

April 20, 2017
Zoning Board of Appeals
Minutes

Members Present: Tracey Cullen, Chairperson
Richard Ubert, Vice Chairperson
Kirk Hurme, Member
Bill Ordon, Member
Todd Brice, Member
Robert Alweis, Building Inspector
Katie DeGraff, Administrative Assistant

Absent: Chuck Vinciulla (Alternate)

Meeting called to order at 7:01 pm

Ms. Cullen welcomed everyone to the April 20th, 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.

Ms. Cullen asked the Board for a motion to approve the minutes from the March 16th, 2017 meeting. A motion was made by Mr. Ubert and seconded by Mr. Ordon.

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

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Ms. Cullen explained that the agenda for tonight's meeting had changed from what had been posted on the website. Applicant Ray Caliendo from Art of Form Architects for 21 Deforest Street had been removed from the agenda. The applicant requested that we hold off on their hearing, they have a new development with the project that will change the application. The next change was to move the presentation for 221 Broadway to the last agenda item.

Application of **Brian Baer** as agent for Daniel D'Elia. Applicant seeks multiple variances for a new elevated one family dwelling as follows: 1) Insufficient front yard setback 2) Insufficient side yard setback 3) Insufficient rear yard setback 4) Sky exposure plane pursuant to Section 183-50 (B)-front yard, Section 183-51-side yard, Section 183-54-rear yard, Section 4-7 (C)(5)-sky exposure plane of the Village of Amityville Code. Premises located on the East side of South Ketcham Avenue approx. 1131.52 feet South of Morris Street in a "Residential B" district k/a **292 South Ketcham Ave.** a/k/a SCTM# 101-11-8-27.1

Brian Baer 601 West 26th street suite 25 New York, NY spoke on behalf of this application. He explained that this home was damaged in Super Storm Sandy, it was demolished, and that the bulkhead was completed in 2016. He explained that subsequently a proposed site plan with a footprint had been submitted. The height is

April 20, 2017
Zoning Board of Appeals
Minutes

above base flood elevation by 3 feet, as a handicapped individual lives in the home and requires a handicapped vehicle. The height of this vehicle requires a taller garage due to a handicapped van with a vertical wheelchair lift needed to be parked there. He explained that there will be an open foundation on the house besides the garage and that the skyplane covers the West, East, and South elevations. Ms. Cullen asked about the average side yard setback since the house is in an angle on the property, Mr. Baer answered he believes its greater than 12 feet. Mr. Hurme asked where the vertical wheelchair lift will be accessed from, Mr. Baer answered the garage you have to enter and exit from the South; Mr. Hurme asked if there are residential houses adjacent to this property. Code Enforcement Officer Alweis stated that this home is in a B3 District; **Joan Donnison** Bay Village Civic Association spoke asking if the dilapidated trailer that was on the property will be returning and if the spikes will be removed as well, she would like to see a respectful home put on this property; Mr. Baer explained that the spikes were there to prevent “off roading” and trespassing on the property being that it is an empty lot, they will be removed and the trailer will not return either;

Findings:

1. Home was damaged in Super Storm Sandy.
2. The Elevated Studio was retained by the Governor’s Office of Storm Recovery as part of the Recon 100 Initiative program to elevate the home.
3. New Bulkhead on the property was completed in 2016.
4. Home is being built on an existing non-conforming lot.
5. Home is going to have the same gross square footage and maintain as much of the Zoning setbacks that were existing.
6. Home is 1,276 square feet gross based on universal design principles they are providing a large enough at grade parking space under house to accommodate their needs.
7. There will be a vertical wheelchair lift installed on the North side of the home.
8. Home is at a Base Flood Elevation 7 and the 1st floor will be at an elevation of 12 feet because of the van.
9. Home is owner occupied.
10. Owner is the same as before Super Storm Sandy.

Stipulations:

1. Home is to be built as per planned submitted and approved by the Zoning Board of Appeals and Building Department.
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. Ubert

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

April 20, 2017
Zoning Board of Appeals
Minutes

Mr. Ordon aye
Mr. Hurme aye

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Application of **Michael Carapellucci**. Applicant seeks variance for maintaining a six-foot-high vinyl fence on the west side of the property approximately 62.63 linear feet pursuant to Sections 183-139(A)(1) of the Village of Amityville Code. Premises located on the North side of Towne Street approx. 580 feet East of Bayview Avenue in a “Residential B” districts k/a **50 Towne Street** a/k/a SCTM#101-8-3-33.

Mr. Carapellucci spoke on behalf of this application explaining that this property is surrounded by a flag lot and that this fence is going to divide 50 and 44 Towne street. He explained that the fence is not able to be seen from the street. Ms. Cullen asked if he was issued any violations for installing the fence without a permit, Mr. Carapellucci answered not that he was aware of any;

Findings:

1. Applicant purchased this home in 2014.
2. There was an existing chain-link fence that he replaced with the vinyl fence.
3. Fence is the same style as the fence installed on 44 Towne Street the property that is behind this property.

Stipulations:

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

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

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Application of **Michael Carapellucci** agent for Naresh Persaid. Applicant seeks a variance for maintaining 1) 80 feet six-foot-high vinyl fence on the North/East side of the property 2) 64 feet six-foot-high vinyl fence on the Easterly side of the property 3) 73 feet six-foot-high vinyl fence 160.67 feet North of Towne Street, 100 Feet East of the West property line pursuant to Sections 183-139(A)(1) of the Village of Amityville Code. Premises located on the North side of Towne

April 20, 2017
Zoning Board of Appeals
Minutes

Street approx. 480 feet East of Bayview Avenue in a “Residential B” districts k/a **44 Towne Street** a/k/a SCTM#101-8-3-48.

Mr. Carapellucci spoke on behalf of this application explaining that he is leasing to own a portion of this property until he can officially purchase it from Mr. Persaid. Ms. Cullen asked what his relationship to Mr. Persaid is, Mr. Carapellucci answered his neighbor and landlord. Mr. Carapellucci explained that he uses this portion of the property to store trailers. Ms. Cullen asked who installed the fence, Mr. Carapellucci answered that he did. Mr. Carapellucci explained that he installed the fence to keep Mr. Persaid’s children safe.

Findings:

1. Applicant has a land lease for a portion of this property.
2. Applicant stores seasonal decorations in the trailers stored on this lot.
3. Fence is to protect the children residing at 44 Towne Street.

Stipulations:

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

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

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Application of **Charles Ferraro** agent for Samita Kovra D’Aivta. Applicant seeks special exception to convert existing offices to mixed-use dwellings in a B-1 Business District. Convert office space to restaurant on 1st floor; convert 10,084 square feet of office space to 13 residential apartments on 2nd floor; convert 10,084 square feet of office space to 13 residential apartments on 3rd floor of existing building. There will also be a 735 square feet roof terrace located on the rear of the building. Applicant also seeks special exception to waive the required 126 parking spaces applicant also seeks variance for percentage of lot coverage occupied. Maximum coverage is 40%, existing is 77.55% pursuant to Article VII Section 183-81(A)(8)(b) of the Village Code for the mixed, Article XIV Section 183-129 of the Village of Amityville Code for the parking, and Article VII Section 183-79.9 of the Village Code for the lot coverage. Premises located on the East side corner of Broadway 50 feet South of Oak Street in a “B-1 Business” district k/a **221 Broadway** a/k/a SCTM# 101-5-3-2

Charles Ferraro spoke on behalf of this application. He explained that he has completed similar projects in Bay Shore. He explained that that he would convert the existing building to a mixed-use building. This building is going to consist of a

April 20, 2017
Zoning Board of Appeals
Minutes

28,000 square foot restaurant and apartments on the second and third floors which will be 12 one bedroom apartments and 14 studio apartments. He is looking to waive the parking requirements. The studio apartments will be rented for \$1,050-\$1,350 a month. The one bedroom apartments will have granite counter tops, full wood floors, stacked washers and dryers, and full appliances and rented for \$1,500 and up. There will be a roof top terrace with black aluminum fencing to enclose the terrace. Mr. Ferraro submitted pictures to the board of his conceptual plan for this building. The terrace had interlocking bricks and rubber pavers that sit on top of the decking of the roof. He explained that on the south side of this property they will be removing the fencing and renovating the gates area and adding lighting as well as a security camera to connect the building to the parking lot for pedestrian access, and ease for all to access the Village from the parking lot. For the parking Mr. Ferraro explained that he is only requesting to waive the parking for 126 spots, there is an existing waiver there now for 151 spots.

James Bohler 12 West Main Street Bay Shore NY spoke that they are going to be maintaining the arched windows, they will be re facing the front with brick, they will be using mahogany to scale the building down a bit, and they will move the mechanical equipment from the walkway to the roof to clean up that area. Mr. Ubert asks about their plan for AC and heat, Mr. Bohler the Architect for this project answered the interior will have split AC Units (there will be no exterior window units). Ms. Cullen asked if they could explain some of their projects they have done elsewhere, both Mr. Ferraro and Mr. Bohler explained the projects in Bay Shore, Islip, and Babylon Village they worked on; Ms. Cullen asked for clarification on where the washer and dryer will go, Mr. Bohler stated that they will revise the plans if they decide to move forward to show the washer and dryer but showed the Board on the plans where they will be located. Ms. Cullen asked where the 150 seats that go along with the restaurant will be located. Mr. Bohler explained that the location of those seats would be up to the restaurant to decide. Ms. Cullen asked what the current use is, Mr. Ferraro answered it is a medical use currently; Mr. Ordon asked the applicant if he has spoken with the Downtown Revitalization Committee at all, Mr. Ferraro answered no but he is open to it he is used to starting with them from working in Bay Shore; Mr. Hurme explained that he owns 209 Broadway and is in favor of anything positive happening to this area but the parking is a big issue that needs to be addressed. The municipal lot is not 24 hours it is only 3 hour parking and also this project will affect St. Martin's Church on Saturday evenings and Sundays as well; Mr. Ferraro explained that with this change of use there will be a flip flop in the parking as to not cause congestion, it will alleviate the parking problem if you look at the bigger picture.

Ms. Cullen explained that the Board will not be allowed to vote on this application at this meeting for the following reasons: the Suffolk County Planning Commission has

April 20, 2017
Zoning Board of Appeals
Minutes

not gotten back to the Village yet, a parking study needs to be done on the property, and the SEQRA long form needs to be submitted to the Village.

Dr. Poloski 221 Broadway, Suite 207 stated that he has owned a medical practice on the premises for 20 years and has become one of the Village's largest primary care suppliers, he explained that there was only a sign posted on Broadway and they received a piece of paper under their doors, most tenants did not have notice of this application. He explained that the practice has around 1,500 active patient charts; Mr. Ubert asked what his rent is currently and the hours his business operates now, Mr. Poloski answered approximately \$3,500.00, and Monday and Wednesday 9:00am-6:00pm, Thursday 12:00pm-6:00pm, and Sunday 10:00am-4:00pm. Ms. Cullen asked when his lease is up and how many patients he treats on average a week, Mr. Poloski answered May of 2018 and around 125 patients per week, the majority of his patients are from Amityville. He explained that he is not in favor of this project unless they can accommodate his business and change plans.

Janet Colletti 17 Wellington Place stated that she is totally opposed to this project as there is a big traffic problem and parking is a big problem as well. She is not willing to give up her access to a spot if she wants to go to a restaurant in town. She hopes that the Village doesn't accept this, she doesn't want there to be overnight parking in the Village and start looking like Copiague.

Gene Jacaruso 45 Franklin Avenue explained that she is a crossing guard and she observes this property and people coming to and from on a daily basis and that based on what she heard this is where the Village is looking to get to, she commends them for opening the south side walkway up for people to use. She knows that parking is a sticky situation similar to what happened on Oak Street. She asked how much trash will be accumulated by the tenants and what their plan of disposing of that trash will be; Mr. Bohler explained that there is an enclosed dumpster on the site currently that they will continue to use; Ms. Jacaruso stated that she is all in favor of this project and opening up the walkway.

Richard Falaye 221 Broadway stated that he has had HALO Network, his handicapped and nursing care business at this location for 6 years. He has 2 suites on the second floor and 2 on the ground floor. Ms. Cullen asked what his businesses operation hours were, Mr. Falaye explained Monday-Friday from 9:00am-6:00pm and Saturday from 10:00am-1:00pm. Mr. Ubert asked what his estimated rent is a month, Mr. Falaye answered that it was around \$10,200.00 a month. Ms. Cullen asked if he was in favor of this application, Mr. Falaye answered if he made it a mixed use so he could continue to work there he would definitely be in favor of it.

Michael Carapellucci 50 Towne Street stated that he was new to the town and this is his first Board meeting but stated that looking at the pictures of the old building and the proposed new building the new one is clearly better. He asked if it had to be a

April 20, 2017
Zoning Board of Appeals
Minutes

restaurant on the bottom, there are many vacant buildings right on 110 (Broadway) that the impacted medical offices can move to if needed.

Joan Donnison Bay Village Civic Association stated that the premises doesn't have their own parking lot and that this is an outrageous variance and suggests that it could be a pure medical building. She explained that it looks nice but they don't have parking.

Mr. Ferraro apologized for the signs he was not aware that the side of the building needed a sign as well as the front, he also explained that he does not own the building so he didn't have the right to contact each tenant individually. He is here to enhance the building and the community, not kick out the tenants. He explained that this property is on a stamp and that parking is an issue but there is not much they can do about it, he feels that if this is approved it will add regular patrons to local businesses and restaurants;

Mr. Hurme explained that he is in favor of the application but there is a density issue and he has 22 apartments that are smaller than required, they are willing to work with them on these issues but it has to be a balancing act there are some things that need to be addressed

Ms. Cullen explained that they are trying to work with them and suggested that they may benefit from speaking to the DRC. She also explained that they are going to keep this application open for the reasons mentioned earlier on (County, parking study, and visit to Downtown Revitalization Committee).

Motion to keep OPEN was made by Mr. Hurme and seconded by Mr. Ordon

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

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The board discussed the open application of Richard Hunt 143 Bayview Ave, they decided to give the applicant 1 more month to try and resolve this issue on this own they will vote at the May 18th, 2017 ZBA meeting

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

Vote on the motion:	Ms. Cullen	aye
	Mr. Ubert	aye

April 20, 2017
Zoning Board of Appeals
Minutes

Mr. Brice aye
Mr. Ordon aye
Mr. Hurme aye

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Meeting adjourned at 9:00 pm

Catherine Murdock
Catherine Murdock, Clerk/Treasurer

