

**Zoning Board of Appeals
Minutes
July 20, 2017**

Members Present: Richard Ubert, Vice Chairperson
Kirk Hurme, Member
Todd Brice, Member
Katie DeGraff, Administrative Assistant

Absent: Tracey Cullen, Chairperson
Chuck Vinciulla (Alternate)
Bill Ordon, Member
Bryan Donato, Building Inspector

Meeting called to order at 7:00 pm

Mr. Ubert welcomed everyone to the June 15, 2017 meeting of the Zoning Board of Appeals, and introduced all of the members. Mr. Ubert stated that applicants are hereby notified that any and 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.

Mr. Ubert informed the applicants that the full Board was not present this evening and that it would require a 3 out of 3 vote to approve any application. If they so choose, the applicant could ask for a postponement to be heard until the entire board was present. None of the applicants choose to do so at the meeting.

Mr. Ubert asked the Board for a motion to approve the minutes from the **June 15, 2017** meeting. A motion was made by Mr. Brice and seconded by Mr. Hurme.

Vote on the motion:	Mr. Ubert	aye
	Mr. Hurme	aye
	Mr. Brice	aye
		3 -0

Application of Peter and Kathleen Roy. Applicant seeks area variances to exceed the required lot coverage; reduce the side yard aggregate and encroach the sky plane parameters pursuant to the proposed elevation and addition of a garage under and rear deck to F.E.M.A and NYS Building code requirements pursuant to sections 183-15; 183-17; and 4-7 C. (5) of the Village code. Premises located on the south side of Purdy Lane approximately 1041 feet east of South Bayview Avenue in a "Residential A" district known as **88 Purdy Lane a/k/a SCTM#101-12-6-14**

James Prisco spoke on behalf of this application. Mr. Prisco submitted pictures of how bad their home floods on a regular basis, a color rendering of the proposed work, and a drawing of how the home intersects the sky plane to the board members. Mr. Ubert entered the items into the record as exhibits a-g. Mr. Prisco explained that they are in an AE7 flood zone, they will be installing a residential fire sprinkler system, and that they are going to move the driveway and garage to the west side elevation.

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Findings:

1. Applicants have lived in the home since 1976.
2. Home had damage from Hurricane Irene and Super Storm Sandy.
3. Garage and driveway are going to be moved to to the west side elevation.
4. Setbacks are going to remain as existing.
5. Home is going to be 30ft in total height with elevation.
6. Applicant is elevating home to this height to install an elevator for handicapped access.
7. No one spoke for or against this application.

Stipulations:

1. Planning Board approval is required.
2. Applicant will abide by all applicable Village, State and Local Codes.
3. Applicant is to secure all necessary permits.
4. Applicant is to schedule all required inspections by the Building Inspector.

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
		3 -0

Application of Fred Bruno. Applicant seeks a special exception to erect a six-foot fence pursuant to section 183-139 of the Village code. Premises located on the east side of Rochelle Court approximately 150 feet south of Riverside Street in a “Residential B” district known as **10 Rochelle Court a/k/a SCTM#101-11-13-14**

Fred Bruno spoke on behalf of this application explaining that he is replacing the existing fence that is currently falling down. He is asking for a six-foot fence for privacy for both him as well as his neighbors and protection for them and their dogs because the fence is falling down and it isn't safe. Mr. Bruno explained that he is extending the fence down the south side of the property where there is no existing fence to cover the AC Units and make it look nicer. Mr. Bruno explained that he purchased the fence in March and it will be a wood grain looking PVC material fence. Mr. Hurme stated that the board has stipulated in the past that applicants install a five-foot solid fence with the top foot portion of the fence in a non-solid material at the returns of the fence for safety reasons. Mr. Bruno explained that that was not going to be a problem at all, he will install that at the returns and on the gates.

Findings:

1. There is an existing 6ft. fence that will be taken down.
2. Applicant has safety concerns due to the face the fence is falling down.
3. Applicant is installing fence for privacy.
4. There are other similar 6ft fences in many neighboring yards.

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Stipulations:

1. Applicant must secure a fence permit from the Building Department
2. Fence must be securely anchored with the good side facing out (neighbor's property).
3. Applicant will not be allowed to place barbed wire on top of the fence.
4. Applicant cannot place razor ribbon on the top of the fence.
5. Applicant must maintain the fence.
6. Applicant will abide by all applicable Village, State and Local Codes.
7. Applicant is to secure all necessary permits.
8. Applicant is to schedule all required inspections by the Building Inspector.

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
		3 -0

Application of James Coppack. Applicant seeks a special exception and area variances associated with a proposed expansion to the size, height, and location of the existing detached one story garage pursuant to sections 183-48 and 183-55 of the Village Code. Premises located on the south side of Union Avenue approximately 639 feet west of Bayview Avenue in a "Residential B" district known as **119 Union Avenue** also known as SCTM# 101-6-1-27

James Coppack spoke on behalf of this application. Mr. Coppack submitted photos showing similar garages in the surrounding properties of his home. Mr. Coppack explained that this is an existing single story garage that they are increasing the height of. Mr. Coppack explained that there is limited visibility of the garage from the street, many neighbors have structures similar to the proposed project, and they are using a colonial architectural design to match the existing house. Mr. Ubert and Mr. Hurme asked what the upstairs loft will be used for, Mr. Coppack answered that it will be used just for storage. Mr. Hurme stressed that there is to be no plumbing in the upstairs and no habitable space, Mr. Coppack stated that the ground floor is going to be used for pool storage and they are increasing the square footage to pull their cars into, have a small workshop, and storage.

Findings:

1. There are similar structures in height and size in the neighborhood.
2. Upstairs of the garage is going to be used as storage.
3. Applicant is increasing the square footage to 8,742 sq ft.
4. Applicant submitted pictures showing similar structures in the surrounding area.

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Stipulations:

1. There is to be no plumbing in the building.
2. There is to be no habitable space in the building.
3. Applicant will abide by all applicable Village, State and Local Codes.
4. Applicant is to secure all necessary permits.
5. Applicant is to schedule all required inspections by the Building Inspector.

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

Vote on the motion:	Mr. Ubert	aye
	Mr. Hurme	aye
	Mr. Brice	aye
		3 -0

Application of Tyrone Garcia as agent for Mario Sonzone, Amity Center LLC. Applicant seeks a variance for insufficient parking in rear yard. Required 18 spaces, provided are 6 spaces pursuant to Section 183-129 of the Village of Amityville Code. Premises located on the north side of Merrick Rd 105.16 feet west of Broadway known as **134 Merrick Road** in a "B-2 Business" District, a/k/a SCTM# 101-7-4-16

Anthony Arcie spoke on behalf of this application explaining the use of the business, the operating hours, and that the total occupancy allotted of 72 people would never be reached for this kind of business so parking would not be an issue.

Findings:

1. Property is being used as a Jiu Jitsu school.
2. Average class size is 20-30 people.
3. There is 1 instructor per 4 patrons.
4. Classes run for one (1) hour each.
5. Applicant has 6 parking spaces including 1 handicapped space.
6. Operating hours are Monday-Friday from 5:00pm-8:00pm, Saturday-Sunday from 10:30am-12:30am, and Monday, Wednesday, and Friday from 6:00am-7:00am then 11:00am-12:00pm.
7. There is a municipal lot access directly behind this business.
8. There is a 2nd municipal lot across the street from this business.

Stipulations:

1. Applicant will abide by all applicable Village, State and Local Codes.
2. Applicant is to secure all necessary permits.

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
		3 -0

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Mr. Ubert explained that **Horace Hill** the applicant for **22 Locust drive**'s application will be postponed till the September 21st, 2017 Zoning Board of Appeals meeting.

A motion to adjourn the meeting was made by Mr. Brice and seconded by Mr. Hurme

Vote on the motion:	Mr. Ubert	aye
	Mr. Hurme	aye
	Mr. Brice	aye
		3 -0

Meeting adjourned at 8:00pm



Catherine Murdock, Clerk/Treasurer