

## Zoning Board of Appeals September 29, 2016

**Members Present:** Tracey Cullen, Chairperson  
Richard Ubert, Vice Chair  
Kirk Hurme, Member  
Todd Brice, Member

**Also Present:** Robert Alweis, Building Inspector  
Dina Shingleton, Clerk/Treasurer

**Absent:** Bill Ordon, Member  
Charles Vinciulla, Alternate Member

Meeting called to order at 7:02pm

Chairperson Cullen welcomed everyone to the September 26, 2016 meeting of the Zoning Board of Appeals, and introduced all the members. Chairperson Cullen 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.

Ms. Cullen stated that as the Board had not met since July, and so as not to delay applicants, the minutes of the July 2016 meeting were previously approved by a polling of the board. Ms. Cullen then proceeded with a status update of applications from the July, 2016 meeting.

Ms. Cullen advised the audience of the status of each of the applications from the July 2016 meeting. The status of these decisions can be found in the minutes of the July 2016 meeting.

Ms. Cullen then asked for a motion to adopt the written decision of denial for Application of Art of Form Architects as agent for Michael Schilling owner. Applicant sought a parking variance, providing no off street parking, pursuant to the proposed conversion of previous business space to a restaurant pursuant to Section 183-129 of the Village Code. Premises located on the south side of Merrick Road approx. 205 feet east of Richmond Ave. in a "Business 2" district k/a 127 Merrick Road a/k/a SCTM # 101-7-7-2.

A motion to deny was made by Mr. Brice and seconded by Mr. Ubert. A copy of the denial will be made available on the Village website.

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| <b>Vote on the motion:</b> | Ms. Cullen | aye |
|                            | Mr. Ubert  | aye |
|                            | Mr. Brice  | aye |
|                            | Mr. Hurme  | aye |

**Motion Carried:** 4 ayes            0 nays

Ms. Cullen stated that the agent of 335 Merrick Road Realty LLC Security Dodge asked for an adjournment, as not all persons speaking on behalf of the application were available to attend the September meeting. The Chair agreed to adjourn the 335 Merrick Road Realty LLC application to the October 20, 2016 meeting .

Ms. Cullen explained to all applicants that because they did not have a full panel of the Zoning Board, if any preferred to be heard at the October 2016 meeting, they could adjourn until that time.

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Application of Lou and Lorraine Crispino. Applicant seeks to exceed the permitted building height pursuant to the proposed elevation of the existing in part one story an in part two story one family dwelling to meet FEMA and NYS Building Code Requirements pursuant to Section 183-46 of the Village code. Premises located on the east side of Norman Ave. approximately 1030 feet south of Richmond Avenue in a "Residential B" district k/a 86 Norman Avenue a/k/a SCTM # 101-13-11-16.5

Lou Crispino, 86 Norman Avenue, spoke on behalf of the application. He explained that the home is being lifted per FEMA requirements, all existing setbacks are remaining the same, the air conditioning unit is already raised five (5) feet, but would elevate it further if necessary, and the home took on water during Hurricane Irene and Superstorm Sandy.

Findings:

1. No one spoke for or against the application.
2. The property has a pre-existing, non-confirming side yard setback. The homeowner is not changing the side yard setbacks.
3. The home had water during both Hurricane Irene and Superstorm Sandy
4. The home requires base flood AE7 elevation.
5. The air conditioner compressor will remain in same location.

Motion was made by Mr. Ubert and seconded by Mr. Brice to approve the application with the following stipulations.

Stipulations:

1. Applicant must secure all necessary permits.
2. Applicant must abide by all state and local codes.
3. Applicant must provide a full set of plans to the Amityville Village building department.

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

Motion Carried: 4 ayes 0 nays

Application of Maurice Baranes. Applicant seeks a Special Exception to convert a one family residence to a Parent-Child residence pursuant to Section 183-9 C (4) of the Village Code. Premises located on the west side of Ocean Avenue approximately 151 feet south of South Ireland Place in a "Residential A" district k/a 127 Ocean Avenue, a/k/a SCTM #101-9-10-13

Ms. Cullen explained to the applicant that Mr. Brice must recuse himself as he lives within 200' of the property; she further explained as a Board member and alternate are absent, and Mr. Brice must recuse himself, the applicant would require votes of approval from all three board members that could hear his application. As such, the applicant was given the opportunity to adjourn his hearing. Mr. Baranes decided to proceed with the hearing.

Maurice Baranes, 127 Ocean Avenue, spoke on behalf of the application. He stated his prior application for a two-family dwelling pursuant to Section 183-9 of the Village Code was an error, and withdrew it. Mr. Baranes explained he and his wife are in their 80s, and it is difficult physically and financially to live at home; approval of the parent-child residence will allow his daughter to move home and care for his wife and him.

**Findings:**

1. No one spoke against the application.
2. One neighbor spoke in favor of the applicant and this application, and stated he keeps his house in excellent condition.
3. The applicant has lived in the home for thirty-six years.
4. The applicant requires his daughter's help physically and financially.
5. There is adequate parking for six to seven cars in the driveway; this many will not be used.

Motion was made by Mr. Ubert and seconded by Mr. Hurme to approve the application with the following stipulations.

**Stipulations:**

- 1 Applicant is approved for a period of three (3) years, or change of ownership, whichever comes first
- 2 Applicant must secure all necessary permits
- 3 Applicant must abide by all state and local codes
- 4 Applicant must provide a floor plan to the Amityville Village Building Department
- 5 Applicant must provide proof of parent/child relationship to the Village
- 6 Applicant must obtain a rental permit and call for inspections according to the Code's requirements.

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

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| Motion Carried: | 3 ayes | 0 nays | 1 recusal |
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Application of Richard Psillos and Roger Lancellotti. Applicant seeks to eliminated the required sidewalk and curbing with area variances to reduce the required lot size and front yard depth pursuant to the

erection of a new two story one family house and detached garage pursuant to Sections 152-14; 183-43 C. (6) of the village Code. Premises located on the east side of Braham Avenue 253 feet south of Shore road in a "Residential B" district k/a 24 Braham Avenue, a/k/a SCTM 101-13-5-7

Richard Psillos and Roger Lancelliotti, 23 Walnut East Avenue, Farmingdale, spoke on behalf of the application. Mr. Psillos explained the property was acquired via Superstorm Sandy auction, and the home that had originally existed on the lot had been demolished. A demo permit had been secured from the Village building department for the demolition. Mr. Psillos explained they do not intend to reside in the home, it is a spec house. The design plan calls for 12 foot side yard setbacks and as 28 foot front yard setback; the proposed side yard setback is an increase from the structure that was there previously. There are no sidewalks existing on the block.

Ms. Cullen asked the applicant if there is bamboo on the property, as applicant seeks relief from section 152-14, the Village Code governing Village proliferation of bamboo. Mr. Psillos explained that section of the code must have been quoted in error as there is no bamboo on the property.

Findings:

1. No one spoke for or against the application.
2. The parcel was acquired by the applicants following Superstorm Sandy.
3. The proposed home is replacing the demolished home that existed on the property that was damaged by Superstorm Sandy.
4. The proposed side yard setbacks are greater than the home that previously stood on the property.
5. Applicant seeks to eliminated the required sidewalk and curbing. No homes on the block have sidewalks. Most homes do have curbs.
6. Code 152-14 (Bamboo Code) was inadvertently cited, there is no bamboo on the property.

Motion was made by Mr. Ubert and seconded by Mr. Brice to approve the application with the following stipulations.

Stipulations:

1. Applicant must secure all necessary permits
2. Applicant must abide by all state and local codes
3. Applicant must submit a full set of plans to the Amityville Village Building Department
4. Applicant must appear before the Planning Board of the Village of Amityville for architectural review.

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

Motion Carried:            4 ayes            0 nays

Application of Karen Mizzi. 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 183-743 C. (6) of the Village Code. Premises located on the south side of Union Avenue

approximately 528 feet east of Broadway in a "Residential B" district k/a 47 Union Avenue, a/k/a SCTM# 101-5-8-4

Mr. Mizzi, 47 Union Avenue, spoke on behalf of the application. He explained he owns the property with his wife. There is adequate parking in the driveway and he currently has a tenant in the accessory apartment that has been there for eight (8) months. The accessory apartment has one bedroom and the main part of the home has two bedrooms.

Ms. Cullen reviewed the inspection of the home that was conducted by Building Inspector Lauria, and explained Mr. Mizzi must comply with the stipulations recommended by Mr. Lauria, specifically: smoke and carbon dioxide detectors must be installed in all bedrooms; the chimney must be sealed; the drier vent pipe must be replaced.

**Findings:**

1. No one spoke for or against the application.
2. The applicant has owned the home for twelve years.
3. There is adequate parking with the driveway and garage
4. The current tenant has been renting with the applicant for eight months
5. The issues that arose from Mr Lauria's inspection have either already been complied with or are in process of compliance.

Motion was made by Mr. Hurme and seconded by Mr. Brice to approve the application with the following stipulations.

**Stipulations:**

1. Applicant is approved for a period of three (3) years, or change of ownership, whichever comes first
2. Applicant must secure all necessary permits
3. Applicant must abide by all state and local codes
4. Applicant must submit a full set of plans to the Amityville Village building department
5. Applicant must appear before the Planning Board of the Village of Amityville for architectural review.

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

Motion Carried:            4 ayes            0 nays

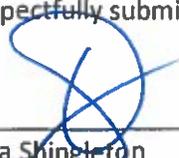
Application of Juan Rosales. Applicant seeks to renew his previously approved special exceptions; the first for a mixed use dwelling with the first floor used for business and a one family dwelling unit on the second floor; the second for the outdoor storage of commercial oil trucks pursuant to Sections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

No one was in attendance to speak on behalf of the application. As the date of the September meeting had changed and possibly the applicant was confused, motion was made to adjourn the application to the October meeting, and the Building Department would reach out to the applicant to advise of the October date. Motion was made by Mr. Ubert and seconded by Mr. Hurme.

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

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| Motion Carried: | 4 ayes | 0 nays |
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Respectfully submitted



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Dina Shingleton  
Clerk/Treasurer