

**Zoning Board of Appeals
Minutes
June 15, 2017**

Members Present: Tracey Cullen, Chairperson
Richard Ubert, Vice Chairperson
Bill Ordon, Member
Kirk Hurme, Member
Todd Brice, Member
Chuck Vinciulla (Alternate)
Katie DeGraff, Administrative Assistant

Absent: Robert Alweis, Building Inspector

Meeting called to order at 7:00 pm

Ms. Cullen welcomed everyone to the June 15, 2017 meeting of the Zoning Board of Appeals, and introduced all of the members. Ms. Cullen 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.

Before addressing the agenda items Ms. Cullen updated the public that the following applications that were noticed in the Amityville Record could not be heard at tonight's meeting:

1. 22 Locust Drive, SCTM# 101-1-2-21
2. 134 Merrick Road, SCTM# 101-7-4-16

Ms. Cullen asked the Board for a motion to approve the minutes from the **May 18, 2017** meeting. A motion was made by Mr. Brice and seconded by Mr. Hurme. Mr. Ordon and Mr. Ubert had to abstain from voting because they were absent from the May 18, 2017 Zoning Board of Appeals meeting.

Vote on the motion:	Ms. Cullen	aye
	Mr. Ubert	abstained
	Mr. Ordon	abstained
	Mr. Hurme	aye
	Mr. Brice	aye
	Mr. Vinciulla	aye
		4 -0

Application of 42 Greene Ave LLC. Applicant seeks renewal of a previously approved special exception mixed use dwelling pursuant to Section 183-82 A. (10) (a) of the Village of Amityville code. Premises located on the south side of Greene Avenue approximately 478 feet west of Broadway [Rt 110] in a "Business 2" district known as **42 Greene Avenue** a/k/a SCTM# 101-5-2-41

Glenn Nugent spoke on behalf of this application. He explained that this is a renewal of a previously approved special exception. He also explained the dimensions and layout of the home. Kris Gulbrandsen spoke on behalf of this application. He explained that he is applying as contract vendee because he is going to be purchasing this property, subject to

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the Board's decision. Mr. Gulbrandsen explained that he intends to rent out the two apartments that are currently in the home and may eventually move his business office from Manhattan to the office space at this location. Mr. Ubert asked Mr. Gulbrandsen if the title will be held in his name or 42 Greene Ave LLC. Mr. Gulbrandsen explained that it will be in his and his wife's name.

Laura Elis 80 Broadway explained that she is Mr. Gulbrandsen's lawyer and asked the board if this certification will have a condition that says it is non-owner occupied.

Tom Goodhue 50 Greene Ave stated that he has concerns about non-owner occupied multi-use dwellings on this street because they are not always kept up as nice as they should be he doesn't have concerns about this application in particular.

Ms. Cullen explained that the application has to be changed on the record to state the applicant is to be Kris Gulbrandsen. Mr. Gulbrandsen stated "Kris Gulbrandsen and Lisa D'Andrea are seeking renewal of a previously approved special exception mixed use dwelling pursuant to Section 183-82 A. (10) (a) of the Village of Amityville code. Premises located on the south side of Greene Avenue approximately 478 feet west of Broadway [Rt 110] in a "Business 2" district known as **42 Greene Avenue a/k/a SCTM# 101-5-2-41**"

Findings:

1. Home consists of 2 apartments and office space.
 - a. 1st floor apartment consists of one bedroom that will remain rented by current tenant.
 - b. 2nd floor apartment consists of two bedrooms that will be vacant for the time being until they find a new tenant.
2. Premises has adequate off-street parking, with about 8 to 10 spots in driveway.
3. Premises has regular garbage pickup, there is no dumpster needed.
4. Applicant does not plan on storing commercial vehicles of any kind at this location.
5. Inspection was completed on 6/14/2017 by C.E.O. Lauria and there were no violations of applicable codes.

Stipulations:

1. The application be granted for a three (3) year period of time as a non-owner occupied two family dwelling, or until change of ownership, whichever comes first.
2. Applicant must conform to all off street parking codes.
3. Applicant will be responsible for:
 - a. Maintenance of building
 - b. Maintenance of landscaping and lawn care
 - c. Ensuring for the timely and appropriate disposal of all rubbish, trash, and garbage.

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- d. Location of garbage cans so as not to interfere with off street parking.
- 4. Applicant shall contact Building Dept. and schedule yearly required fire safety and property maintenance inspections within ten days of ZBA approval anniversary date.
- 5. Applicant must abide by all applicable codes and laws.
- 6. Applicant must continue to adequately maintain the premises.
- 7. Applicant must secure the necessary/required rental permit per Section 137-2 of the Village Code from the Building Department.

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

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

5 -0

Application of JGA 195 Corp. Applicant seeks renewal of a previously approved special exception mixed use dwelling pursuant to Section 183-82 A. (10) (a) of the Village of Amityville code. Premises located on the southeast corner of Greene Avenue and Ketcham Avenue in a "Business 2" district known as **62 Greene Avenue** a/k/a SCTM# 101-5-2-37

Glenn Nugent spoke on behalf of this application. He explained that this is a renewal of a previously approved special exception. He also explained the dimensions and layout of the home. Ms. Cullen asked if the property is for sale and questioned the status of the trailer with the ATV's that she observed on the property. Mr. Nugent the home has not been purchased and the trailer with the ATV's is used for their own vehicles. Ms. Cullen asked if the applicant plans on renting the commercial space that isn't currently being used, Anthony Argulo 33 Club Drive Massapequa, owner of the property answered no he doesn't, not at this time. Mr. Nugent confirms that all issues found at the time of inspection were corrected.

Findings:

- 1. Home has an apartment on the 2nd floor.
 - a. Tenant has lived there for 5 to 6 years, they have 3 kids.
- 2. Premises has adequate off-street parking, have a garage that can fit 3 cars.
- 3. Premises has regular garbage pickup, there is no dumpster needed.
- 4. Inspection was completed on 6/14/2017 by C.E.O. Lauria and the following violations of applicable codes were found:
 - a. 1st Floor rear dwelling units: provide smoke/ carbon monoxide detectors.
 - b. 2nd Floor provide smoke alarm in bedroom.
 - c. Basement provide handrail for entry stairway.

Stipulations:

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1. The application be granted for a three (3) year period of time as a non-owner occupied two family dwelling, or until change of ownership, whichever comes first.
2. Applicant must conform to all off street parking codes.
3. Applicant will be responsible for:
 - a. Maintenance of building
 - b. Maintenance of landscaping and lawn care
 - c. Ensuring for the timely and appropriate disposal of all rubbish, trash, and garbage.
 - d. Location of garbage cans so as not to interfere with off street parking.
4. Applicant shall contact Building Dept. and schedule yearly required fire safety and property maintenance inspections within ten days of ZBA approval anniversary date.
5. Applicant must abide by all applicable codes and laws.
6. Applicant must continue to adequately maintain the premises.
7. Applicant must secure the necessary/required rental permit per Section 137-2 of the Village Code from the Building Department.

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

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

5 -0

Application of Barbara Monahan as agent for Debra Monahan. Applicant seeks a variance for 6' high PVC fence enclosing the rear of property pursuant to Section 183-139 (1) and (2). Premises located on the west side of Oldfield Avenue approximately 238.65 feet north of Cedar Street known as **122 Oldfield Avenue** in a "Residential B" district a/k/a SCTM# 101-5-4-23

Debra Monahan 122 Oldfield Ave spoke on behalf of this application. Ms. Monahan explained that she is requesting the six-foot fence for security, protection, and privacy.

Findings:

1. Applicant has owned the home for 6 years.
2. There is an existing 4ft. fence that will be taken down.
3. Applicant has young family members that visit her home often.
4. Applicant would like to keep stray animals out of her yard.
5. Applicant has had trespassers in her yard.
6. Applicant lives close to County Line Road and has safety concerns.
7. There are other similar 6 foot fences in many neighboring yards.

Stipulations:

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1. Applicant must secure a fence permit from the Building Department
2. Fence will be erected as diagramed/amended on the plot survey by the Zoning Board of Appeals (highlighted area).
 - a. Fence is to be 6ft. solid fence, highlighted area on survey is to be 5ft. solid with 1ft. non-solid at the top. A copy of the survey will be provided to the applicant and the original will be kept on file at the Building Department.
3. Fence must be securely anchored with the good side facing out (neighbor's property).
4. Applicant will not be allowed to place barbed wire on top of the fence.
5. Applicant cannot place razor ribbon on the top of the fence.
6. Applicant must maintain the fence.
7. Applicant will abide by all applicable Village, State and Local Codes.
8. Applicant is to secure all necessary permits.
9. Applicant is to schedule all required inspections by the Building Inspector.

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

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

5 -0

Application of John Nebel and Vanessa Lindsay. Applicant seeks variance for proposed 6' high vinyl fence starting at the front building line horizontally towards sides of property thence along along both sides and closing at rear of property pursuant to Section 183-139 (A)(1) and (2). Premises located on the east side of Central Avenue 200 feet north of Morris Street known as **5 Central Avenue** in a "Residential B" district a/k/a SCTM# 101-11-4-6

John Nebel 5 Central Ave spoke on behalf of this application. Mr. Nebel explained that he is requesting the six-foot fence for security, protection, and privacy. He explained that he has 3 dogs and never has any incidents with them as they are good dogs.

Findings:

1. Applicant has owned the home since January.
2. Home was damaged in Super Storm Sandy. He owns another home that was damaged by Sandy and is currently in a rental while the Central Avenue house is under construction.
3. Applicant has 3 indoor dogs, he would like to let them out in the yard but contain them.

Stipulations:

1. Applicant must secure a fence permit from the Building Department.

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2. Fence will be erected as diagramed/amended on the plot survey by the Zoning Board of Appeals (highlighted area).
 - a. Fence is to be 6ft. solid fence with lattice, highlighted area on survey is to be 4ft. picket style non-solid fence. A copy of the survey will be provided to the applicant and the original will be kept on file at the Building Department.
3. Fence must be securely anchored with the good side facing out (neighbor's property).
4. Applicant will not be allowed to place barbed wire on top of the fence.
5. Applicant cannot place razor ribbon on the top of the fence.
6. Applicant must maintain the fence.
7. Applicant will abide by all applicable Village, State and Local Codes.
8. Applicant is to secure all necessary permits.
9. Applicant is to schedule all required inspections by the Building Inspector.

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

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

5 -0

Application of Jeffrey Havelin, PE as agent for Deborah and Jack Magnani. Applicant seeks multiple variances for a house elevation of an existing one family dwelling as follows: 1. Maximum height allowed is 28'-0". Proposed height is 33'-0" -(5'-0" elevation). 2. Maximum lot coverage is 32%. Proposed lot coverage is 33%. 3. Required front yard setback is 28.33'. Proposed front yard is 18'-9". (proposed front porch encroachment). 4. Sky exposure plane pursuant Section 183-46 for height of buildings, Section 183-49 for percentage of lot coverage, Section 183-50 for front yards, and Section 4-7 (C)(5) for skyplane exposure. Premises located on the north side of Meadow Lane approximately 890.0 feet east of Bayview Avenue in a "Residential B" district known as **75 Meadow Lane** also known as SCTM# 101-12-6-87

Deborah and Jack Magnani 75 Meadow Lane gave background on the hardships they have gone through with Super Storm Sandy which is the reason they need to elevate their home. Jeffrey Havelin, PE spoke on behalf of the application and explained all of structural aspects going along with the application. Mr. Ubert asked if they were going to be staying within the existing footprint, Mr. Magnani answered yes they are but they are just adding a porch in the front of the house.

Findings:

1. Homeowners have owned the home for 6 years.
2. Home was damaged in Super Storm Sandy.

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3. Homeowners have 3 young children.
4. Home consists of the house itself, driveway, full finished basement, and a garage.
5. Applicant is looking to level the grade of the property so it is even.
6. New 1st floor is going to be used as storage.
7. Applicant is going to maintain the existing garage.

Stipulations:

1. Applicant is to stay within the existing footprint of the home.
2. Planning Board approval is required.
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. Ubert and seconded by Mr. Brice

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

5 -0

Application of Mark Anthony Munisteri as agent for Robert West. Applicant seeks a variance for the following: 1. Insufficient side yard setback for the proposed addition. Required setback is 16 feet, existing is 9 feet. 2. Insufficient average front yard setback. Required average front yard setback is 29.82 feet, the proposed is 22.81 feet. 3. Skyplane exposure pursuant Article II, Section 183-17 of the Code of the Village of Amityville-side yard, Article II, Section 183-16 of the Code of the Village of Amityville-average front yard setback, Chapter 4, Section 4-7 (C)(5) of the Code of the Village of Amityville-skyplane exposure. Premises located on the west side of Bayview Place approximately 91.34 feet north of Chadwick Court in a "Residential A" district known as **33 Bayview Place** also known as SCTM# 101-12-5-5

Mark Anthony 1563 Bellmore Avenue, Bellmore spoke on behalf of this application. He explained that this is a New York Rising house life project and all of the changes that go along with this project. Mr. West 33 Bayview Place spoke on behalf of this application explaining the background of why they need to lift the house.

Ms. Cullen explained that the height is permitted for this particular application and read into the record a letter from Ellen and Robert Appold 14 Bayview Place expressing their concerns with this application. Anthony and Lori Aguanno 8 Chadwick Ct spoke against this application explaining that they reside directly behind 33 Bayview Place and by him elevating his home it will greatly impact the privacy of their backyard. They also explained that they planted trees and other plants to try and gain more privacy but they will be useless if he elevates. Lori explained to the Board that this elevation will directly affect their quality of life and showed them pictures of her backyard where she will be affected greatly by this.

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John and Lori Tofalli 24 Bayview Place spoke against this application stating that the size of this project is too big for the area it is in. They are the only 2 homes on this side of the street and they are concerned they won't have access to their home because the area is too small. Mr. Ubert explained that there are not going to be any tools or trailers parked on the street during this project. Amanda Ryley 7 Chadwick Ct spoke against this application, she is concerned about all of the workers and trucks around her children being that it is such a small area.

Findings:

1. Homeowners have owned the home for 45 years.
2. Home was damaged in Super Storm Sandy.
3. Home is an existing 1 story, 1 family house.
4. The front yard setback on the property is a similar characteristic to the other homes in the neighborhood.

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. Ordon and seconded by Mr. Hurme

Vote on the motion:	Ms. Cullen	aye
	Mr. Ubert	aye
	Mr. Ordon	aye
	Mr. Hurme	aye
	Mr. Brice	aye
		5 -0

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

Vote on the motion:	Ms. Cullen	aye
	Mr. Ubert	aye
	Mr. Ordon	aye
	Mr. Hurme	aye
	Mr. Brice	aye
		5 -0

Meeting adjourned at 8:34 pm

Catherine Murdock

Catherine Murdock, Clerk/Treasurer

