

**Zoning Board of Appeals
Minutes
December 14, 2017**

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

Bryan Donato, Building Inspector
Corliss Baskerville, Secretary to Board

Meeting called to order at 7:04 pm.

Mr. Ubert presented to the Board that the minutes from the November 16, 2017 meeting, should be amended to remove the decision of Tetyana Sydoryak, 123 Union Ave. This application will be tabled or held over.

A call for a motion to amend the minutes and remove the decision made on the Sydoryak application from approval to hold over was made by Chairperson Ubert.

A Motion was made by Mr. Brice was seconded by Mr. Taylor. Ms. Cullen and Mr. Ordon abstained as both were absent from the November meeting.

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

Motion carried: 3 ayes 1 nay 2 abstained

Chairperson Ubert presented to the Board his appointment of Ms. Cullen as the Vice-Chairperson to the Board of Appeals.

A motion to approve was made by Mr. Ordon and seconded by Mr. Brice.

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

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Motion carried: 4 ayes 1 abstained

A Motion was made to approve the minutes of the November 16, 2017 meeting was made by Mr. Taylor and seconded by Mr. Brice. Mr. Ordon and Ms. Cullen abstained from voting as they were both absent from the November meeting.

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

Motion carried: 3 ayes 1 nay 2 abstained

Chairperson Ubert welcomed everyone to the December 14th, 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.

Application of Jane Schmitt. Applicant seeks per NYS Village Law §7-712-b (1) appeal of Building Inspector's approval to issue a building permit, including plumbing for an accessory cabana and failure to require the Planning Board architectural review pursuant to §183-40; 183-121 (B) and §24-6 (a) and 6-30 of the Village Code. Premises located on the east side of Unqua Place approximately 240ft. south of S/E corner of Richmond/Ocean Avenues in a "Residential BB" District known as 26 Unqua Place a/k/a SCTM# 101-13-15-14.

Applicant's attorney, Mr. Handler, spoke on behalf of this application and stated that his client had agreed to an adjournment via a telephone call from the attorney (Mr. Morra) for the resident who owned the home that was the subject of the application. Due to the agreement of adjournment, Mr. Handler requested from the Board that the application be held over to January. Mr. Handler also noted that he was the former Village Attorney when the application in question was brought before the Board but he had no input professionally or otherwise regarding the decision of that application. Ms. Cullen spoke to the fact of her being Chairperson of the Board at that time and stated that she never had any communications with Mr. Handler regarding the property.

Application of Marianne Hauswirth as agent for Joseph Hauswirth. Applicant seeks renewal of a previously approved use variance to convert a one-family dwelling to a multiple (three-family) dwelling pursuant to §183-82 of the Village Code. Premises located on the south side of Green Avenue approximately 352ft. east of Ketcham Avenue in a "Business 2" District known as 36 Greene Avenue a/k/a SCTM# 101-5-2-42.

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Mr. Hauswirth spoke on behalf of this application. He is seeking to make this dwelling a permanent three-family home. Applicant purchased home in the early 2000's. There is a studio apartment upstairs and a two-bedroom apartment on the second floor. The third floor consists only of an attic. None of the units are occupied by family members. The first floor is a one-bedroom apartment.

Findings:

1. Applicant states dwelling has been a three-family home by Certificate of Occupancy ("CO")
2. Home has been in the family for 75-80 years
3. Applicant remembers home being a three-family dwelling all his 59yrs of life back to when his grandparents owned the home
4. Applicant intends to renovate downstairs and move into the downstairs apartment for the remainder of his life
5. Dwelling has adequate off-street parking
6. No one spoke for or against this application

Motion to Table and discuss this application at the next ZBA meeting 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 nay

Application of Karen Kuncman as agent for Amlind LLC. Applicant seeks a use variance pursuant to a conversion of a one-family dwelling to a two-family dwelling pursuant to §183-43 of the Village Code. Premises located on the south side of Oak Street approximately 1062ft west of Bayview Avenue in a "Residential B" district known as 75 Oak Street a/k/a SCTM# 101-5-3-12. Ms. Cullen abstained from hearing this applicant as the application and supporting documents were provided to the Board two days before the Hearing and she did not have the opportunity to observe the premises during daylight hours. Ms. Cullen was aware that Mr. Taylor had visited the property and therefore abstained so that Mr. Taylor could hear the application.

An attorney for Ms. Kuncman spoke on behalf of this application. Applicant is seeking a use variance. There is currently a tenant that has been living in the dwelling for over twenty years.

Findings:

1. Applicant has not yet purchased the home; he is contract vendee
2. Applicant is currently a tenant and plans to purchase home from current owner
3. Applicant did not present evidence of financial hardship
4. Dwelling has sufficient off-street parking

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5. No one spoke for or against this application

Motion to Deny was made by Mr. Ordon and seconded by Mr. Hurme.

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

Motion carried: 5 ayes 0 nays

Application of Shelly Vrazel. Applicant seeks to renew a previously approved by special exception conversion of a one-family dwelling to a parent-child residence pursuant to §183-43 C. (4) of the Village Code. Premises located on the north side of Bayside Place approximately 110ft. east of South Bayview Avenue in a "Residential B" District known as 11 Bayside Place, a/k/a SCTM# 101-12-6-28.

Ms. Vrazel spoke on behalf of this application. Mother and son are living at this dwelling. The son is 26 years of age. Applicants grandmother lived there. Dwelling is believed to have become a legalized parent/child dwelling in 2014.

Findings:

1. Renewal of a special exception
2. This is a parent/child dwelling with separate entranceways
3. Has adequate parking off-street
4. No one spoke for or against this application

Motion to Approve with stipulations was made by Ms. Cullen 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

Stipulations:

1. Applicant must submit documented proof of mother/son relationship to the building inspector within 30 days
2. Applicant must secure and maintain all required and necessary permits
3. Applicant must adhere to all Village, State and local ordinances are met

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Application of Robert Arigo. Applicant seeks to encroach the required side yard and aggregate pursuant to the proposed erection of a first-floor rear deck to the existing two-story one-family dwelling pursuant to §183-17 of the Village Code. Premises located on the east side of Ocean Avenue approximately 50ft. north of Bayside Avenue in a "Residential A" District known as 216 Ocean Avenue a/k/a SCTM# 101-11-12-7. Ms. Cullen abstained from hearing this applicant as the application and supporting documents were provided to the Board two days before the Hearing and she did not have the opportunity to observe the premises during daylight hours. Ms. Cullen was aware that Mr. Taylor had visited the property and therefore abstained so that Mr. Taylor could hear the application.

Mr. Arigo spoke on behalf of this application. Footprint of house is remaining the same. Mr. Arigo is dealing with a neighbor with intentions to sell the home and is having issue with the deck due to the deck being existing non-conforming.

Findings:

1. Applicant purchased home in July of 2016
2. Deck is newly built, but the footprint has remained the same since 1985. The deck is now higher than it had been due to the Super Storm Sandy project.
3. Dwelling is post-Sandy repaired
4. Applicant has followed all other permit procedures and paperwork properly
5. Deck does not encroach further than primary residence

Mr. Allen Johnson spoke against this application. He is the executor of his mother's/neighbor's estate along with his brothers and sisters. They are opposed to the deck as they feel it is too close to their mother's house and claimed that it is on the property line. He stated he does not believe there was ever a variance for the deck.

Motion to Approve with stipulations was made by Mr. Hurme and seconded by Mr. Brice.

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

Motion carried: 5 ayes 0 nays

Stipulations:

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

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Application of John and Margaret Leeson. Applicant seeks renewal of a previously approved special exception owner-occupied two-family dwelling approved prior to March 3, 2010 with no change of ownership pursuant to §183-43 c (6) of the Village Code. Premises located on the north side of New Pointe Place approximately 400 ft. east of South Bayview Avenue in an "Residential B" District known as 61 New Pointe Place a/k/a SCTM# 101-12-6-55.

Margret Leeson spoke on behalf of this application. Applicants expanded the dwelling adding a 2-bedroom apartment with a private entrance to accommodate her mother.

Findings:

1. Owners have been living in house since 1978
2. Renewal of owner-occupied two-family dwelling
3. Dwelling converted to two-family house in 1985
4. Has one female tenant in the home currently 63yrs old with 1 vehicle
5. There are no alterations to existing rental
6. Five other "CO" two-family houses on the block
7. There is adequate off-street parking for 4 vehicles
8. Dwelling is a fixed-income rental. Rental income offsets expenses
9. No one spoke for or against this application

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

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

Motion carried: 5 ayes 0 nays

Stipulations:

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

Application of Patricia Hegarty of the Hegarty Group as agent for Brian Scott.

Applicant seeks a special exception to convert the existing two-family dwelling to a mixed-use dwelling with the proposed first floor office use and the second floor a dwelling unit pursuant to §183-82 A. (10) (a) of the Village Code. Premises located on the north side of Greene Avenue approximately 143ft. east of John Street in a "Business 2" District known as 35 Greene Avenue a/k/a SCTM# 101-5-2-4.

Neither Agent or Applicant were present at the meeting.

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Motion to Hold over this application to the January Board of Appeals meeting was made by Ms. Cullen 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

There being no further business to come before the Board of Appeals;

A motion to adjourn the meeting was made by Ms. Cullen 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 8:35 pm

Respectfully submitted:



Catherine Murdock, Clerk/Treasurer

