

**Zoning Board of Appeals  
Minutes  
November 16, 2017**

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

Bryan Donato, Building Inspector  
Corliss Baskerville, Secretary to Board

Members Absent: Tracey Cullen, Member  
Bill Ordon, Member

Meeting called to order at 7:04 pm.

Chairperson Ubert welcomed everyone to the November 16, 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.

Mr. Ubert informed applicants that a full Board was not present due to circumstances beyond their control. It would require a 3-1 vote to approve any application. If they so choose, the applicants could ask for a postponement to be heard until the entire Board was present. All applicants chose to be heard.

Mr. Ubert asked the Board for a motion to approve the minutes from the **October 26, 2017** meeting.

A motion was made by Mr. Hurme and seconded by Mr. Taylor

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

Motion carried:      4 ayes      0 nays

Application of Tetyana Sydoryak. Applicant seeks renewal of a previously approved by special exception, owner occupied, conversion of a one-family dwelling to a two-family dwelling approved prior to March 3, 2010 with a change in ownership pursuant to §183-43 C. (6) of the Village Code. Premises located on the south side of Union Avenue approximately 558ft west of Bayview Avenue in a "Residential B" District known as 123 Union Avenue a/k/a SCTM# 101-6-1-28.

**Zoning Board of Appeals  
Minutes  
November 16, 2017**

Findings:

1. Two-family dwelling, owner occupied with owner in downstairs unit and children in downstairs unit
2. Owner purchased in 2010
3. Sufficient on-site parking
4. Maintained rental permit
5. Other two-family dwellings on the block
6. No one spoke for or against this application

Motion to approve was made by Mr. Brice and seconded by Mr. Taylor.

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

Motion carried:        3 ayes        1 nay

Stipulations:

1. The application is approved for a period of two years or until change of ownership, whichever comes first
2. Applicant must adhere to all Village, County and State codes
3. Applicant must obtain and maintain all permits
4. Applicant must maintain grounds, garbage and parking areas

A call for a motion to amend the above minutes and remove the decision made on the Sydoryak application from approval to hold over was made by Chairperson Ubert at the December 14, 2017 meeting.

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

**Zoning Board of Appeals  
Minutes  
November 16, 2017**

Application of Dormer King as agent for owner Eileen Soper. Applicant seeks to reduce the required side yard and aggregate; encroach the required sky plane boundaries and reduce the required mechanical equipment set back pursuant to a proposed second story addition; legalization of the existing rear first floor deck and detached 12ft. by 14ft. storage shed pursuant to §183-81 and §4-7 C. (5) of the Village Code. Premises located on the north side of Sunset Avenue approximately 292ft. east of County Line Road in a "Residential B" District known as 51 Sunset Avenue a/k/a SCTM#101-2-1-23

Findings:

1. Applicant owned property since 1984
2. Applicant will maintain ownership unless children were to take over
3. Maintaining existing footprint of house
4. Existing deck does not encroach any further than property line or set back of house
5. No one spoke for or against this application

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

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

Motion carried:        4 ayes        0 nays

Stipulations:

1. Applicant must make sure that all Village, state, and local codes and ordinances are met
2. Applicant must secure all required and necessary permits
3. Dwelling is limited to (1) kitchen. No second kitchen upstairs
4. Applicant must conform to floor plan submitted to the Board

Application of Buzzell, Blanda and Visconti LLP as agent for Coleen Ceriello Mehary and Michael G. Mehary. Applicant seeks to reduce the required amount of parking spaces pursuant to [the presently being used as office and storage building] the detached garage change of use from storage to business office and storage use pursuant to §183-129 of the Village Code. Premises located on the southeast corner of John Street and Greene Avenue in a "Business 2" District known as 3 John Street a/k/a SCTM# 101-5-2-2

Findings:

1. Parking survey done Oct. 31<sup>st</sup> and Nov. 3<sup>rd</sup> – plenty of parking available
2. Proposing one-story 1,145.6 sq. building of office space both professional and general

**Zoning Board of Appeals  
Minutes  
November 16, 2017**

3. Has (3) parking spaces and needs 14
4. There are several municipal lots nearby
5. Applicant states proposed use will have limited delivery (if any)
6. Applicant proposed to upgrade the exterior of the building
7. Applicant stated having a 4-unit apartment building on property built in 1941 with (8) parking spaces
8. Applicant owns and manages other office spaces in The Village
9. Application was denied in 2009

**Anthony Manfredi**, 100 Ireland Pl. spoke against the application. He expressed concerns on the impact of traffic and accidents.

**Joanne Donaldson**, BVCA spoke against the application. Ms. Donaldson expressed concern about the amount of parking spaces to the number of apartments as well as the dumpster sitting outside.

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

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

Motion carried:        4 ayes        0 nays

**Stipulations:**

1. Applicant must complete renovations as presented on plan submitted to the Board
2. Only (1) tenant shall be permitted to occupy the building
3. Building restricted to business and offices specifically excluding personal services (i.e. beauty salons, barber shops, nail salons, etc.)
4. Limited to six employees
5. No business to be conducted after 8:00pm or before 7:00am.
6. Applicant must make sure that all Village, state, and local codes and ordinances are met
7. Applicant must secure and maintain all required and necessary permits

Application of William Nunez. Applicant seeks renewal of a previously approved by special exception owner occupied conversion of a one-family dwelling to a two-family dwelling approved prior to March 3, 2010 with no change in ownership pursuant to §183-43 C. (6) of the Village Code. Premises located on the south side of Sterling Place approximately 78 ft. east of Burch Avenue in a "Residential B" District known as 90 Sterling Place a/k/a SCTM# 101-3-4-2

**Findings:**

**Zoning Board of Appeals  
Minutes  
November 16, 2017**

1. Owner-occupied with a couple and child downstairs
2. Dwelling owned 15 years with same tenants
3. There are other two-family dwelling on the block
4. There is sufficient parking
5. Applicant is current on rental permits
6. There is no police activity
7. No one spoke for or against this application

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

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

Motion carried:        4 ayes        0 nays

Stipulations:

1. The application is approved for a period of three years or until change of ownership, whichever comes first
2. Applicant must make sure that all Village, state, and local codes and ordinances are met
3. Applicant must secure and maintain all required and necessary permits

Application of Laura A. Ellis, Esq., as agent for Rocco Nuss Inc. Applicant seeks renewal of a previously approved special exception to permit the outdoor storage of motor vehicles pursuant to §183-96 of the Village Code. Premises located on the south side of Elm Place approximately 400 ft. east of Albany Avenue in an "Industrial" District known as 37 Elm Place a/k/a SCTM# 101-4-1-96

Findings:

1. Owner purchased property in October 2015
2. Owner was granted special exception in November 2015
3. Property has been used for storage since 2009
4. Property is completely fenced in

**Matthew Switt**, 53 Elm Pl. spoke for the application. His only concern is the late activity with towing vehicles as there are still people that live in the proximity.

**Anthony Manfredi**, 100 Elm Pl. spoke for the application. They are good neighbors and keep the property nice.

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

**Zoning Board of Appeals  
Minutes  
November 16, 2017**

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

Motion carried:        4 ayes            0 nays

Stipulations:

1. The application is approved for a period of three years or until change of ownership, whichever comes first
2. Applicant must make sure that all Village, state, and local codes and ordinances are met
3. Applicant must secure and maintain all required and necessary permits

Application of Michael Pusterla as agent for Donna Pusterla. Applicant seeks to exceed the permitted building height pursuant to the erection of a proposed new detached two (2) car garage pursuant to §183-23 of the Village Code. Premises located on the west side of South Bayview Avenue approximately 174ft south of Cooper Avenue in a "Residential A" District known as 125 South Bayview Avenue a/k/a SCTM# 101-12-4-4

Findings:

1. Resident for over 30 years
2. Replacing original carriage house similar in height built under prior code
3. Storage use only – 2 car garage
4. Electric but no plumbing
5. Height is 2ft. over the code
6. No one spoke for or against this application

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

Motion carried:        4 ayes            0 nays

Stipulations:

1. Applicant must make sure that all Village, state, and local codes and ordinances are met

**Zoning Board of Appeals**  
**Minutes**  
**November 16, 2017**

2. Applicant must secure and maintain all required and necessary permits

Application of Robert Steckler. Applicant seeks to exceed the permitted building height, encroach the required sky plane boundaries and reduce the required side yard and aggregate pursuant to the proposed elevation and partial reconstruction of the existing two story single family dwelling to follow FEMA and NYS building code requirements with new front and rear decks and garage underneath pursuant to §183-46, §183-51 and §4-7C (5) of the Village Code. Premises located on the east side of South Ketcham Avenue approximately 628ft. south of Morris Street in a B-3 "Business District" known as 260 South Ketcham Avenue a/k/a SCTM# 101-11-8-39

Findings:

1. Pre-existing non-conforming on setback
2. Applicant is currently working on correcting and rebuilding the house
3. Southward neighbor spoke in favor of the application

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

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

Motion carried:      4 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

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

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

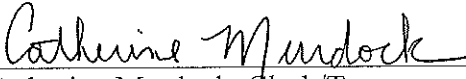
Vote on the Motion:	Mr. Ubert	aye
	Mr. Hurme	aye
	Mr. Brice	aye
	Mr. Taylor	aye

Motion carried:      4 ayes      0 nays

**Zoning Board of Appeals  
Minutes  
November 16, 2017**

Meeting adjourned at 8:40 pm

Respectfully submitted:

  
\_\_\_\_\_  
Catherine Murdock, Clerk/Treasurer