

**Zoning Board of Appeals
Minutes
September 21, 2017**

Members Present: Richard Ubert, Chairperson
Tracey Cullen, Member
Todd Brice, Member
Bill Ordon, Member
Kirk Hurme, Member
Eric Taylor (Alternate)
Bryan Donato, Building Inspector

Katie DeGraff, Secretary to Board

Meeting called to order at 7:00 pm

Mr. Ubert welcomed everyone to the September 21, 2017 meeting of the Zoning Board of Appeals, and introduced all the members. Chairperson Ubert stated applicants are hereby notified that any/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.

Mr. Ubert asked the Board for a motion to approve the minutes from the **July 20, 2017** meeting.

A motion was made by Mr. Brice and seconded by Mr. Hurme.

Vote on the Motion:	Mr. Ubert	aye
	Mr. Hurme	aye
	Mr. Brice	aye
	Ms. Cullen	abstain
	Mr. Ordon	abstain

Motion carried: 3 ayes 2 abstentions

Mr. Ubert informed the Board that agenda sequence would be changed. The Board would begin with items 2 - 4 first and items 5 and 1 last.

Application of Michael Maneri. Applicant seeks to maintain a six-foot fence pursuant to section 183-139 of the Village code. Premises located on the south side of Railroad Avenue approximately 173 feet east of Broadway in a "Residential B" district known as 19 Railroad Avenue a/k/a SCTM#101-4-3-2

Michael Maneri spoke on his behalf of this application. Mr. Maneri stated that one of his tenants put the fence up as a favor, replacing an old damaged fence. Mr. Maneri did not realize he needed a permit.

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Findings:

1. Due to small dogs in area fence is there for safety reasons.
2. There are other 6ft. fences in the area.
3. Previous fence was a wooden stockade fence.
4. There was a six-foot fence up when house was purchased.
5. The current fence is a PVC fence
6. No one spoke for or against this application.

Stipulations:

1. Applicant fence must be installed with good side facing out
2. Applicant must adhere to all Village, County and State codes
3. Installation must conform to outline on survey
4. Must be inspected by Building Department

Motion to approve with stipulations was made by Mr. Hurme and seconded by Ms. Cullen.

Vote on the Motion:	Mr. Ubert	aye
	Mr. Hurme	aye
	Mr. Brice	aye
	Ms. Cullen	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nays

Application of Charles E. and Linda M. Koegler. Applicant to encroach the required side yard and aggregate pursuant to the addition of a south side bow window and six (6) foot by eighteen (18) foot one story addition to the west side of the existing one and one-half story one family dwelling pursuant to sections 183-51 of the Village Code. Premises located on the west side of Bayview Avenue approximately 132 feet north of Avon Place in a "Residential B" district known as 222 Bayview Avenue also known as SCTM# 101-6-1-39

Charles Koegler spoke on behalf of this application. Mr. Koegler and his wife, Linda are extending the kitchen approximately 6-8 feet. The variance is a bow window on side of house extending out 3 feet from house with no foundations (cantilever). There is a pre-existing porch in the front of the house from time of purchase close to right on the property line.

Findings:

1. The lot size is 51x187 sq. feet.
2. Bow window will be on south side of house.
3. There is an existing small compressor on same side of house. No other appliances.
4. There are trees and driveway that will block view of bow window.
5. Ports being installed in the back of the house will extend straight out.

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6. No one spoke for or against this application.

Stipulations:

1. Applicant must make sure that all Village, state, and local codes and ordinances are met.
2. Applicant must secure all required and necessary permits.

Motion to approve with stipulations was made by Mr Ubert and seconded by Mr. Ordon.

Vote on the Motion:	Mr. Ubert	aye
	Mr. Hurme	aye
	Mr. Brice	aye
	Ms. Cullen	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nays

Application of Rushforth Realty. Applicant seeks to maintain a previously approved by special exception a mixed-use dwelling and rooming house pursuant to Section 183-82 A. (10) (a) of the Village Code. Premises located on the north side of Sterling Place approximately 580 feet west of Broadway [RT110] in a "Business 2" District known as 45 Sterling Place, a/k/a SCTM# 101-3-1-20

Thomas Rushforth spoke on behalf of this application. Mr. Rushforth states they are reapplying for mixed use of property. Mr. Ubert questions when Mr. Rushforth last appeared before the Board. Mr. Rushforth responds it is his first time but his father used to represent the property.

Findings:

1. Applicant's family has owned the property for 35 years.
2. Rooming house consists of 9 rooms, 1 apartment and detached garage in back used for applicant's small business (heating contractors).
3. There are currently 10 tenants in the rooming house.
4. Inspection by the Building Department is done every other year. Last inspection was done last year with no violations.
5. Applicant added CO detectors and emergency lighting and more fire extinguishers.

One person spoke in question of application asking what type of people are renting in the rooming house and if there are children. Mr. Rushforth responds that 70% of tenants are retirees, they are all male and there are no children. Background checks are done on all tenants.

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Stipulations:

1. Applicant is approved for 3 years or up to change of ownership whichever comes first.
2. Applicant must maintain garbage removal and off-street parking.
3. Applicant must adhere to all Village, state and local ordinances.

Motion to approve with stipulations was made by Ms. Cullen and seconded by Mr. Brice.

Vote on the Motion:	Mr. Ubert	aye
	Mr. Hurme	aye
	Mr. Brice	aye
	Ms. Cullen	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nays

Application of Horace Hill. Applicant seeks renewal of a previously approved by special exception non-owner occupied two family dwelling, approved prior to March 3, 2010 with no change in ownership pursuant to Section 183-43 C. (6). Premises located on the south side of Locust Drive approximately 250 feet west of Broadway in a "Residential B" district known as 22 Locust Drive a/k/a SCTM# 101-1-2-21

Horace Hill spoke on behalf of this application explaining that he rents out to two separate families. Mr. Hill also states that he always maintained the property in a neat and orderly fashion. Mr. Hill came before the Board for renewal in 2013 and was given 3 years. At last inspection Mr. Hill had a female tenant who changed locks and refused to let inspector enter the premises. The tenant has since vacated the premises. The Building Inspector was at property September 13th and found no violations.

Findings:

1. Property has a 3 bedroom upstairs and a 2-bedroom downstairs.
2. Property is a high-range dwelling owned by Mr. Hill since 1998.
3. Applicant states dwelling has sufficient off-street parking which can accommodate approximately 5 cars.
4. Dwelling consisted of 3 kitchens for which applicant removed 1 located in the back.
5. Back kitchen was originally a family room to which applicant installed a bathroom. Inspector alerted applicant that such was not allowed so applicant converted it back to a family room.
6. Property was owner-occupied when first purchased leaving in 2005 to go overseas. Mr. Hill returned to premises but has not lived there since 2007.
7. Property currently not owner-occupied.
8. No one spoke for or against this application.

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Stipulations:

1. Applicant approved for 2 years or up to change of ownership; whichever comes first.
2. Must maintain property regarding garbage removal and off-street parking.
3. Applicant must adhere to all Village, state and local ordinances.
4. Applicant cannot add third kitchen back into dwelling.

Motion to approve with stipulations was made by Mr. Ordon and seconded by Mr. Hurme.

Vote on the Motion:	Mr. Ubert	aye
	Mr. Hurme	aye
	Mr. Brice	aye
	Ms. Cullen	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nays

Application of Matthew Demar II. Applicant seeks a special exception to reduce the required amount of parking spaces; Area variance pursuant to required side yards and rear yards also to waive the sky plane requirements pursuant to the erection of one new one family dwelling; One new two family dwelling; One new four family multiple dwelling unit and the conversion of two existing two family dwellings to four family dwellings and the conversion of an one-family dwelling to a three family dwelling pursuant to section 183-129; section 183-59; section 183-63 C. and section 24-29 E. of the Village code. Premises located on the west side of Bayview Avenue approximately 358 feet north of the L.I.R.R in a "Residential C" district known as 358 Bayview Avenue a/k/a SCTM#101-4-1-21.1; 4-1-22.1, 4-1-23.1; and 4-1-24.1.

Vincent Tremarco, the attorney for Mr. Demar, spoke on behalf of this application. Mr. Tremarco presented copies of the plan. Previous application was made before and was granted a change of zone for this property. Mr. Tremarco gave brief history of property. He explained how in this heavy industrial area in the Village, Mr. Demar has maintained this upzoning over the years and plan to continue to improve the property to maintain this special multi-family dwelling. Property is very classy and upscale and rents to single, 1-2 individuals per unit, maintaining more affordable rent for young people. Applicants would like to significantly add more multi-family units to the property and are in need of area variances to do that.

Mr. Tremarco said the Board of Trustees had agreed that this is a positive change of zone.

Board has some concerns with this application and agreed to a continuance at the next Board meeting. Applicant expressed a willingness to modify the plans.

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

Vote on the Motion:	Mr. Ubert	aye
	Mr. Hurme	aye
	Mr. Brice	aye
	Ms. Cullen	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nays

Meeting adjourned at 8:00pm

Respectfully submitted:



Catherine Murdock, Clerk/Treasurer