

**Zoning Board of Appeals
Minutes
March 15, 2018**

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

Corliss Baskerville, Secretary to Board

Absent: Bryan Donato, Building Inspector

Meeting called to order at 7:07 pm.

Chairman Ubert welcomed everyone to the March 15, 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 February 15, 2018 meeting.

A Motion to Approve the February 15, 2018 minutes was made by Ms. Cullen with the statement added to the Schmitt application Mr. Brice pointed out the lumber was not pressure treated and Ms. Finocchio's agent agreed and was seconded by Mr. Brice.

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

Motion carried: 5 ayes 0 nays

Ms. Cullen explained the Board had an application last month for Ms. Schmitt regarding a property on Unqua Pl. She informed them it was a lengthy hearing involving legal matters and referenced matters discussed in the May 2017 meeting when the applicant, Ms. Finocchio, was before the Board. Ms. Cullen stated she requested the transcript from the February 2018 meeting, and Mr. Brice requested the transcript from the May 2017 meeting. She stated the

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Clerk Treasurer had informed her the transcripts were not ready and therefore, Ms. Cullen requested that the Board hold off from deciding on the application until they have had a chance to review and discuss the transcripts.

A Motion to hold over decision on the Schmitt application was made by Ms. Cullen and seconded by Mr. Brice.

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

Motion carried: 5 ayes 0 nays

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 Avenue approximately 600 ft. north of Merrick Road (RT27A) in a "Residential A" district known as 40 Wood Ave. a/k/a SCTM# 101-8-2-12.

Mr. Moellendorf spoke on behalf of this application. Mr. Moellendorf stated he had a six-foot stockade fence lying against the chain link fence. He also stated his neighbor has either a Rottweiler or a Pitbull dog while the other neighbor has chickens running around her yard which he does not want to look at.

Melody Gettin, 35 Bayview Ave. spoke against the application. Ms. Gettin's property is diagonal from the applicant's property. She stated there has never been a stockade fence on the property rather a 4-foot cascade fence. Ms. Gettin stated she does not have a dog, however the other neighbor has a Pitbull dog. She filed a complaint with the Building Department last year when Mr. Moellendorf put the fence up because he not only put up a 6-foot fence but elevated the height, raising the fence 1 foot off the ground with the bad side facing her home. She stated the Building Inspector, John Lauria investigated and told Mr. Moellendorf he needed a permit for the fence and with the fence being 7 ½ feet, it needed to come down. Ms. Gettin presented pictures of the fence to the Board. She added Mr. Moellendorf was supposed to change the fence once the weather permitted but he has not done so in a year. Discussion ensued regarding the grade level and height of the fence. Ms. Gettin pointed out that the fence has a gap underneath after being raised.

Chairperson Ubert called Mr. Moellendorf back to the podium. He asked Mr. Moellendorf what he could do to ease his neighbor's concerns. Mr. Moellendorf stated his fence is the same height as the neighbor to the north of him. He informed the Board that Ms. Gettin has chickens running around in her back yard which is an issue. Chairperson Ubert asked if he would be willing to modify the fence to grade level with no gaps and with the good side facing the

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neighbor's property to which he responded he would. Mr. Hurme questioned Mr. Moellendorf regarding the area where the 6-foot fence is placed. Mr. Moellendorf explained the fence goes across the length of the west side of his property and was placed there by the previous owner.

Findings:

1. Applicant has had a chain link fence with a wood stockade fence against the chain link fence for approximately 20 years.
2. The northside neighbor has a 6-foot fence as well.
3. Applicant has a 7lb. Yorkie
4. Applicant's neighbor has a Pitbull dog.
5. Applicant has a valid permit for the fence.

A Motion to Approve this application with the following stipulations was made by Chairman Ubert and seconded by Mr. Ordon.

Stipulations:

1. Applicant must reinstall fence with the good side facing the neighbor.
2. Applicant must reinstall fence at grade level with no gaps on the bottom.
3. The fence is not to exceed 6 feet from grade.
4. The fence must be inspected by the Building Department.
5. Applicant must adhere to all applicable Village, State and Local codes.
6. Applicant is to secure and maintain all necessary permits.

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 Salim Abraham as agent for Fanny Diaz, Owner. Applicant seeks area variances pursuant to the proposed sub-division of a currently conforming parcel into two non-conforming parcels pursuant to the proposed erection of two new two-story, one-family dwellings pursuant to §183-44 and §183-136 A. of the Village code. Premises located on the West side of Belmont Ct. approximately 161 ft. south of Oak St. in a "Residential B" district known as 6 Belmont Ct. a/k/a SCTM#101-6-3-73.

Mr. Abraham of 254-10 Francis Lewis Blvd., Rosedale, NY spoke on behalf of this application. Mr. Abraham was hired to design two houses and a lot by Mr. and Mrs. Diaz. The Diaz's are real estate investors who saw the potential in having two properties in the Village.

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Findings:

1. Mr. Abraham was hired by the applicant as an architect.
2. Applicant and her husband are real estate investors.
3. There is one dwelling on the property that the applicant would like to demolish.
4. Applicant seeks to subsidize the lot to create two new dwellings.
5. Applicant is proposing six-bedrooms in each dwelling with three bedrooms on each floor.
6. Each dwelling is approximately 3,000 square feet.
7. Each dwelling will have an unfinished basement and one kitchen.
8. Applicant is proposing two parking spaces per lot.
9. No one spoke for or against the application.

Chairman Ubert stated a detailed set of site plans and drawings were needed. He said the Board understood the footprint and the setbacks are part of their decision, but it would like to see detailed drawings of the proposed houses. Chairman Ubert informed Mr. Salim that six bedrooms would be unacceptable and there could be no more than four bedrooms at a maximum per dwelling. He then reiterated a detailed set of drawings would be required for the Board to make a proper decision.

A Motion to hold this application over until the April 19th meeting was made by Chairman Ubert 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 Susan Koehler. Applicant seeks approval of a Special Exception for the operation of a rowboat rental station pursuant to §183-83A (3) (e) of the Village Code. Premises located on the North side of S. Bayview Ave. approximately 541 ft. East of S. Bayview Ave. in a "B-3 Business" district known as 334 S. Bayview Ave a/k/a SCTM# 101-14-3-14.

Mr. and Mrs. Koehler spoke on behalf of this application. Mrs. Koehler pointed out that they do not rent row boats and never have. Mrs. Koehler stated she believes a neighbor submitted a complaint which generated the application to come before the Board.

Chairman Ubert informed the Koehlers the Building Inspector received some complaints from residents at the condominiums across the street from their retail store. Ms. Cullen stated she recalled being at a Board of Trustees meeting last summer where someone complained about the parking. She asked the Koehler's where their customers park and, for those who bring their own kayaks, if they are loaded on top of their cars? The Koehlers responded usually the kayaks

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are on top of the cars and they advise customers to park by the playing field after unloading their kayaks. Further discussion ensued regarding where and how customers are parking.

Findings:

1. Applicants own a retail shop called the Dinghy Shop.
2. Applicants have been in business for over twenty years at the same location, in the same nature.
3. Applicants rent kayaks, paddleboards and sailboats.
4. Applicants host the Boy Scouts, AHRC, Disabled veterans and other groups.
5. None of the sailboats rented have motor power.
6. There are two sailboats and approximately 8 paddleboards and 30 kayaks on the premises for rent.
7. The retail store operates seven days a week.
8. No one spoke for or against this application.

A Motion to Approve this application with the following stipulations was made by Chairman Ubert and seconded by Mr. Ordon.

Stipulations:

1. Application is approved for three years.
2. Applicant must secure all required and necessary permits.
3. Applicant must adhere to all state and local codes and ordinances.

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

A Motion to close the public meeting and go into Executive Session 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 nays

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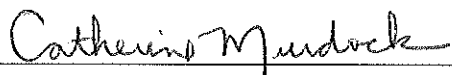
A motion to close the Executive Session and adjourn the meeting was made by Chairman Ubert seconded by Ms. Cullen.

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

Motion carried: 5 ayes 0 nays

Meeting adjourned at 8:25 pm

Respectfully submitted:



Catherine Murdock, Clerk/Treasurer