

**VILLAGE OF MONROE  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
via Zoom  
June 8, 2021**

**PRESENT:** Chairman Baum, Member Zuckerman, Member Margotta, Member Gilstrap and Member Czerwinski, Alternate Member Elizabeth Doherty, Assistant Building Inspector Debbie Proulx, Building Inspector Jim Cocks, ZBA Attorney Rick Golden

**ABSENT:** None

Acting Chairman Zuckerman called the meeting to order at 8:10pm with the Pledge of Allegiance to the flag.

Acting Chairman Zuckerman stated we would start with agenda item 4.

**ADOPTION OF MINUTES:**

On a motion by Member Margotta and seconded by Member Gilstrap, it was: **Resolved to adopt the minutes from the May 11, 2021 meeting.**

**Ayes – 3**

**Nays – 0**

**Absent/Abstaining – None** (Chairman Baum and Member Czerwinski delayed in arrival)

Acting Chairman Zuckerman announced that Elizabeth Doherty is a new alternate ZBA member. Elizabeth was approved as an alternate ZBA member by the Board of Trustees at their June 1, 2021 meeting for a five year term.

Threetel Office and Warehouse project was discussed. Acting Chairman Zuckerman explained that the planning board is the lead agency but there will be two area variances needed for the project. Later in the meeting Chairman Baum stated that having the planning board as lead agency was voted on at the April 13, 2021 ZBA meeting.

Acting Chairman Zuckerman stated that while there are currently four members of the ZBA present, Gorovoy and St. Paul's Lutheran Church started their applications with a full five-member board. They were presented with the option of moving forward or being heard by a full board at a later date. Both applicants decided to move forward tonight. Members Czerwinski and Chairman Baum did join the meeting.

**APPLICATION: Nezir Cosovic (347 North Main Street)**

**Present: David Niemotko, Architect for the applicant**

The applicant has a pre-existing non-conforming two-family dwelling. The applicant is proposing a renovation to the basement to create additional living space by adding an additional bathroom which the Building Inspector considers to be an alteration under Section 200-62A. The property, which is the

subject of said action by the Board, is located in an SR-10 Zoning District and is identified as Section 201-5-1 on the tax map of the Village of Monroe and is also known as the address 347 North Main Street, Monroe, NY

David Niemotko stated he was not prepared to present the application for Nezir Cosovic at this time and asked that the matter be adjourned till the July 13, 2021 meeting,

On a motion by Member Margotta and seconded by Member Doherty, it was: **Resolved that the Nezir Cosovic application be adjourned to the July 13, 2021 meeting.**

**Ayes – 4**

**Nays – 0**

**Absent/Abstaining – Acting Chairman Zuckerman (Abstaining)**

**APPLICATION: Dawn Tomasini on behalf of St. Paul Lutheran Church for an area variance from the requirements of Section 200-42 D (2). The property identified as Section 222-1-4 and is located in the GB zoning district.**

**Present: Dawn Tomasini**

Dawn Tomasini submitted documents to the board with the dimensions of the new free-standing sign as was requested from the May 2021 meeting.

Members Margotta and Acting Chairman Zuckerman both asked if the free-standing Education Center sign had been removed. Dawn Tomasini stated it had not been removed as the new sign had not been approved. Member Margotta stated that the free-standing Education Center sign is not permitted so either way it needs to be removed. Acting Chairman Zuckerman stated that if the variance is granted for the new free-standing sign being requested it will require that the free-standing Education center sign must be removed.

It was discussed where the new free-standing sign would be placed on the property. Acting Chairman Zuckerman had concerns about the setback on the site plan. Member Gilstrap stated based on the site plan received from Dawn Tomasini there needs to be a 36 foot distance from the drive way, and it did not look like 36 feet on the site plan. Jim Cocks, Building Inspector, stated that the sign needs to be 10 feet set back so it is not in the right of way. He stated that a sign needs to be 10 feet from the road or the property line whichever is closer. According to the documents submitted to the board it showed the sign being 10 feet from the road and 9.5 feet from the property line. Dawn Tomasini sent an email with additional architects site plan. She had not sent it earlier as it had the same dimension for the sign as other documents she had submitted. Member Margotta stated a rendering was needed for the dimensions for where the sign will be placed. Member Doherty asked if all the site dimensions could be part of the approval. Chairman Baum stated that the planning board was better for selecting the exact location on the property. The board discussed how it would move forward with the application. Member Gilstrap stated it would be a service to Dawn Tomasini if this matter could move forward without the exact location for the sign. Member Margotta stated the board does have the general location. Dawn Tomasini stated St. Paul's will locate the sign wherever it needs to be. Attorney for the ZBA, Rick Golden, asked exactly what the application was requesting. Chairman Baum stated the application was for the right to have the sign. Chairman Baum stated he was fine with letting the planning board decide the exact location and size of the sign if it is within the law. Members Gilstrap and Margotta agreed. Member Margotta stated the board will be voting on what the application stated which is an area variance for a second sign.

The board discussed the five factors to consider in granting an area variance. Each of these five factors were discussed and members polled to see if the factor was being fulfilled.

Factor 1: Whether an undesirable change will be produced for the neighborhood or detrimental to nearby area. Polled: 5 - 0 that this would not cause an undesirable change or detriment to the neighborhood.

Factor 2: Can the benefit of the sign be achieved by some other feasible method? After discussion it was polled 5 – 0 that there were other feasible methods to achieve the benefit but based on all the circumstances including the size of the property this was not determinative.

Factor 3: Whether the requested area variance is substantial. Attorney for the ZBA, Rick Golden, stated there is no exact definition for substantial in this case. Member Doherty stated that the site is big, so it is not substantial. Acting Chairman Zuckerman stated he did not want this application to set a precedent, but this request is for a large area, so it is not substantial. He wanted this fact to be added to the final decision. Member Margotta stated the property has 300 feet of road frontage, so it is not substantial. Polled: 5 - 0 that this is not substantial.

Factor 4: Whether proposed area variance will have an adverse effect on the physical or environmental condition of the neighborhood. Polled: 5 -0 no adverse effect.

Factor 5: Is the difficulty self-created? But this factor will not necessarily preclude the granting of the variance. Polled: 5 – 0 it is self-created.

On a motion by Member Margotta seconded by Member Czerwinski it was: **Resolved this action will have a negative SEQRA impact.**

**Ayes – 5**

**Nays – 0**

**Absent/Abstaining –None.**

On a motion by Member Margotta seconded by Member Gilstrap it was: **Resolved that the area variance be granted with the following requirements.**

- 1) All non-permitted signs be removed prior to the installing of the new free-standing sign.
- 2) The approved new freestanding sign be located where legally allowed in the zoning code including all setback requirements.
- 3) That the exact placement of the new sign be determined by the planning board within the guidelines of the planning board.

The board determines that despite the two negative findings, based on all the circumstances the area variance should be granted.

**Ayes – 5**

**Nays – 0**

**Absent/Abstaining –None.**

**APPLICATION: Shahla Gorovoy – Use Variance – 228-1-48.1**

**Present: David Niemotko, Architect, Representing the Applicant, applicant Shahla Gorovoy, Ronald Kossar Attorney, representing applicant.**

The application of Shahla Gorovoy for a use variance from the requirements of Section 200- 62A. The applicant has an existing non-conforming apartment in the third floor. The applicant would like to alter this space by creating two additional bedrooms and relocating a half-bathroom to create a full bathroom.

The property, which is the subject of said action by the Board, is located in an SR-20 Zoning District and is identified as Section 228-1-48.1 on the tax map of the Village of Monroe and is also known as the address 176 Pine Tree Road, Monroe, NY

Chairman Baum stated the board received a letter from Ronald Kossar, attorney for applicant, with a Dollars and Cents Proof Analysis. Chairman Baum asked if the ZBA application had been corrected as requested at the April 13, 2021 meeting. Chairman Baum stated the application cannot be approved or discussed unless the application is updated with the information requested. Member Zuckerman stated the board needs documents including an updated owner's endorsement that show that a trust or trusts owns the property, and that the applicant is the trustee and has the authority to speak to the board. David Niemotko, Architect for the applicant, stated an updated EAF and the owner's affidavit were not submitted to the board. Shahla Gorovoy stated she is the trustee and could send the information but would like to discuss the substance of the application. Member Gilstrap stated while he has sympathy for the applicant, the board cannot move forward with out the correct document and information. Ronald Kossar, Attorney for the applicant, requested the application be adjourned till the next available meeting when all documents can be provided. Chairman Baum stated that without the proper documentation SEQRA cannot not be made. Member Zuckerman stated the updated owners' documents were needed as well. Chairman Baum stated an updated EAF is needed regarding the correct property, as well as the owners consent form, and the acreage be updated for the correct property listed on the EAF and the application. All documents need to have updated owner information.

Incorrect items stated in the April 13, 2021 ZBA meeting minutes are as follows:

1. The EAF was for 178 Pine Tree Road (a different property that was owned by Ms. Gorovoy);
2. It listed the owner as Shahla Gorovoy when the owners were The Shahla Gorovoy Irrevocable Trust and The Charlie Gorovoy Irrevocable Trust; and,
3. The property lot was a 0.57 acre lot, not a 1.31 acre lot

Until the application is corrected these items cannot be discussed by the board.

On a motion by Chairman Baum and seconded by member Margotta, it was: **Resolved the public hearing be adjourned till July 13, 2021 subject to the applicant providing the documents and updates requested.**

**Ayes – 5**

**Nays – 0**

**Absent/Abstaining – None**

#### **OLD BUSINESS: Change in Start Time**

Chairman Baum stated he had discussed moving the date/time and location with the Mayor. Moving the location and date would be difficult. The 2<sup>nd</sup> Tuesday of each month is already a clear date for the ZBA

for in person meeting at the Village Hall. The date/time and location should remain the same. If the board feels the need to discuss this again at a future date it can. Member Gilstrap stated that the reason for the change in part was due to schedule conflicts for Chairman Baum. Chairman Baum stated that moving the date and time would still cause a conflict for date and time for his schedule. Chairman Baum polled each member. Members Gilstrap, Zuckerman, Margotta and Czerwinski all agreed it was best to leave the date and time alone.

**OLD Business: Discussion of Chapter 57 of the Village Code**

Chairman Baum stated the mayor was surprised to learn that Local Law 10 in chapter 57 of the Village code had not been updated and he will follow up with the village attorney, Alyse Terhune, to get this matter resolved.

**NEW BUSINESS:**

**New ZBA Applications** – currently there are no new ZBA applications for July 2021.

**Local Law 4** – Member Zuckerman stated Local Law 4 is the FAR law that the village adopted. Member Zuckerman stated that the original draft of the law had a section that told the zoning board how they should approve area variances. The wording was updated to change the words “may also consider” was changed to “may also consider”. Member Zuckerman stated that prior to the wording change it dictated how the board had to make decisions. This, plus other wording changes, resolved the conflict between the draft of the law and the provision of the state law.

**Threitel Office and Warehouse** – Chairman Baum stated this was discussed and voted on during the April 2021 meeting, so no further discussion was needed.

**ADJOURNMENT**

On a motion made by Member Margotta and seconded by Member Gilstrap, it was: **Resolved to adjourn the public hearing at 10:16 pm.**

**Ayes – 5**

**Nays – 0**

**Absent/Abstaining – None**

Respectfully submitted,

Rhonda Charles  
ZBA Secretary