

Planning Board Minutes April 5, 2018

Chairman Donald Pollock opened the April 5, 2018 meeting of the Amityville Planning Board at 7:08 P.M. and welcomed the public. He then introduced himself and the other Board members to the public.

Members Present: Donald Pollock, Chairman
Colleen Nugent, Member
Mary D'Andrea, Member
James Squicciarini, Member
Joseph Morin, Member

Other Attendees: Chris McCarthy, Alternate
Bryan Donato, Building Inspector
Corliss Baskerville, Secretary to the Boards

The Board and attendees recited the Pledge of Allegiance.

Chairman Pollock noted that all applicants are hereby notified that any/all agreed upon concessions, promises, pledges, assurances or declarations given by them or their duly appointed agents, during their hearing process shall become stipulations to any approvals given by this Board.

The first order of business is to make a motion to approve the minutes of the March 1, 2018 meeting.

A Motion to Approve the minutes from the March 1, 2018 meeting was made by Mr. Morin and seconded Ms. Nugent.

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| Vote on the Motion: | Chairman, Donald Pollock | -aye |
| | Mary D'Andrea | -aye |
| | James Squicciarini | -aye |
| | Colleen Nugent | -aye |
| | Joseph Morin | -aye |

Motion carried: 5 ayes 0 nays

With no further Board Business Chairman Pollock moved on to the items on the agenda.

Continuation of Application of Matthew Demar II. Applicant seeks Site Plan modification approval pursuant to a previously approved Site Plan and Architectural Review and subsequent approval pursuant to the proposed erection of one new one-family dwelling and one new two-family dwelling pursuant to § 24-6 A. (1) (b) and § 24-6 A. (1) (h). Premises located on the West side of Bayview Ave. approximately 479 ft. north of the L.I.R.R. in a "Residential C" district known as 358 Bayview Ave., a/k/a SCTM#'s 101-4-1-21.1; 24.2 and 24.3.

Vincent Trimarco Jr., Attorney for Mr. Demar spoke on behalf of this application. Mr. Trimarco stated the Board's recommendations have been implemented into the site plan, including the windows. Chris Salvino, Architect for Mr. Demar, informed the Board they were looking at preliminary plans, and once the plans were approved they would be turned into construction plans to go before the Building Department for approval. Mr. Salvino pointed out the modifications on the preliminary plans (i.e. the widening of the portico, spot lights and other lighting on all elevations, vegetation, splash blocks for the gutters, handicapped signs, dumpster locations and a couple of new parking spaces). Mr. Salvino pointed out the new cottage will be on the Northwest corner. Mr. McCarthy asked if there were curbs on the Southeast corner of the property to which Mr. Salvino responded by pointing out to the Board the curbed areas on the plans. Mr. Demar stated he has been in the area for 17 years and most of the curbing and buildings are existing. Mr. Squicciarini asked if the existing building (labeled 372), exists on the plan with a rear deck? Mr. Salvino pointed out the second level deck on the plans. Mr. Squicciarini expressed concern over the space between the two new buildings. Mr. Salvino answered there is more than 20 feet between the buildings. Further discussion ensued regarding the appearance of spacing between the proposed elevations on paper and on-site.

Chairman Pollock requested Mr. Trimarco return to the podium. Chairman Pollock informed the Board that he spoke with Mr. Trimarco and Mr. Demar previously about the Village's concern and request that all the properties be combined into one lot. He said it would take some time for Mr. Demarco to complete this due to the different mortgages he has with the bank. Chairman Pollock said in that meeting, Mr. Trimarco mentioned he could come up with government restrictions to satisfy that concern and that he would speak with the Village Attorney to find out which legalities the Village is looking for. Mr. Trimarco stated any concerns can be corrected with a covenant and restrictions he could record and place on the independent parcels. In the future, once the site is completely developed, Mr. Demar will restructure the debt and merge the properties into one corporation. He continued, although they are separate properties right now, that is the way the properties evolved over time. To

address the Village's concern that the properties can be sold off separately, he is very confident it is a resolvable issue.

Chairman Pollock communicated that unifying the lots is the main concern of this whole project. He commented that once that is done, the attorney can direct the Board in what to do. Chairman Pollock suggested adjourning the meeting until the next month to allow time for Mr. Trimarco to consult with the Village Attorney. Mr. Trimarco said he would ask for an adjournment to have time to consult with the Village Attorney. He asked when the next meeting would be. Mr. Squicciarini responded the first Thursday in May. Mr. Salvino asked if it was possible to get an approval tonight. Chairman Pollock responded he was instructed not to approve the application without the lot issue being resolved and they also needed a demolition and building permit and Certificate of Occupancy for one parcel. Further discussion on this topic ensued. Mr. Salvino asked if the applicant satisfied everything with the Planning Board, could they get a conditional approval and then apply for the building permit where they will hand in construction documents and a fully developed site plan. Mr. Trimarco commented that the Board could conditionally approve the application subject to that one issue being resolved by the Village Attorney. Mr. Squicciarini affirmed that, procedurally, the correct move would be to grant a conditional approval (if the Board is approving) subject to satisfaction of those unresolved issues; unless the Board is requiring the applicant to return with certain documents the Board needs to consider. The existing issues are not ones that this Board is going to consider as it is a Village issue and a Building Department issue. He continued, stating for a site plan and architectural review, a conditional approval (if the Board approves it) would be the way to go and it would not be final until the property issue is resolved. This way, he said, they would not have to come before the Board again. Further discussion on this issue ensued. Mr. Squicciarini stated there must be an understanding that it is a conditional approval and no construction can begin until those matters have been satisfied. The plans would not be signed off on until the Board has, in hand, satisfaction from the Village Attorney stating that you have satisfied that issue.

No one spoke for or against this application.

A Motion to Approve this application as a conditional approval subject to the satisfaction of the issue between the Village and the applicant regarding the subdivision of the properties being unified and/or covenanted with restrictions filed regarding the property, so it cannot be sold parcel by parcel but instead becoming one unified parcel to the extent that is being communicated today. The Motion was seconded by Mr. Morin.

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| Vote on the Motion: | Chairman, Donald Pollock | -aye |
| | Mary D'Andrea | -aye |
| | James Squicciarini | -aye |
| | Colleen Nugent | -aye |
| | Joseph Morin | -aye |

Motion carried: 5 ayes 0 nays

Andrzej and Joanna Mroczkowski seek modification of a previously approved application to the Planning Board on the 10th day of August 2017 pursuant to the proposed erection of a new two-story, one-family frame dwelling with two-car garage pursuant to section 24-6-A(1)(h) of the Village Code. Premises located on the south side of New Point Pl. approximately 840 feet east of South Bayview Ave., in a “Residential B” district known as 72 New Point Place a/k/a SCTM# 101-12-6-83.

Chairman Pollock stated this application, heard before the Board in 2017, was to build a house on New Point Pl. for the purposes of selling the home. The applicants wanted and presented vinyl siding to the Board which the Board approved. The applicants have a buyer who is requesting stucco siding. Chairman Pollock stated to Mr. Squicciarini he was not on the Board at the time the decision was made on the original application and Mr. Squicciarini had been, so he did not feel he could decide on an application he had not heard. Mr. Squicciarini explained the plans approved by the Planning Board, relative to this property, dictate the applicants were going to use clappered siding. When the project is complete (as they are still working on the house), they would not be able to get a Certificate of Occupancy for the house if stucco was used without modifying the plans because the house would be non-conforming. For the purposes this evening, the Board would review the change in material regarding stucco vs. clappered siding and state if it is a non-issue for this Board. Mr. Squicciarini said he believes it to be a non-issue because if the applicants finished the project and the Board gave them the Certificate of Occupancy, the Board could not say anything if they turned around and put stucco siding on the house. Mr. Squicciarini thinks the house looks fine. The house next door is stucco, so it would not stand out or negatively impact the project in any way. Mr. Squicciarini suggested the Board approve the change in the building material from clappered to stucco siding as the applicant requested.

A Motion to Approve the change in building material from clappered to stucco, as requested by the applicant, to modify the previously approved plan of August 2017 and was seconded by Ms. D'Andrea.

Vote on the Motion: Chairman, Donald Pollock -aye
 Mary D'Andrea -aye
 James Squicciarini -aye
 Colleen Nugent -aye
 Joseph Morin -aye

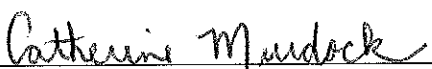
Motion carried: 5 ayes 0 nays

Chairman Pollock commented there was one thing the Board needed the Building Inspector to check on. The matter needing inspection is once the applicants built their home, the soil/land became higher on their side than the neighbor's which left the danger of water drainage to the neighbor's property. Chairman Pollock stated it could be due to the house being newly built and the sand covering the parcel. He said the applicants would need to correct that situation. Mr. Donato stated the applicants have a few more inspections coming up where he would look into it.

A Motion to Adjourn the meeting was made by Mr. Squicciarini and seconded by Ms. Nugent.

Meeting adjourned at 7:32 pm

Respectfully submitted:



Catherine Murdock, Clerk/Treasurer

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