

**VILLAGE OF MONROE**  
**ZONING BOARD OF APPEALS**  
**PUBLIC HEARING**  
**July 11, 2023**

**PRESENT:** Chairman Baum, Members Zuckerman, and Doherty. Board Attorney Torre, and Assistant Building Inspector Proulx

**Absent:** Members Margotta, and Gilstrap

Chairman Baum called the meeting to order at 8:00 pm.

The pledge of allegiance was done.

Chairman Baum made an announcement that there were only three Board members present. Chairman Baum stated he would be recusing himself from the application of 3 Holland Road as it is in his neighborhood. This leaves only two Board members to hear the application for 3 Holland Road. Therefore, the Board cannot hear anything in regards to 3 Holland Road as a quorum is needed to hear this application. The application for 3 Holland Road is postponed till the August 8, 2023 ZBA meeting.

Chairman Baum stated that written comments can be sent to the ZBA secretary and the comments will be presented at the August 8, 2023 meeting. All comments will be put into the record for those who cannot make it to the August 8, 2023 meeting.

**Applications:**

**10 Clinton Court**

**Present: Naftali Stern, applicant**

The application of Naftali Stern for an area variance from the Table of District Use and Bulk Regulations, SR-20 Zoning District, to permit construction of a 7.6" X 10" addition for a front entrance way. The front entrance-way will go into the front set-back by 7.6" where SR-20 requires 40" front -set-back. The property which is the subject of action by the Board is located in SR-20 district and is identified as Section: 233 Block: 2 Lot: 4 on the Tax Map of the Village of Monroe and is known as 10 Clinton Ct.

Chairman Baum told Mr. Stern that he would need three positive votes from the Board for this application to be approved. And, that there were only three members present. One nay vote and his application will be denied. If a full Board was present there could be two nay votes and still be approved. Chairman Baum gave Mr. Stern the option of waiting for a full Board or being heard at this time. Mr. Stern asked if he was denied will the application be able to be heard again? Chairman Baum stated that something in the application would have to be different to be heard again. The same application cannot be heard twice. Chairman Baum stated the mailings were complete for this application.

Board Attorney Torre inquired about the county 239 GML. Chairman Baum stated he signed the inter-municipality agreement so the county 239 GML was not needed. Member Zuckerman stated in this case a county 239 GML is not needed. Member Zuckerman stated in the Orange County guidelines it stated if the property borders a recreational area. The recreational area that borders this property is a private recreational area not a public recreational area. Private recreational areas do not require a county 239 GML. Member Zuckerman read the guidelines which requires either a county or state recreational area.

Mr. Stern stated he understood what Chairman Baum was saying but he would like to be heard.

Mr. Naftali Stern presented to the Board his application. Mr. Stern stated he has lived in the house for about two years and the entrance way goes straight into the dining room. There is no space to enter the home nor is there any coat closet. He would like to add a small space which will be an entrance way as well as a small closet so he can enjoy his house more.

Chairman Baum stated Mr. Stern had submitted a survey and pictures. Chairman Baum asked what the picture were.

Mr. Stern stated they were picture from the neighborhood where other houses had this bump out. The home is in an area that is older and the houses have different characters to them. The bump out he is requesting will not change the character of the neighborhood.

Chairman Baum asked the Board if they had any questions. The Board members had no questions.

Chairman Baum opened the Public Hearing. There was no one from the public to comment.

On a motion by Chairman Baum and seconded by Member Zuckerman it was resolved: **The public hearing for 10 Clinton Court be closed.**

**Aye** – 3

**Nay** – 0

**Absent:** Members Margotta and Gistrap

On a motion by Chairman Baum and seconded by Member Zuckerman it was resolved: **The application be listed as a Type 2 action under SEQRA and no further environmental action will be needed.**

**Aye** – 3

**Nay** – 0

**Absent:** Members: Margotta and Gistrap

The Board discussed the application. Member Zuckerman stated this is a small variance and it is minor and necessary. This application will not have any impact to the character of the neighborhood. Member Doherty stated there is no other way of doing this without taking up square footage inside the house.

On a motion by Chairman Baum and seconded by Member Zuckerman it was resolved: **The application for an area variance 10 Clinton Court to be granted.**

**Aye** – 3

**Nay** – 0

**Absent:** Members Margotta and Gilstrap

### **37 Still Road:**

Present: David Niemoitko, Architect for the applicant

The application of Shakeema Cheek for an area variance from the Table of District Use and Bulk Regulations, SR-20 Zoning District, to permit construction of a rear and front addition to a single-

family residence which was damaged by a fire, as well as area variance for a pool set-back and allowable floor area ratio. The property which is the subject of action by the Board is located in SR-10 district and is identified as Section: 222 Block: 1 Lot: 9 on the Tax Map of the Village of Monroe and is known as 37 Still Road.

Chairman Baum stated there were a couple of problems with the application. The first problem is there are only three Board Member and if there is one nay vote the application is denied. Problem number two is the Board does not have proper proof of mailings as required by the Code.

David Niemotko presented the Board Secretary with the certified mail proof of mailings. Mr. Niemotko stated there were four receipts missing,

Chairman Baum stated the Board stopped requiring Certified Mail years ago and the Board needs regular mail with certificates of mailing. Chairman Baum stated this was done as it is more cost effective and certified mail took longer to be delivered. Chairman Baum stated that the Board also feels that people who work during the week when the Post Office is opened, cannot get to the post office in time. Therefore, the Board switched the way mailings are done a few years ago.

Chairman Baum referred to the Board Attorney to see if we can accept certified mail as opposed to regular mail with certificate of mailing. Board Attorney Torre stated the mailing is not in compliance and the fact that they are missing four receipts means the mailing is incomplete.

The Board secretary did receive paper work but there were no names or addresses for where the letters were sent. Mr. Niemotko stated he feels Certified Mail is an upgrade and he stated his client did the mailings not his office. Mr. Niemotko asked if it would be okay if he mailed the legal letter to the four addresses which were missed. Chairman Baum stated the whole mailing was insufficient and he has a problem with wavering the mailings.

A County 239 GML was submitted but not required for this application as it is not on a county road.

Mr. Niemotko stated he would like the Board to allow the applicant to mail the legal letters to the four recipients that did not get them and hear the applicant and keep the public meeting open till next month. Mr. Niemotko would send the two churches and the two homes the notice via regular mail with certificate of mailing.

Chairman Baum stated is the applicant requesting that the Board waive the mailings and continue hearing the application even with three members of the Board present. Mr. Niemotko stated yes, absolutely.

Chairman Baum stated he has a problem waiving the mailing. He feels we have to follow the rules and he is sorry the applicant made a mistake but these rules are stated in the application

On a motion by Chairman Baum and seconded by Member Doherty it was resolved: **The legal letter must be re-noticed to all the addresses for the application for 37 Still Road via regular mail with certificate of mailing as per the instructions in the application for the August 8, 2023 meeting.**

**Aye – 3**

**Nay – 0**

**Absent:** Members Margotta and Gilstrap

Chairman Baum stated we are not opening the public hearing at this time.

**Meeting Minutes:**

On a motion by Chairman Baum and seconded by Member Doherty it was resolved: **The April 11, 2023 meeting minutes be approved.**

**Aye** – 3

**Nay** – 0

**Absent:** Members Margotta and Gilstrap

**Old Business:**

None.

**New Business:**

Chairman Baum stated that at the June 20, 2023 Village Trustees meeting the moratorium was extended until September 2023.

On a motion by Chairman Baum and seconded by Member Doherty was resolved: **To close the ZBA meeting at 8:35**

**Aye** – 3

**Nay** – 0

**Absent:** Members Margotta and Gilstrap