

**Zoning Board of Appeals
Minutes
August 16, 2018**

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

Other Attendees: Bryan Donato, Building Inspector
Corliss Baskerville, Secretary to the Board

Meeting called to order at 7:02 pm.

Chairman Ubert welcomed everyone to the August 16, 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 asked the Board for a motion to approve the minutes from the June 21, 2018 meeting.

A Motion to Approve the June 21, 2018 minutes was made by Mr. Brice and was seconded by Mr. Hurme.

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

Motion carried: 5 ayes 0 nays

Application of Joseph A. Lauri, Esq. as Agent for 3 Unqua Pl. Applicant seeks special exceptions to exceed the maximum allowable height for a fence in a residential district and to exceed the maximum height for a fence in a yard abutting a waterway. Pursuant to Section 183-139 of the Village Code. Premises located on the Southwest Corner of the intersection of Unqua Pl. and Richmond Ave. in a "Residential B" District known as 3 Unqua Pl. a/k/a SCTM#101-13-14-10. Mr. Lauri spoke on behalf of this application.

**Zoning Board of Appeals
Minutes
August 16, 2018**

Findings:

1. Applicant's client is interested in erecting a six-foot, PVC style fence for privacy, with intentions of putting a pool in at some point.
2. Applicant's client is an LLC. The client is an LLC for tax purposes; owner of the LLC intends to live in the home; this is not a flip.
3. The proposed six-foot fence would sit on top of a two-foot retaining wall, surrounding the perimeter of the property line.
4. The client intends to put the fence 1-2 foot towards property from the knee wall.
5. Applicant provided images of homes in the area he feels have fences exceeding the Village Code.
6. The client is looking for privacy, so he can have use of the side yard.
7. Applicant is aware of a dispute from a neighbor regarding the survey; he alleges the property line matches the deed and matches a 1955 survey.

Joan Donnison, (Bay Village Civic Association), spoke against the application. Ms. Donnison has an issue with white PVC fences on corner lots in particular. She thinks it can cause a reflection at night and be a distraction for drivers. She asked if applicant/client could consider tinted PVC.

Michelle D'Andrea, 350 Richmond Ave. spoke against the application. Ms. D'Andrea lives directly across the street and thinks the proposal is unsightly. She is worried about visibility as it relates to kids riding their bikes to the Unqua Yacht Club. She's also in a property line dispute with the owners. She owns the land behind the applicant's home. Her surveyor has contacted applicant's surveyor numerous times over the past several months. He has never called back despite leaving messages, etc. She had her property line staked out and witnessed Joseph Lauri and another person dig up her monuments marking the property line.

MOTION to Deny this application as presented was made by Chairman Ubert seconded by Ms. Cullen.

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

Motion carried: 0 ayes 5 nays

**Zoning Board of Appeals
Minutes
August 16, 2018**

Application of Peter & Eileen Krupka. Applicant seeks Special Exception for the renewal of a non-owner-occupied two-family dwelling pursuant to Section 183-43 C. (6) of the Village Code. Premises located on the northwest corner of the intersection of Oak St., and Wellington Pl. in a "Residential B" District known as 60 Oak St., a/k/a SCTM# 101-4-3-38. Mr. & Mrs. Krupka spoke on behalf of this application.

Findings:

1. Applicants bought home in June 2018. The prior owners have had this property as a two-family since 1993 or 1994. It was used as a two-family before that. Applicants provided a Certificate of Occupancy from 1978.
2. Each floor has a one-bedroom apartment, one bathroom, kitchen and living room. There is separate heating and gas meters.
3. There is sufficient off-street parking with a two-car garage plus four parking spots.
4. They have another rental property (in Freeport) and have never had any issues with that property.
5. Applicants have met with a realtor, Rosie Bozza, to have her screen applicants to make sure they are appropriate. This will not be a Section 8 property.
6. Applicants have hired a landscaper and have sprinklers on a timer. They will maintain weekly lawn service.
7. Applicants have made repairs, installed smoke detectors and CO2 detectors, etc.

Janet Colletti, 52 Wellington Pl., is opposed to the application. Ms. Coletti is not favorable to this not being owner-occupied and she feels non-owner-occupied homes aren't kept up as well. She would like it to be converted to a single-family home and feels this will be taking away from her property value.

MOTION to reserve decision was made by Mr. Hurme seconded by Ms. Cullen.

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

Motion carried: 2 ayes 3 nays

**Zoning Board of Appeals
Minutes
August 16, 2018**

MOTION to Approve for one year with the following stipulations was made by Chairman Ubert seconded by Mr. Brice.

Stipulations:

1. Applicants are approved for one year.
2. Applicants must obtain a rental permit.
3. Code Enforcement Officer must inspect the premises on a yearly basis; the applicant is responsible to contact the Building Inspector to arrange for an inspection at the anniversary date of this approval
4. Applicants responsible for maintenance of building, landscaping, lawn care.
5. Applicants must insure timely and appropriate disposal of all rubbish, trash and garbage.
6. Applicants must abide by all applicable Village, State and Local Codes.

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

Motion carried: 3 ayes 2 nays

Application of Robert Glaser Jr. Applicant seeks Special Exception for the renewal of a non-owner-occupied two-family dwelling. Pursuant to Section 183-43 C. (6) of the Village Code. Premises located: on the East side of Berger Ave. approximately 380 foot South of Shore Rd in a "Residential B" District known as 51 Berger Ave a/k/a SCTM#101-13-3-10.1. Mr. Glaser spoke on behalf of this application.

Findings:

1. Applicant's "Certificate of Occupany" states the house was renovated in 1987. Applicant says it has been a two-family the entire time, however, on February 16, 2012 it was approved as an owner-occupied, two-family for one year or until change of ownership whichever happened first.
2. There are two units – both units have two floors. Unit one has five bedrooms and three bathrooms. Unit two has three bedrooms and three bathrooms. The property is approximately 130 x 110 foot
3. The kitchenette has been removed.

**Zoning Board of Appeals
Minutes
August 16, 2018**

4. There are currently four women living on the property; one unit has a doctor, and the other unit has a schoolteacher and two women that work for Zwanger-Pesiri. Earlier this year the applicant had another family there. That family had to leave when he lost his previous Zoning Board of Appeals hearing earlier this year.
5. Applicant has no intention of occupying the home.

Thomas Vanderberg, 55 Braham Ave., spoke against the application. Mr. Vanderberg's backyard faces this backyard. He bought his home in 1987. His family calls this house, "The Hotel." There have been multiple violations for many years. He is tired of this multi-generational flouting of the law and feels the Village needs to enforce the law. Mr. Vanderberg would like to see the home made to a single-family home. A gentleman lives on the north side of the home that has been there for years. He stated sometimes it looks like two families live there and sometimes it looks like three.

Kathy Mangieri, 61 Braham Ave., spoke against the application. She stated there is a man named John that lives on the north end of the home who has been there for many years; then a few girls living there; then a family with two children. Ms. Mangieri commented some of the upstairs windows are boarded up. If there are three families in there, it's inappropriate.

Patricia Calcano, 11 Berger Ave., spoke against the application. Ms. Calcano lives across the street. She commented that three families live there. John has lived there for six years. There are many cars which add a lot more traffic to the block. She stated there is a considerable amount of trash put out, and boxes and debris blow on this windy street. She finds it hurtful as a taxpayer who lives on this block to see constant violations without enforcement. Ms. Calcano is concerned about the constant turnover of transients.

Chris Drutjons, 22 Berger Ave., spoke against the application. In 2012, the Board approved an owner-occupied home. He was on the Board at the time. The floorplan showed 26 rooms at the time. He believes the approval was for only six months. It was never renewed, and applicant never came back before the Board. He believes the home is illegal since the approval is expired. Mr. Drutjons also submitted a letter from Virgil Franco read into record. He read that Mr. Franco feels the house is being rented as a two-family house in violation of Village Codes. Mr. Franco is strongly opposed to the application.

Bruce Reich, 51 Braham Ave., spoke against the application. His house is across the canal, facing this property. He spends a lot of time in his yard, and there are definitely three families on the property.

Ben Caroccio, 46 Berger Ave., spoke against the application. He lives next door to the home. He does not believe this was ever a legitimate two-family, non-owner-occupied home. It's a tenement house in his neighborhood.

**Zoning Board of Appeals
Minutes
August 16, 2018**

A Motion to reserve decision was made by Mr. Hurme seconded by Chairman Ubert.

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

Motion carried: 3 ayes 2 nays

Application of William Deak as agent for Peter Wolf. Applicant seeks area variances to exceed the maximum height, decrease the minimum side yards and decrease the required total lot area associated with the proposed erection of a new elevated two-story, single-family dwelling pursuant to: Sections 183-46, 183-51 and 183-44 of the Village Code. Premises located: on the North side of Norman Ave. approximately 1065 foot West of Richmond Ave. in a “Residential B” District known as 85 Norman Ave. a/k/a SCTM#101-13-10-15. Mr. Deak spoke on behalf of this application.

Findings:

1. The house had a fire after Super Storm Sandy. Client intends to demolish the boat house and build a new single-family home on the property.
2. The property is currently a non-conforming boathouse damaged after Super Storm Sandy.
3. The new building will be 30 feet from the street. It is proposed as a 32.4 foot - tall structure and existing side yard would be changed as per plans submitted. The property is approximately 2200 sq. feet
4. Applicant agreed to lower the height to 28 feet
5. The bulkhead is in great shape and will be retained.

Pat Weber, 81 Norman Ave., spoke in favor of the new construction. Mr. Weber is the next-door neighbor to the north. Although he is in favor, he wants the structure to be appropriate in size for the lot. He is concerned about the rodent problem in existing structure. Mr. Weber is in favor of expedited demolition of the boathouse.

Peter Himmelman, 89 Norman Ave., stated, you can't fit a “million-dollar home” on a 40-foot wide lot. He thinks the size of the home should be shrunken with the elimination of one bedroom (from 4 to 3). He requested that the Village allow the existing structure to be

**Zoning Board of Appeals
Minutes
August 16, 2018**

demolished promptly. Mr. Himmelman also expressed a concern of fire easily spreading to adjacent homes with the building being built as proposed.

Mr. Donato responded to Mr. Himmelman's concern about fire. He stated with the building height as proposed, it would require a sprinkler system. However, if they reduce the height, it will not require a sprinkler system.

Salvatore Pusateri, 90 LeBrun Ave. - is concerned about a fire hazard and would like the demo to happen now. He is also in agreement with the height and side yard amendments. Mr. Pusateri expressed concern over the maintenance of the lawn.

Discussion ensued amongst the Board and Mr. Donato on the best steps to take on demolition and building on the property. There was also discussion on the rodent problem on the property.

A Motion to Approve the lot size, area variance, individual and combined side yard set back variance and Deny the height variance as per the plans was made by Mr. Hurme seconded by Ms. Cullen.

Stipulations:

1. Ridge height must be reduced to 28 feet
2. Applicants must conform to all State and Village building codes.
3. Applicants must go to the Planning Board.
4. Applicants must demolish the boathouse before obtaining a building permit.

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

Motion carried: 5 ayes 0 nays

A Motion to Adjourn the meeting was made by Mr. Ordon seconded by Mr. Hurme.

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

**Zoning Board of Appeals
Minutes
August 16, 2018**

Mr. Hurme aye

Motion carried: 5 ayes 0 nays

Meeting adjourned 8:47pm.

Respectfully submitted:



Catherine Murdock, Clerk/Treasurer