

Planning Board Minutes February 1, 2018

Chairman Donald Pollock opened the February 1, 2018 meeting of the Amityville Planning Board at 7:10 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
Brian Donato, Building Inspector
Corliss Baskerville, Secretary to 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 January 11, 2018 meeting.

A Motion to Approve the minutes from the January 11, 2018 meeting was made by Ms. Nugent and seconded by Mr. McCarthy. Mr. Morin abstained from voting as he was not present for this meeting.

Vote on the Motion:	Chairman, Donald Pollock	-aye
	Mary D'Andrea	-aye
	Chris McCarthy	-aye
	James Squicciarini	-aye
	Ms. Nugent	-aye
	Mr. Morin	-abstained

Motion carried: 5 ayes 0 nays

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

Application of Jeffrey Krinick. Applicant seeks a variation from the Planning Board for a sign design not listed in the code pursuant to Chapter 144-17 of the Village code. Premises located on the south side of Dixon Ave. approximately 507 ft. east of Broadway in an "Industrial" district known as 151 Dixon Avenue a/k/a SCTM# 101-4-1-114.7.

Mr. Krinick spoke on behalf of this application. Mr. Krinick is the owner of the building and the business at this location. He would like to put plastic lettering on the building with the name of the company. The color of the lettering is maroon. Ms. D'Andrea asked for clarification on the dimensions of the ICC sign on the drawing. She called attention to the drawings reflecting the sign as 35in. (3ft.) high overall and 120in. wide (10ft.). Mr. Morin confirmed with Mr. Krinick that the letters, "ICC" are 3ft. high. Mr. Squicciarini also asked for clarification of the height and width. 35in high and 35in. wide. No one spoke for or against the application.

A Motion to Approve the application with stipulations was made by Ms. Nugent and seconded by Mr. Morin.

Stipulations:

1. Applicant must submit to the Building Inspector revised plans within two weeks which reflect the correct measurements.
2. The overall height of the sign is not to exceed 35in.

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

Motion carried: 5 ayes 0 nays

Application of Patrick DeLuca. Applicant seeks an amendment of a previously approved Architectural Review pursuant to the proposed addition of a new 20' x 20' Octagonal Cupola Room with rooftop access pursuant to § 24-6 (A) (1) (h) of the Village code. Premises located on the East side of Grand Central Ave approximately 1000 ft. south of MacDonald Ave in a "Residential A" district known as 312 Grand Central Ave a/k/a SCTM# 101-14-2-28. Ms. Nugent recused herself of hearing this application due to the application being presented by her brother, Glen Nugent, attorney for the applicant. Mr. McCarthy will be hearing the application as the alternate.

Mr. Glen Nugent, 31 Greene Ave., spoke on behalf of his client and applicant, Mr. DeLuca. Mr. Nugent said there was an application already approved for this project. There is a

cupola proposed on the second floor of the home. Mr. DeLuca has been an Amityville resident since 1998 and has owned this property since 2005. The property is sizeable, and the home has been raised as many others due to Storm Sandy. Mr. Nugent said that houses that have been raised, to the south and the house across the street at the end of Grand Central Ave, have impeded Mr. Deluca's view of the water from the back his property. He no longer has a view of the Bay so one of the purposes of the cupola would be to afford him the view he once had. He said that even with the house being raised, Mr. Deluca may not have a view of the water to the south. The house to the south had a higher elevation and blocks his view of the Bay along with the foliage between the two properties. The Board previously approved a 5 ft. stockade fence, and this is really a 6ft. fence which eliminates Mr. Deluca's view south of his property. Mr. Nugent said there are also no less than 3 other homes on the block with cupolas. Mr. Nugent explained that these plans were previously brought before the Board and were approved, however, Mr. Deluca had mis-communication with his contractor. The cupola would keep up with the nautical theme and would be right up above Mr. Deluca's bedroom. Privacy concerns should not be an issue as it would overlook the rear deck of that house. He presented other plans to the Board detailing where the cupola would be on the house marked as "Exhibit A".

Mr. Squicciarini questioned the matter of the of the fence on the southside of property line being a 6ft fence. He asked if the claim is that the fence is blocking the view from inside the home and its relevance to the cupola. Mr. Nugent responded that it does not affect the view from the inside of the home and he stated that without the cupola, there would be no water view other than that of the canal. Mr. Squicciarini said that with the elevation, Mr. Deluca is already 3 feet above the fence at foot level. He added that based on the drawing submitted it seemed that the foliage seemed to be a bigger issue than the fence. Mr. Squicciarini pointed out that the drawing shows two chimneys, one being extended which could potentially be a fire hazard with smoke and ashes. The contractor spoke and responded that the chimney would not be raised if it remains 2ft. above and is in line with the 2 feet high and 10ft. out rule.

Chairman Pollock stated he did not have an issue with the cupola but does have an issue with the area on the top. He said he does not see that as a viable thing. First, the fence is over 32ft. with the fence whereas yours is 33ft. minimum. Mr. Pollock further stated Mr. Deluca would have to go before the Zoning Board of Appeals to get that changed. He said he is not opposed to the cupola but is opposed to stairs leading up to the roof and the patio area. Mr. Deluca responded that there is railing. Mr. Morin expressed concern over the heating system chimney which is not going 10 1/2 ft. He suggested that if the rail was taken away, he would not have to go up as high. It could go up as high as the railing and bring down the chimney proportionally.

Further conversation ensued between the Board, Mr. Nugent and the applicant over the size, height and aesthetics of the home. Mr. Squicciarini stated he did not think, overall, it would

not be a good look and it does not make the building look nicer. He said it seemed like a protrusion coming out of center of the roofline of the home and he was trying to find a way for it to look aesthetically pleasing although he did like the idea of a cupola. Chairman Pollock asked Mr. Deluca if he considered what he might do if we had a sizeable amount of snow as we just had in Long Island with a flat roof which they are notorious for leaking. Mr. Deluca responded that when he was shown diagrams of the cupola with a peak at the top it would have been too big. Mr. Morin stated he is in favor of a cupola but not the fence or having the chimney extend so high up over the highest line of the house. Mr. Deluca asked if the heating system can be redirected/rerouted. Chairman Pollock expressed his concern, stating he did not mind the railing but did not like the idea of people being on top of the roof possibly walking around, drinking or whatever they would be doing on top of a roof 30ft. up in the air. Mr. Squicciarini asked the Building Inspector if there were any Village codes or laws prohibiting balcony or roof access. Mr. Donato said there is none that addressed that matter. Ms. D'Andrea asked if the applicant's intent was to be able to sit on the roof and look at the view as the Board has a safety concern. Mr. Deluca replied that he did anticipate being able to or at least have the option to. Mr. Pollock mentioned if the chimney was lowered 4ft it would be better.

Mr. Nugent consulted with Mr. Deluca's builder, who was present at the hearing, and stated that the actual heating unit can be relocated so that the chimney would be in a different area and it would not be as high as it is now. Mr. Deluca stated that he understands the concern of people being on the roof and is fine with that as the deck is not the focal point of doing this. He was thinking a deck may add value to the property if he decided to sell but is willing to drop that from the plan if it's an issue. Chairman Pollock confirmed with Mr. Donato if the chimney could be dropped 4ft. if there was no railing. Mr. Donato confirmed that statement adding that no railing allows for no access to the roof as well.

Dr. Herzberg, 316 Grand Central Ave., spoke against the application. Mr. Herzberg presented a written statement to the Board marked as "Exhibit B". He strongly objected to the cupola especially with a rooftop deck would be a gross intrusion of his privacy, unsafe and devalue his property.

John Ranker, 308 Grand Central Ave., spoke in favor of the application. Mr. Ranker lives north of Mr. Deluca. He stated that he has no reason to be against what Mr. Deluca is trying to do. He said it would affect his view more than anyone on the whole block and it doesn't affect his view at all. Mr. Deluca has been a great neighbor.

Mr. Nugent addressed Dr. Herzberg concerns of his privacy and the look of the neighborhood. He stated that would be eliminated with the removal of the deck. The nautical look of the cupola would fit in the area and the Bay Village. He further stated that the removal of the deck would also remove the safety issues.

A Motion to Approve the application with stipulations was made by Chairman Pollock and seconded by Ms. D'Andrea.

Stipulations:

1. Applicant must eliminate roof access. No one will be able to go from the cupola to the roof. There is to be no stairway on the inside of the cupola/home leading to the roof.
2. Chimney is to be lowered as much as it can be lowered. The Board will check with the Building Inspector on the height allowances.
3. Cupola is to match the existing siding of the building.

Vote on the Motion:	Chairman, Donald Pollock	-aye
	Mary D'Andrea	-aye
	Joe Morin	-aye
	James Squicciarini	-aye
	Chris McCarthy	-aye

Motion carried: 5 ayes 0 nays

Application of Ivan Arizaga as agent for Pyrahi Jatter. Applicant seeks a variation from the sign code pursuant to the proposed erection of two non-conforming signs on the front and East side of the shopping center pursuant to § 144-17 of the Village code. Premises located on the Southeast corner of the intersection of Merrick Rd and South Ketcham Ave in a "B-2 Business" district known as 55-65 Merrick Rd a/k/a SCTM# 101-7-2-6.1.

Mr. Arizaga spoke on behalf of this application. The applicant and his wife are Partners of the Medwell Spa and Yoga Studio with several locations. The sign is 6'x3'. There is a sign on the front and side of the building which are the same size. The flower on the sign (the lotus) represents the company brand. The lotus flower is the Medwell Spa brand and represents love, spiritual giving, serving and the like. The sign is moving to the second panel of the building. Ms. D'Andrea asked if the size of the sign was like the neighboring establishment, "The Brownstone". Mr. Arizaga responded their sign conforms to the Village and is about the same size. There is lighting along the side of the building already, so they will not be adding lighting. Mr. Squicciarini confirms there is gooseneck lighting along the side of the building. Mr. Arizaga said there would be no illumination to the sign and that it is white PVC. Ms. D'Andrea communicated that yoga classes are already taking place at the location.

Joan Donnison, BVCA spoke to this application. She welcomed them to the Village and neighborhood but did take issue to the twinkling lighting in the front window. Ms. Donnison mentioned that the lighting is a detraction and is against the Village Code and should be stopped.

Mr. Arizaga responded the lighting is used to show beauty and attract people and he did not think it would be an issue. Ms. D'Andrea questioned if the lights were kept on day and night to which

Ms. Donnison responded that they were. Chairman Pollock said it was something that will be investigated and discussed to see what is legal or not. Mr. Morin asked if the coloring of the sign was going to be close to the computer rendering submitted and if the sign was close in size to the establishment (Brownstones) next to it. Mr. Arizaga answered yes to both inquiries and added that it would be a beautiful addition. Mr. Squicciarini added that the Village Code does address this matter in Section 116-5. The Village Code states that strings of lights are allowed when seasonal. If not hung during a holiday season, the lights violate the Code.

A Motion to Approve the application was made by Ms. Nugent and seconded by Mr. Morin.

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

Motion carried: 5 ayes 0 nays

Chairman Pollock communicated one more decision to be made by the Board. The Board made a Motion to Reserve on the **Application of Peter Morra as agent for Maria Finocchio**. Applicant seeks a continuance of a public hearing in regard to the Architectural Review and approval pursuant to the proposed elevation of the existing pool house (C.O. #2005-32) to be in compliance with FEMA and NYS building code requirements with new entry deck pursuant to §24-6 (A) (1) (h) of the Village code. Premises located on the east side of Unqua Pl. approximately 240 ft. South of Richmond Ave in a "Residential BB" district known as 26 Unqua Pl. a/k/a SCTM #101-13-15-14.

A Motion to Approve the application with the following stipulations was made by Chairman Pollock and seconded by Ms. Nugent.

Stipulations:

1. There is to be no kitchen inside of the pool shed.
2. There are to be no overnight visitors staying in the pool shed. It is not a guest house.
3. There is to be no air conditioner provided for that building.
4. Applicant can add 3 ft. of plumbing and place sink on the outside deck.
5. Applicant must put up lattice fencing on South, East and West bottom of structure to cover any piping.
6. Existing siding on the main house must continue to the new pool shed.
7. The roof of the pool shed is to match the existing roof on the main house.

Ms. D'Andrea wanted to address the materials that would be used for the pool shed. Chairman Pollock said that an architect had looked at the materials and said that the pieces that could be used would still be used.

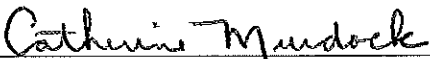
Vote on the Motion:	Chairman, Donald Pollock	-aye
	Mary D'Andrea	-aye
	Colleen Nugent	-aye
	James Squicciarini	-nay
	Chris McCarthy	-aye

Motion carried: 4 ayes 1 nay

A Motion to Adjourn the meeting was made by Ms. Nugent and seconded by Ms. D'Andrea.

Meeting adjourned at 8:25 pm

Respectfully submitted:



Catherine Murdock, Clerk/Treasurer