

**Village of Amityville
Planning Board Minutes
January 5th, 2017**

seconded by Ms. D'Andrea

Vote on the Motion:	James Squicciarini	aye
	Colleen Nugent	aye
	Joe Morin	aye
	Mia Jealous-Dank	aye
	Mary D'Andrea	aye

Motion Carried:	5 ayes	0 nays
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Mr. Alweis explained that **65 Norman Avenue** is seeking to amend their previously approved plans to move the garage to a different location. They are looking for permission to apply again and re notice the neighbors in the 200-foot radius.

The board is all in favor of allowing the applicant an opportunity to be re-heard. The applicant must submit an amended site plan for approval with their new application. The applicant must adhere to all notice, posting and publication requirements.

Mr. Alweis also explained that an applicant is in the process of trying to raise their house, they had a question about the landscaping plan that is required for the Planning Board application. Being that it is winter time they don't have a complete landscape plan, they are asking if a Certificate of Occupancy can be issued without this aspect of the plans. Since weather is an issue can they grant a 6 month period for landscape compliance?

Mr. Squicciarini stated that they are going to work with the Village Attorney to come up with a procedure to help residents in this situation, an extension should be given but it must have teeth to ensure compliance. We don't want to threaten people but it is necessary to inform them of the penalty for non-compliance. Mr. Squicciarini suggests a 6 month extension from issuance of a Certificate of Occupancy.

This issue has come up in the past with PKL physical therapy and the Village Attorney sent them a letter regarding their failure to comply with the stipulation of the planning board approval, specifically with regard to their landscape plan.

Mr. Squicciarini went on to say that applicants are bound by the stipulations; however, we must exercise discretion in cases of impossibility i.e. complying with a landscape plan in winter months. In the foregoing situation, applicants who require a CO as a condition precedent

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to receiving their funding from New York Rising, are unable to comply. We must find a fair and equitable way to resolve the issue and still ensure compliance. The CO can be issued with a requirement that the stipulation be complied with within six months. Failure to do so could result in fines and or other penalties as appropriate.

Mr. Alweis asked if we can get a notarized letter from the resident for this, they will have to discuss and formulate a plan for compliance.

Application of Joe Bello Architect P.C as agent for **Salvatore and Barbara Spizzirri** applicant seeks architectural review and approval pursuant to the proposed erection of a new one story detached garage pursuant to Section 24-6 A (1) (h) of the Village Code. Premises located on the west side of Wellington Place approx. 437 feet North of Oak Street in a “Residential B” district k/a **38 Wellington Place** a/k/a SCTM# 101-4-3-30

Mr. Conway of Joe Bello Architect, 11 Broadway spoke on behalf of this application stating that this home has a Certificate of Occupancy for a three-car detached garage but the homeowner seeks to build a one-car detached garage with storage. He also presents samples of the roofing and siding that will be used for this project. The color and style of the siding is autumn red vinyl and the roof is a hunter green timberline material.

Ms. D’Andrea asked what color the trim will be, if there is interior plumbing, height is 13’ 6”, 451 square feet.

Mr. Conway answered that the trim will be white and there will be no interior plumbing.

Mr. Squicciarini stated that they are in compliance with the code and referenced the relevant section. He found this to be good-looking structure and an improvement. There is a 2-foot setback from the side/rear yard as required, the structure is below the maximum height allowed for this type of structure, the square footage is less than the maximum 500 square feet allowed by the code. Accordingly, he recommends approval.

Stipulations:

1. Applicant may have no habitable space in the structure as per code
2. Applicant may have no interior plumbing as per code
3. Applicant must secure all necessary permits
4. Applicant must abide by all building, state, and local codes

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There being no further comments from the floor or the Board, a motion to approve with the following stipulations was made by Mr. Morin and seconded by Ms. Nugent:

Vote on the Motion:	James Squicciarini	aye
	Colleen Nugent	aye
	Joe Morin	aye
	Mia Jealous-Dank	aye
	Mary D'Andrea	aye

Motion Carried:	5 ayes	0 nays
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Continuation application of Thomas Hart as agent for owner **Eric Nahaczewski** applicant seeks architectural review and approval pursuant to the proposed elevation of the existing one and one half story dwelling to F.E.M.A and N.Y.S Building Code Requirements with new front and rear entries pursuant to Section 24-6 A (1) (h) of the Village Code. Premises located on the west side of Central Avenue approx. 185 feet north of Riverside Street in a "Residential B" district k/a **19 Central Avenue** a/k/a SCTM# 101-11-8-7

Mr. Nahaczewski spoke on behalf of this application. Chairperson Squicciarini asked Mr. Nahaczewski to clarify which set of plans were the most recent as the Board had three different sets of plans. Mr. Nahaczewski clarified the plans dated November 23rd were the most recent. Chairperson Squicciarini stated there is an issue with height in regards to this application, there was no height variance granted from the Zoning Board.

Mr. Squicciarini stated that it doesn't appear that the height has changed from the old set of plans to the new one.

Ms. D'Andrea asked how the height has changed.

Ms. Jealous-Dank states reach elevation has only changed in inches

Mr. Squicciarini asked if this is not a 3 story home, he stated that without a variance from the Zoning Board they are allowed to raise base flood +3 feet, they would have to go to the state for relief for anything more. This would allow them to raise 9 feet their plans show them raising a height of 13.4 feet.

Mr. Alweis states that they are allowed to raise no more than 6 feet measured from the exterior pre-existing grade to the first floor not the fill.

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Mr. Squicciarini suggests that the applicant request an adjournment because the plans do not reflect the recommendations of the board from the previous hearing. Absent a request for an adjournment to afford the applicant to correct their plans, the Board would Vote and likely deny the applications since the Board's concerns were not addressed.

The applicant requested an adjournment so that he could speak with his architect and address the height issue.

Mr. Squicciarini suggested the applicant write down the applicable section of the Village Code §183-148 and provided him with a pen to do so. He discussed the importance of the plans adhering to this section and recommended that he discuss same with his architect. Mr. Squicciarini read a portion of the code to the applicant:

*“Notwithstanding any provision in this Chapter 183 to the contrary, a dwelling in existence on October 29, 2012, located in an area of special flood hazard may be elevated so that its lowest floor (including basement) is **not less than two feet nor more than three feet above base flood elevation, without obtaining a height variance from the Zoning Board of Appeals, regardless of the actual height of said dwelling measured from the top of curb or crown of the road, whichever is applicable.**”*

According to Section 183-148 of the Village Code, the plans submitted would require a ZBA variance because they seek to elevate the structure more than three feet above the base flood elevation. Mr. Squicciarini also suggested that the homeowner and architect set-up an appointment to review these plans with Mr. Alweis the building inspector, prior to restoring the matter to the calendar.

There being no further comments from the Board or from the floor, Chairperson Squicciarini asked for a motion to adjourn the meeting. A motion to adjourn was made by Mr. Morin and seconded by Ms. Jealous-Dank.

Vote on the Motion:	James Squicciarini	aye
	Colleen Nugent	aye
	Joe Morin	aye
	Mia Jealous-Dank	aye
	Mary D'Andrea	aye

Motion Carried:	5 ayes	0 nays
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Meeting adjourned at 7:31 P.M.

Dina Shingleton, Clerk/Treasurer