Kirk Smith of 103 Fredrick Drive spoke. He lives three houses down from Mr. Ardat. Mr. Smith stated he heard a lot of valid points about the alternatives but felt two items were missing, which are the added value to his house and the functionality to the house itself. It's one thing to say is there an alternative, for them to get the added space but at the same time, we like to have the floor plan be continuous and functional. You don't want your bedroom to go around a corner and have an L-Shaped or a Z-Shaped space. He feels we are missing the point, it is not just functional added space and not just added square footage but added value to the property to the home itself. Many times we go and look at a house, and we are wondering why did they add this here, why did they add that there and it just looks very awkward. We should think about the look visually, functionally and is it really going to add value to the house or is it just going to be added square footage. That's my comment on this.

Chairman Baum asked if Mr. Smith was in favor of this addition. Mr. Smith replied definitely. Chairman Baum agreed the plan had to be functional as well. Putting the addition in the back is not necessarily the answer, the addition has to work with the house and go with the flow and design of the house. Chairman Baum stated Mr. Smith's point was well taken, thank you.

Attorney Naughton stated this is a Type-2 action under SEQRA and no GML review is needed for this application.

Chairman Baum stated the Board will have to adjourn this until the Board receives some drawings. It does not need to be a professional drawing but the Board needs to see the floor plan, the current layout, and the proposed layout. And, why the alternate layout would or would not work. The Board agreed.

Chairman Baum stated Mr. El Ardat should keep in mind the other criteria the Board will be looking at which are published in the Guidelines for submitting a ZBA application. Any information that the Board would be able to use to make the determination would be helpful. Mr. El Ardat stated that would be fine and thanked the Board for its time.

On a motion from Chairman Baum and seconded by Member Gilstrap it was resolved: **to adjourn this application and public hearing till November 8, 2022.**

Aye – 5

Nay – 0

Chairman Baum asked that Mr. El Ardat try to submit his paperwork at least two weeks prior to the next meeting.

Adoption of the W.C. Lincoln decision.

Attorney Naughton stated there is a typo that needs to be corrected. Chairman Baum stated he will be abstaining from the vote as he was not in attendance at the last meeting.

On a motion from Member Czerwinski and seconded by Member Zuckerman it was resolved: **That the decision for W.C. Lincoln be adopted after the minor typo is corrected.**

Aye – 4

Nay – 0

Abstain: Chairman Baum and Member Margotta

On a motion from Member Zuckerman and seconded by Member Czerwinski it was resolved: **to approve the meeting minutes from September 13, 2022.**

Aye – 4

Nay – 0

Abstain: Chairman Baum and Member Gilstrap

Board Attorney Naughton stated Local Law #9 was adopted by the Village Trustees as a balancing test. The balancing test is done when one municipality owns or wants to build in another municipality. Generally, this balancing test is done by either the Trustees or the Planning Board. Local Law #9 gives the Village Trustees rights to perform the balancing test rather than any other Board.

There is a new application if completed, will be on the agenda for next month. The application is for a variance to build a car port.

On a motion from Chairman Baum and seconded by Member Czerwinski it was resolved: **to close the meeting at 8:51 pm.**

Aye – 5

Nay – 0