

November 17, 2016
Zoning Board of Appeals
Minutes

Members Present: Tracey Cullen, Chairperson
Richard Ubert, Vice Chair
Kirk Hurme, Member
Todd Brice, Member
Chuck Vinciulla (Alternate)
Robert Alweis, Building Inspector
Katie DeGraff, Administrative Assistant

Absent: Bill Ordon, Member

Meeting called to order at 7:03 pm

Ms. Cullen welcomed everyone to the November 17th, 2016 meeting of the Zoning Board of Appeals, and introduced all the members. Ms. Cullen stated applicants are hereby notified that any and all agreed 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.

Ms. Cullen asked the Board for a motion to approve the minutes from the October 20th, 2016 meeting. A motion was made by Mr. Ubert and seconded by Mr. Brice.

Vote on the motion: Ms. Cullen aye
Mr. Ubert aye
Mr. Vinciulla aye
Mr. Brice aye
Mr. Hurme aye

5 -0

A motion to approve a six month extension to James Prisco, on behalf of Thomas Pappas, 249 South Bayview Ave due to New York Rising related delays was made by Mr. Vinciulla and seconded by Mr. Brice

Vote on the motion: Ms. Cullen aye
Mr. Ubert aye
Mr. Vinciulla aye
Mr. Brice aye
Mr. Hurme aye

5 -0

Application of Peter and Jane A. McDermott. Applicant seeks renewal of a previously approved by special exception owner occupied two family dwelling, approved prior to March 3, 2010 with no change in ownership pursuant to Section 183-43 C. (6) of the Village Code. Premises located on the north side of Sterling Place approx. 1237 feet west of Broadway in a "Residential B" district k/a 101 Sterling Place. a/k/a SCTM# 101-3-1-33

Findings:

1. Applicant has owned the premises since January 2014.
2. Owner occupied two family residence.
3. Upstairs- Premises has a side entrance in driveway that goes straight upstairs, where there are 2 bedrooms, a living room, and kitchen area.
4. Downstairs- Owner lives downstairs; there is one bedroom, living room, and dining area.
5. Each unit has separate heating and electric.
6. Premises is 48' wide and 206' deep, has parking for at least 4 cars.
7. Previously approved 2-family.
8. Inspection was completed on 11/10/2016 by C.E.O Lauria and there were no violations.
9. No one spoke for or against this application.

Stipulations:

1. Dwelling must be owner occupied
2. This application shall be granted for a four (4) year period, or as long as it remains owner occupied, or until ownership is transferred, whichever comes first
3. Off street parking must be provided in the rear of the premises
4. Basement shall not be habitable space
5. No off street parking will be provided or allowed on the front yard/lawn
6. Owner will be responsible for:
 - a. Maintenance of building
 - b. Maintenance of landscaping and lawn care
 - c. Insuring for the timely and appropriate disposal of all rubbish, trash and garbage
7. All approvals of the application are subject to inspection of premises by the building department and no certification shall be issued until defects, if any, are cured
8. Applicant must obtain a rental permit, if necessary
9. Applicant must abide by all applicable Federal, State, and Local Codes
10. Applicant must obtain all necessary permits

Ms. Cullen abstained from hearing and voting on this application, as Mrs. McDermott occasionally babysits Ms. Cullens children, Motion to approve with stipulations Mr. Ubert and seconded by Mr. Brice

Vote on the motion: Mr. Ubert aye
Mr. Vinciulla aye
Mr. Brice aye

Mr. Hurme aye

4 -0

Application of Edy and Carole Bichotte. Applicant seeks renewal of a previously approved by special exception owner occupied two family dwelling, approved prior to March 3, 2010 with no change in ownership pursuant to Section 183-43 C. (6) and 183-81 A. (8) (C) of the Village Code. Premises located on the north side of Locust Drive. approx. 108 feet west of Broadway(RT 110) in an in part "Business 1" district and in part "Residential B" district k/a 15 Locust Drive. a/k/a SCTM# 101-1-1-69

Findings:

1. Applicant has owned the premises since 2001.
2. Owner occupied two family residence; Owner lives in home with wife and three children who are 22, 18, and 15.
3. There is adequate parking on the property, with room for at least four cars
4. Applicant has no intentions to rent the property
5. Inspection was completed on 11/17/2016 by Building Inspector Alweis found the following violations:
 - a. Carbon Monoxide detector needed in the basement
 - b. Permit required for fence
 - c. Permit required for shed
6. Applicant removed the above ground pool
7. Resident explained his safety concerns at the property
8. No one spoke for or against this application

Stipulations:

1. The application has been approved for a period of 3 years or until change of ownership, whichever comes first
2. Dwelling must remain owner occupied
3. Applicant must arrange for a yearly inspection with the Building Inspector of the premises at the anniversary date
4. Applicant will be responsible for:
 - a. Maintenance of building
 - b. Maintenance of landscaping and lawn care
 - c. Ensuring for the timely and appropriate disposal of all rubbish, trash and garbage
 - d. Location of garbage cans so as not to interfere with off street parking
5. Applicant must conform to all applicable Codes
6. Cellar to be used for storage, toilet room and kitchen only
7. Applicant must apply for fence permit if necessary

Motion to approve with stipulations Mr. Ubert and seconded by Mr. Brice

Vote on the motion: Ms. Cullen aye
Mr. Ubert aye
Mr. Vinciulla aye
Mr. Brice aye
Mr. Hurme aye

5 -0

Application of Juan Rosales. Applicant seeks to renew his previously approved special exceptions: the first for a mixed use dwelling with the first floor used for business and a one family dwelling unit on the second floor; the second for the outdoor storage of commercial oil trucks pursuant to Sections 183-94 and 183-96 of the Village Code. Premises located on the W/s of Bayview Ave. approx. 200' S/o Dixon Ave. in an Industrial District k/a 346 Bayview Ave. a/k/a SCTM#101-4-1-25.1 and 101-4-1-26.1.

Findings:

1. Applicant has owned the premises since 2010.
2. Applicant operates a fuel oil delivery business.
3. 9 vehicles (oil trucks) on site.
4. Oil trucks come and go 7 days per week.
5. 11 employees working at the site (drivers, “helpers”, secretaries, etc.)
6. Inspection was completed on 11/17/2016 by Building Inspector Alweis and there were the following violations:
 - a. 2nd floor- Combination of smoke and carbon monoxide detectors are required in the main common hallway. Promptly thereafter, applicant installed 4 carbon monoxide detectors downstairs and 3 upstairs.
7. No one spoke for or against the application.

Stipulations:

1. Application is approved for a period of three (3) years
2. Applicant must maintain EPA approval and any permits that may be required for oil storage and any other agencies involved in this regard
3. There will be no transfer of oil to and from a truck to any container on the property
4. There will be no repairs made on the property
5. Property will be strictly for the parking of trucks
6. Trucks must not be washed on premises
7. Applicant must abide by all applicable codes and laws
8. Applicant must secure all necessary permits from the Building Department

Motion to approve with stipulations Mr. Hurme and seconded by Mr. Vinciulla

Vote on the motion: Ms. Cullen aye
Mr. Ubert aye

Mr. Vinciulla aye
Mr. Brice aye
Mr. Hurme aye

5 -0

A motion to adjourn the meeting was made by Mr. Hurme and seconded by Mr. Vinciulla

Vote on the motion: Ms. Cullen aye
Mr. Ubert aye
Mr. Vinciulla aye
Mr. Brice aye
Mr. Hurme aye

5 -0

Meeting adjourned at 7:35 pm

Dina Shingleton, Clerk/Treasurer