

**Zoning Board of Appeals
Minutes
January 18, 2018**

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 7:00 pm.

Chairperson Ubert welcomed everyone to the January 18, 2018 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.

Chairperson Ubert asked the Board for a motion to approve the minutes from the December 14, 2017 meeting.

A Motion to Approve the December 14, 2017 minutes 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 nay

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.

Patricia Hegarty spoke on behalf of this application. Ms. Hegarty stated she was aware the dwelling was a pre-existing, non-owner occupied, two-family property. She said the

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property is in a mixed-use Business area and there are other pre-existing mixed-use properties in the area.

Findings:

1. The upstairs of the dwelling is a rental unit with two occupants.
2. The downstairs of the dwelling is used as office space for applicant's Real Estate business.
3. Applicant is renting the space for her business which generally has only one employee.
4. There is adequate off-street parking.
5. No one spoke for or against the application.

Stipulations:

1. Applicant must adhere to all applicable Village, State and Local codes.
2. Applicant is to secure and maintain all necessary permits.

A Motion to Approve this application was made by Mr. Ordon 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 Robert Glaser Jr. Applicant seeks a Use Variance pursuant to the proposed conversion of a one-family dwelling to a two-family dwelling pursuant to §183-43 of the Village code. Premises located on the east side of Berger Ave. approximately 380 ft. south of Shore Road in a "Residential B" district known as 51 Berger Avenue a/k/a SCTM# 101-13-3-10.1.

Mr. Glaser's application was not heard as the applicant was not able to appear for tonight's meeting.

Application of Susan Mielke. Applicant seeks a Special Exception pursuant to the erection of a six-foot fence pursuant to §183-139 of the Village code. Premises located on the south side of Towne St. approximately 140 ft. east of Bryan Avenue in a "Residential BB" district known as 75 Towne St a/k/a SCTM# 101-8-3-15.

Ms. Mielke spoke on behalf of this application.

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Findings:

1. Adjacent neighbors to applicant have a 6ft. fence.
2. Applicant owns a 60lb dog.
3. Applicant concerned about personal safety and potential trespassers.
4. Applicant's home adjacent to wooded area.
5. Applicant will be putting in an outdoor hot tub.
6. No one spoke for or against the application.

Stipulations:

1. The top of the 6ft fence must be see-through with lattice or the like with the good side facing out in front.
2. Applicant must adhere to all Village, State and Local codes.
3. Applicant is to secure and maintain all necessary permits.

A Motion to Approve this application 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	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nay

Application of Margaret Moellendorf. Applicant seeks to maintain an existing six-foot high wood fence pursuant to §183-139 of the Village code. Premises located on the west side of Wood Ave approximately 600 ft. north of Merrick Rd (RT27A) in a "Residential A" district known as 40 Wood Ave a/k/a SCTM# 101-8-2-12.

This application was held over to next month's meeting at the Applicant's request.

Application of Matthew Demar II. Applicant seeks a Special Exception to reduce the required amount of parking spaces; reduce the required lot size; area variances pursuant to reducing the required side yards and rear yards; to waive the sky plane requirements, all pursuant to the erection of one new one-family dwelling; one new two-family dwelling; the conversion of two existing two-family dwellings to four-family dwellings and the conversion of one two-family dwelling to a three-family dwelling pursuant to §183-61; 183-129; 183-59; 183-63 C. and 24-29E. of the Village code. Premises located on the west side of Bayview Ave approximately 358 ft. north of the L.I.R.R in a "Residential C" district known as 358 Bayview Ave a/k/a SCTM#'s 101-4-1-21.1; 101-4-1-22.1; 101-4-1-23.1 and 101-4-1-24.1.

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Vincent DeMarco Jr. spoke on behalf of this application. Mr. DeMarco stated the application was before the Board previously and has gone through significant changes to the plans after the Board's recommendations. The applicant has eliminated an entire building since the first application that came before the Board which freed up space and reduced the number of required parking spaces.

Joan Donnison, BVCA spoke in favor of the application. She said it would be an improvement to the area but expressed concern over the dumpsters.

Findings:

1. Applicant has owned the properties for 17 years
2. Applicant currently has 13 existing apartments and is adding 8 new apartments.
3. All new apartments are one-bedroom units.
4. Applicant is requesting relief for three parking spots.
5. 42 parking spaces are required, and applicant has provided 39 parking spaces.
6. Applicant revised previous proposal to reduce the number of apartments from last hearing.
7. The Board of Trustees rezoned the property from industrial to residential.
8. Applicant agreed to merge all properties into one lot with common ownership.
9. Applicant submitted letter from the Fire Marshall stating he is compliant to the Fire Code.
10. No one spoke for or against this application.

Stipulations:

1. Applicant must merge all properties into one lot with common ownership.
2. Applicant must go to the Planning Board and all necessary State and County agencies.
3. Applicant must provide site plan with detailed area where dumpster and stairways are located.
4. Applicant must adhere to all Village, State and Local codes.
5. Applicant must maintain rental permits every two years.
6. All new units are limited to containing one bedroom.

A Motion to Approve this application 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	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nay

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The Board discussed holding a public work session before the next Zoning Board meeting.

A Motion to hold a public Work Session before the meeting to discuss and vote on complex applications was made by Mr. Hurme and seconded by Mr. Ordon.

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

Motion carried: 3 ayes 1 nay 1 abstain

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