

VILLAGE OF MONROE
ZONING BOARD OF APPEALS
PUBLIC HEARING
April 11, 2023

PRESENT: Chairman Baum, Members Zuckerman, Gilstrap, Margotta, Doherty, Alternate Member Cear and Board Attorney Naughton.

Chairman Baum called the meeting to order at 8:00 pm with the Pledge of Allegiance.

Chairman Baum introduced the new Alternate Member Lynn Cear. Ms. Cear stated she was happy to be there.

Chairman Baum congratulated Member Margotta on being re-appointed for another five years.

Approval of Minutes:

On a motion by Member Margotta and seconded by Member Gilstrap it is resolved: **The January 10, 2023 meeting minutes be approved with modification.**

Aye – 4

Nay – 0

Abstain: Member Zuckerman

Approval of decisions:

129 Spring Street:

The decision for 129 Spring Street was discussed. Member Gilstrap stated that had a problem with foot note number four on page three. Board Attorney Naughton stated the email in the note was the first written decision from the Building Department.

Member Gilstrap stated that on footnote number four about the email dated October 11, 2022, he was not comfortable with an email being considered a written decision. Board Attorney Naughton stated she understands but there is no written decision. The Planning Board did ask the Building Inspector for a formal written decision but did not receive one. The email was the first record of a written decision.

Chairman Baum stated the issue for 129 Spring Street was not a normal issue. The only document in regards to the decision from the Building Department is the email. There is no other written decision. The Building Inspector gave the applicant permission to use the stone and the only written document of that fact is the email. Member Gilstrap stated we should have a formal written decision. Member Margotta stated that the Building Department would never get anything done if they had to document every decision they make.

Board Attorney Naughton stated that by New York State Law, if it is in writing, which an email is, it is considered an electronic writing. If the email is in the employee's email in-box it is an acceptable document. Therefore, the email is acceptable.

While Board Attorney Naughton does understand Member Gilstrap's concern, a written decision does not exist, so the email is the only written document that we had to make our decision from. If the email is not

considered there would be no way for anyone to object as there is a timeline for when objections need to be made.

Chairman Baum suggested it should read "... the applicant appealed this email as the written determination of the Building Inspector." Member Gilstrap felt this is more accurate verbiage.

On a motion by Member Gilstrap and seconded by Member Doherty it is resolved: **The decision for 129 Spring Street be approved with the modification discussed.**

Aye – 3

Nay – 0

Abstain: Member Zuckerman and Member Margotta

97 Fredrick Drive

On a motion by Member Gilstrap and seconded by Member Doherty it is resolved: **The decision for 97 Fredrick Street be approved with the modification for the Zoning District to be SR20.**

Aye – 4

Nay – 0

Abstain: Member Margotta

New Business:

No new applications.

There was an updated fee schedule that was given to the Chairman and the Board Attorney. Chairman Baum stated the fees seemed a little off. Member Zuckerman stated the fee for an area variance is \$425 but an area variance for a pool is much less than that. Chairman Baum stated we did have separate fees for each type of variance but the new fee schedule does not. The Board discussed all the fees. Chairmen Baum stated what he felt the fees should be, the Board agreed. Chairman Baum stated he will review the new fee schedule and email the Village Clerk and the Board Secretary with his updates.

The county sent an Inter-County agreement on what needs to be sent to the county and what does not need to be sent for a 239 GML County Review. Chairman Baum signed the agreement.

On a motion by Member Margotta and seconded by Chairman Baum it is resolved: **that the meeting be adjourned.**

Aye – 5

Nay – 0