

**Zoning Board of Appeals
Minutes
April 26, 2018**

Members Present: Richard Ubert, Chairperson
Tracey Cullen, Vice Chairperson
Todd Brice, Member
Eric Taylor (Alternate)

Corliss Baskerville, Secretary to Board

Absent: Bryan Donato, Building Inspector
Kirk Hurme, Member
Bill Ordon, Member

Meeting called to order at 7:02 pm.

Chairman Ubert welcomed everyone to the April 26, 2018 meeting of the Zoning Board of Appeals and introduced all the members. Chairman 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.

Chairman Ubert informed the applicants that a full Board was not present due to circumstances beyond their control. Any application would require at least a 3-1 vote to be approved. If they so choose, the applicant could ask for a postponement to be heard until the entire Board was present. Christopher Pearson chose not to be heard. All remaining applicants chose to be heard.

Chairman Ubert asked the Board for a motion to approve the minutes from the March 15, 2018 meeting.

A Motion to Approve the March 15, 2018 minutes was made by Ms. Cullen and was seconded by Mr. Brice. Mr. Taylor did not vote, as he did not attend the entire March hearing.

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

Motion carried: 3 ayes 0 nays

Ms. Cullen explained the Board had an application from two months ago for the appeal of Ms. Jane Schmitt regarding 26 Unqua Place Ms. Cullen expressed a recommendation to approve the application of Jane Schmitt for the following reasons: the plumbing has been abandoned and is

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supported by caselaw, particularly the Spicer case. Additionally, the non-conforming status was terminated when more than 50% of the structure was demolished. She stated she also relied heavily on expert witness testimony put forth by architect, Ray Caliendo. Ms. Schmitt provided an expert witness where the opposition did not bear an expert witness.

A Motion to Approve the application was made by Ms. Cullen and seconded by Mr. Taylor.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	aye
	Mr. Taylor	aye
	Mr. Brice	nay

Motion carried: 3 ayes 1 nay

Application of Richard Budde. Applicant seeks area variances to exceed the required building height and lot coverage; encroach the required front street line set back pursuant to the proposed erection of a detached garage pursuant to §§183-12; 183-15 and 183-134 (A) of the Village Code. Premises located on the south side of Washington Pl. approximately 100ft. east of Grand Central Ave. in a “Residential B” District known as 1 Washington Pl., a/k/a SCTM# 101-12-2-38.

Mr. and Mrs. Budde spoke for this application. The Buddes want to put a garage on their property and are addressing the height, lot coverage and the location of the structure. The Buddes are in a flood zone and want to move the garage further away from the canal as much as allowed.

Angela LaRocco, 264 Grand Central Ave. spoke against the application as it is being proposed expressing concern with loss of sunlight inside her home. Mrs. Budde responded the structure could not be put back to where it was unless it was raised. She presented photos of the existing structure to the Board explaining the proposed new structure would not block any more sunlight than the existing structure. Ms. LaRocco was shown the drawings of the proposed structure and its positioning.

Chairman Ubert stated the Village Code for a detached garage was 18-feet and was lowered to 14-feet before Super Storm Sandy. Due to flood zones, residents are now coming in seeking variances because they must raise their homes.

Findings:

1. Applicant’s property was under 3 feet of water during Super Storm Sandy. The area where the garage was sat under an additional foot of water.
2. Applicant does not have a basement.
3. Moving the house away from the canal removed applicant’s carport.

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4. Applicant is seeking an 18-foot height variance so that he will have a safe location to store his tools and equipment.
5. Proposed structure is replacing an existing garage which is taller than the proposed structure.
6. One neighbor spoke against the application.

A Motion to Approve this application with the following stipulations was made by Ms. Cullen and seconded by Mr. Taylor.

Stipulations:

1. Applicant must conform to proposed setbacks and height presented on the survey and plans submitted.
2. Applicant must adhere to all Village, State and Local codes.
3. Applicant must appear before the Planning Board.

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

Motion carried: 4 ayes 0 nays

Application of Grace Renda. Applicant seeks renewal of a previously approved by Special Exception, owner occupied conversion of a one-family dwelling to a two-family dwelling approved prior to March 10, 2010 with no change in ownership pursuant to § 184-43 C. (6) of the Village code. Premises located on the East side of Central Ave approximately 425 ft. south of Riverside St. in a “Residential B” District known as 84 Central Ave. a/k/a SCTM# 101-11-13-51.

Mr. Lawrence Colby, Jr., spoke for this application. Mr. Colby has lived in the home since 1979. He stated the dwelling is a two-family home and has never had any complaints against the property. Mr. Colby stated he was unaware that the special exception and permit had to be renewed until receiving a letter from the Building Department.

Findings:

1. Applicant has owned and lived in the home since 1979.
2. The dwelling is a two-family, owner-occupied home.
3. The dwelling has six bedrooms.
4. The property is well-maintained.
5. Applicant applied for a rental permit and special exception in 1983.

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6. Applicant was unaware the permit or special exception was renewable.
7. Applicant has sufficient off-street parking for ten vehicles. There are only three vehicles presently.
8. No one spoke for or against this application.

A Motion to Approve this application with the following stipulations was made by Mr. Brice and seconded by Mr. Taylor.

Stipulations:

1. Applicant is granted a special exception for a period of three years.
2. Applicant must file for a rental permit every two years.
3. Applicant is to adhere to all Village, State and Local codes.

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

Motion carried: 4 ayes 0 nays

Application of Christopher McCarthy as agent for Windsor Village Apartment Co. LLC.

Applicant seeks a Special Exception for the proposed conversion of a one-story office building to a two-story, two-family detached dwelling and associated area variances for insufficient side yard and required buffer strip pursuant to §§ 183-82 A (10), 183-51, 183-91 and 183-91.1 of the Village code. Premises located on the North side of Ireland Pl. approximately 130 ft. East of Ketcham Ave. in a "B-2 Business" District known as 49 Ireland Place a/k/a SCTM# 101-5-2-40.3.

Mr. McCarthy spoke for this application. Windsor Village Apartments has been in the Village for over 20 years as a responsible multi-family dwelling. The applicant will be converting the doctor's office into a two-bedroom apartment and adding a second floor, two-bedroom apartment. Applicant is seeking a relaxation of the side and back yards and a special exception for the two-family unit.

Chairman Ubert asked if the existing doctor's office could be rented out as office space. Mr. McCarthy responded that it is an old building needing major renovations. He stated the doctor occupied that space as his office since the 1970's. Mr. McCarthy clarified the terminology of what he referenced as a two-family dwelling with the statement it is really an expansion of an existing use building.

Findings:

1. Applicant has owned the property for 30 years.
2. Property was previously owned by a physician who is now retired.
3. The building is on the same lot as an existing 12-unit apartment building.
4. Applicant is converting the doctor's office to (2) two-bedroom units.

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5. Applicant is proposing 21 parking spaces.
6. Applicant has previously attempted to rent the property.
7. Applicant is staying with existing footprint.
8. No one spoke for or against this application.

A Motion to Approve this application with the following stipulations was made by Ms. Cullen and seconded by Mr. Brice.

Stipulations:

1. Applicant must go before the Planning Board.
2. Applicant must maintain all necessary permits.
3. Applicant must adhere to all Village, State and Local Codes.

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

Motion carried: 4 ayes 0 nays

Application of Art of Form Architects as agent for Associated Property Holdings/John Goarin.

Applicant seeks area variances for insufficient side yards, rear yard, lot coverage, parking and space for off-street loading, pursuant to a 6000 sq. ft. reconstruction/addition to the partially existing one-story masonry building with a 1753 sq. ft. second-story addition on the existing foundation pursuant to §§183-104; 183-105; 183-106; 183-129 and 183-130 of the Village code. Premises located on the East side of Deforest St. approximately 300 ft. South of Dixon Ave. (CR-2) in an "Industrial" District known as 21 Deforest St. a/k/a SCTM# 101-4-2-7.

Raymond Caliendo spoke on behalf of this application. Mr. Goarin has been a business owner of Related Services since 2004. Related Services is a restoration, masonry, roofing, heating, metal, union contracting firm operating since 1984 doing commercial public work on many high-profile buildings (i.e. NY Life, United Nations Development, Empire State Building and Stoney Brook University Hospital).

Chairman Ubert asked how the company would be handling deliveries. Mr. Caliendo responded the side yard area and easement of the north side would accommodate for that. Mr. Caliendo said some of the employee parking could be inside of the building if need be. Ms. Cullen inquired if vendors, clients and the like would be visiting the building to which the applicant responded since they are providing the service they normally go to the client. Ms. Cullen asked how parking inside of the building would occur? The applicant's architect responded the loading trucks are open flatbeds which would be driven into the building. Chairman Ubert suggested the applicant increase the setback to allow for more parking spaces. Further discussion ensued regarding the lot size and parking space availability. The applicant's

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architect presented a drawing to the Board to show how stacked parking could be an option inside of the building.

Robert Romanoff, 9 Deforest St., Mr. Romanoff owns the building next door and expressed concerned over sufficient parking being available for the three businesses in the immediate area. Mr. Romanoff presented a survey of his property to ensure his property would not be considered for the applicant's parking use. Further discussion ensued.

April Polikoff and William LeClose (Acorn Pharmaceuticals) 219 Dixon Ave., spoke against the application. They expressed concern over limited parking in the area as they have several building in and near that area. Mr. Taylor reiterated the proposed parking plan and amendments the applicant had agreed to. Further discussion ensued regarding on-street parking while loading/unloading and the effect it may have on their business. Mr. Caliendo responded all the applicant's loading/unloading would be done off-street with trucks coming in through an alleyway which is a shared alleyway.

Michael Anzalone, 243 Dixon Ave., spoke against the application with the concern of parking and utilization of the street.

Findings:

1. Applicant has been a business owner since 1980 and is looking to bring a successful business to the Village.
2. Applicant is seeking storage to house materials, tools and equipment.
3. The business has eleven employees: eight office workers and three transient drivers.
4. Employees work five days a week and occasionally on Saturdays.
5. There is a lack of adequate parking throughout the area.
6. Applicant agreed to reduce the size of the proposed addition to include parking by a total of nine spaces.
7. Applicant agreed to a rear setback from 16.7 feet to 25 feet even to provide more parking spaces.
8. Three neighbors had concerns of parking and spoke against the application.

A Motion to Approve this application with the following stipulations and amended site plans was made by Mr. Taylor and seconded by Ms. Cullen.

Stipulations:

1. Applicant must maintain a 25-foot rear setback to accommodate parking spaces as per amended site plan.
2. Applicant must secure all required and necessary permits.
3. Applicant must adhere to all state and local codes and ordinances.
4. Applicant must maintain at least three inside parking spaces.

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

Motion carried: 4 ayes 0 nays

Application of Bay Village Construction Corp. Applicant seeks to reduce the required side yard pursuant to the proposed erection of a one-car attached garage pursuant to § 183-51 of the Village Code. Premises located on the North side of Richmond Ave. approximately 235 ft. South of Bourdette Pl. in a "Residential B" District known as 302 Richmond Ave. a/k/a as SCTM# 101-13-18-10.

Jean Garguilo spoke for this application. Ms. Garguilo has purchased the home to renovate, beautify and put a family in the home. She lives two houses down from this property and passes it everyday on her way to work. She would like to make the home beautiful again and add the garage to make it more appealing to a buyer.

Branden Plank, 312 Richmond Ave., spoke in favor of the application. Mr. Plank owns the property adjacent to 302 Richmond Avenue.

Findings:

1. The home purchased as New York Rising home.
2. Applicant is seeking to elevate the home and add a one-car attached garage.
3. There is no abutting garage.
4. One neighbor spoke in favor of the application.

A Motion to Approve this application with the following stipulations was made by Ms. Cullen and seconded by Mr. Taylor.

Stipulations:

1. Applicant must conform to the plans submitted to the Board.
2. Applicant must maintain all Village, State and Local Codes.

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

Motion carried: 4 ayes 0 nays

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Continuance of Salim Abraham as agent for Fanny Diaz, Owner. Applicant seeks area variances pursuant to the proposed sub-division of a currently conforming parcel into two non-conforming parcels pursuant to the proposed erection of two new two-story, one-family dwellings pursuant to §183-44 and §183-136 A. of the Village code. Premises located on the West side of Belmont Ct. approximately 161 ft. south of Oak St. in a “Residential B” district known as 6 Belmont Ct. a/k/a SCTM#101-6-3-73.

Mr. Abraham spoke for this application. Mr. Abraham revised the drawings as suggested by the Board reducing the number of bedrooms from six to four per home. He has also added an attached garage for both proposed two-story, one-family dwellings.

Chairman Ubert inquired if the applicant would be going before the Planning Board and the Suffolk County Planning Commission. Ms. Cullen established a letter was received by the Suffolk County Planning Commission stating the sub-division was approved. Mr. Taylor questioned if there was a finished cellar. Mr. Abraham confirmed that and stated it is within the side yard setbacks. Chairman Ubert suggested Mr. Abraham eliminate outside entry to the cellar also stating it would increase the side yard.

Patrick Cohill, 7 Belmont Ct., spoke against the application. Mr. Cohill is vehemently opposed to two houses on the one lot. He believes that if the Village keeps allowing the doubling of houses on a lot that the Village will soon look like Queens. He also pointed out that this type of application was presented to the Board previously and was denied. He does not agree that two non-conforming lots should be allowed just for an investor to make money. He expressed concern of these owners eventually renting out rooms. Chairman Ubert stated with the right plans and stipulations, he believes the sub-division is practical.

Findings:

1. Applicant is dividing the lot to (2) non-conforming lots.
2. Applicant is conforming the frontages with a non-conforming back.
3. The investors have seven other properties.
4. Application is going before the Planning Board for architectural review.
5. The current dwelling is dilapidated and boarded up and has been in that state for seven years.
6. The dwelling was classified as a zombie home by the Village two years ago.

A Motion to Approve this application with the following stipulations was made by Mr. Ubert and seconded by Ms. Cullen.

Stipulations:

1. There is to be no outside entrance to the cellar.
2. There are to be no more than four bedrooms at a maximum.
3. Dwelling footprint is to be reduced to 30 feet deep and 40 feet wide.

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4. Applicant must go before the Planning Board for architectural review.
5. Applicant must maintain all necessary permits.
6. Applicant can have a finished basement with no outside entrance.
7. Applicant must maintain all Village, State and Local Codes.

A Motion to close the public meeting and go into Executive Session was made by Mr. Ubert and seconded by Ms. Cullen.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	aye
	Mr. Taylor	aye
	Mr. Brice	nay

Motion carried: 4 ayes 1 nay

A motion to close the Executive Session and adjourn the meeting was made by Mr. Ubert seconded by Ms. Cullen.

Meeting adjourned at 9:25 pm

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer