

**Village of Amityville
Zoning Board of Appeals Minutes
April 20, 2023**

Chairperson Tracey Cullen welcomed everyone to the April 20, 2023 meeting of the Amityville Zoning Board of Appeals at 7:00 P.M.

Members Present: Tracey Cullen, Chairperson
Eric Taylor, Co-Chairperson
Todd Brice, Member
William Ordon, Member

Other Attendees: Michael Breitweg, Building Inspector
Kerri Geiger, Secretary

Absent: Richard Ubert, Member
Timothy Mc Manus, Alternate Member

Chairperson Cullen commenced the meeting by thanking former Chairperson Smith for his service and wishing him well as a Village Trustee and thanking Robert Russo for his years of service as an Alternate Member. She then welcomed back Todd Brice as a Member and explained that Timothy McManus will be our new alternate member.

After introducing The Board, **Chairperson Tracey Cullen**, informed applicants that they are hereby notified that all agreed upon concessions, promises, assurances, or declarations given to them of their duly appointed agents, during their hearing process shall become stipulations to any approvals given by The Board. She also asked that anyone who comes to speak at the podium to please state your name and address for the record and to sign in on the sign in sheet.

Chairperson Cullen informed the applicants that they must adhere to the plans submitted in conjunction with this application as approved by The Board, any deviation from the approved plans may require the application to be re-called by The Board.

Chairperson Cullen also explained to all of the applicants that we have four members instead of five, and a tied vote would result in a denial. They had all been contacted by Kerri Geiger prior to the meeting, who also explained this. Everyone elected to proceed with the meeting as planned.

Application of Maria Grudzinski. Applicant seeks a special exception pursuant to the proposed erection of a 6 ft vinyl fence with 2 access gates pursuant to Section 183-139 C (3) of the Village Code. Premises located on the southeast corner of Bryan Avenue and Moreland Court in a “BB Residence” District known as 25 Moreland Court a/k/a SCTM# 101-8-4-35.

Chris Bamman, 25 Moreland Court, Amityville spoke on behalf of this application.

Findings:

- Applicant is seeking special exception to erect a 6’ vinyl fence with 2 access gates
- Would like to install a 6’ fence on the west and east sides of the home.
- The fencing on the east would be 8-9’ long; on the west would be about 28’.
- The fence would be for privacy and security, they are considering getting a dog.
- The fence would be 6’ tall, white vinyl. The style is scalloped with a see thru spindle top.
- There are other similar 6’ fences in the neighborhood.
- No one spoke for or against the application.

Stipulations:

1. Applicant to meet with Building Inspector and together draw where the fence will be on the survey, to the Building Inspector’s approval.
2. Fence must be 3 feet back from the sides of the house.
3. Applicant must comply with all plans submitted to the Building Department including a marked highlighted survey.
4. Applicant must obtain a Fence Permit.
5. Fence must be properly anchored.
6. Applicant must have installed fence with the finished side facing toward the neighbors.
7. Applicant must abide by all applicable State, Village and Local codes.

A motion to approve this application was made by Mr. Ordon and was Seconded by Eric Taylor.

Vote on the Motion:	Tracey Cullen, Chairperson	aye
	Eric Taylor, Co-Chairperson	aye
	Todd Brice	aye
	William Ordon	aye

Motion carried: 4 ayes 0 nays

Application of John Allstadt. Applicant seeks renewal of a previously approved special exception for an owner-occupied two-family dwelling pursuant to Section 183-43 C (6) of the Village Code. Premises located on the north side of Oak Street approximately 149 feet east of Wellington Place in a “B Residence” District known as 74 Oak Street a/k/a SCTM# 101-4-3-20.

Findings:

- Applicant seeks renewal of an owner-occupied two-family home.
- He and his wife live in the home. His mother-in-law lives in the other portion of the house and has been for approximately 18 years.
- Applicant also owns the neighboring property.
- There is adequate off-street parking.
- Each unit has 2 bedrooms and 1 bathroom.
- No one spoke for or against the application.

Stipulations:

1. Application is approved for 6 years or change of ownership whichever is sooner.

2. Applicant must comply with all State, Village and Local codes.
3. Applicant must maintain a Rental Permit.
4. Applicant must provide adequate off-street parking.

A motion to approve this application was made by Mr. Taylor and was Seconded by Mr. Brice.

Vote on the Motion:	Tracey Cullen, Chairperson	aye
	Eric Taylor, Co-Chairperson	aye
	Todd Brice	aye
	William Ordon	aye

Motion carried: 4 ayes 0 nays

Application of Joseph Sidor. Applicant seeks renewal of a previously approved special exception for a non-owner-occupied two-family dwelling pursuant to Section 183-82 A (1) (C) of the Village Code. Premises located on the north side of Greene Ave approximately 143 ft east of John Street in a “B-2 Business” District known as 35 Greene Avenue a/k/a SCTM# 101-5-2-4.

Findings:

- Applicant seeks renewal of a previously approved special exception for a non-owner-occupied two-family dwelling.
- Applicant has owned the property for two years. The property is in character with the neighborhood.
- On the second floor is 1 bedroom and a bathroom, a couple with a child live there. On the first floor are 3 bedrooms and a bathroom, a single individual lives on the first floor.
- No one spoke for or against the application.
- There is adequate off-street parking.

Stipulations:

1. Application is approved for 4 years or change of ownership whichever is sooner.
2. Applicant must comply with all State, Village and Local codes.
3. Applicant must maintain a Rental Permit.
4. Applicant must provide adequate off-street parking.

A motion to approve this application was made by Mr. Brice and was Seconded by Mr. Taylor.

Vote on the motion:	Tracey Cullen, Chairperson	aye
	Eric Taylor, Co-Chairperson	aye
	Todd Brice	aye
	William Ordon	aye

Motion carried: 4 ayes 0 nays

Application of William Nunez. Applicant seeks renewal of previously approved special exception for an owner-occupied two-family dwelling pursuant to Section 183-43 C (6) of the

Village Code. Premises located on the south side of Sterling Place approximately 78 feet east of Burch Avenue in a “B Residence” District known as 90 Sterling Place a/k/a SCTM# 101-3-4-2.

Findings:

- Applicant seeks to maintain two-family rental permit.
- Applicant has owned the property for 21 years.
- Applicant lives upstairs with his wife and two children. There are three bedrooms and 1 bathroom. Downstairs is a couple with 2 bedrooms and 1 bathroom.
- There is adequate off-street parking.
- No one spoke for or against the application.

Stipulations:

1. Application is approved for 4 years or change of ownership whichever comes sooner.
2. Applicant must provide adequate off-street parking.
3. Applicant must comply with all State, Village and Local Codes.
4. Applicant must maintain a Rental Permit.

A vote on the motion to approve this application was made by Mr. Brice and was seconded by Mr. Ordon.

Vote on the motion:	Tracey Cullen, Chairperson	aye
	Eric Taylor, Co- Chairperson	aye
	Todd Brice	aye
	William Ordon	aye

Motion carried: 4 ayes 0 nays

Application of Joe Bello Architects. Applicant seeks a variance to reduce the required side yard setback for the proposed addition of a side cellar entrance pursuant to Section 183-105 of the Village Code. Premises located on the east side of Albany Avenue approximately 75 feet north of Mill Street in an “Industrial” District known as 15 Albany Avenue a/k/a SCTM# 101-4-1-50.

Ben Compton of Joe Bello Architects, 11 Broadway, Amityville spoke on behalf of this application.

Findings:

- His client is looking to make improvements to his leased property and seeks a variance as it relates to the new cellar egress.
- His client has been a tenant there for about 2 years and has 4 years left on his lease. His client has a purchase option on both parcels.
- Bryan Madden, the tenant explained his business is a home health care company. The basement would be used to train personal health care aides to put out into the workforce.
- The business operates weekdays from 9 to 5.

- The lot is narrow (pre-existing nonconforming) the building is only 5-6' from the lot line. To get an egress stair in, it will be abutting the property line. The adjoining property is by the same applicant and is used as parking for this property.
- Ceilings will be finished at 7' high, in accordance with existing building codes.
- There is an existing interior staircase; this application is regarding the second staircase. This staircase would be used for entrance and exit. They couldn't do it on a different side of the building, as they need to construct a bathroom and it would also be too close to the existing interior staircase.
- The applicant intends to pave part of the adjacent lot (which has no improvements on it).
- No one spoke for or against the application.

Stipulations:

1. Applicant must conform with the plans submitted.
2. Applicant must comply with all State, Local, and Village Codes.
3. Applicant must get Planning Board approval.

A motion to approve this application was made by Mr. Brice and was seconded by Mr. Ordon.

Vote on the motion:	Tracey Cullen, Chairperson	aye
	Eric Taylor, Co-Chairperson	aye
	Todd Brice	aye
	William Ordon	aye

Motion Carried: 4 ayes 0 nays

Application of SE Properties. Applicant seeks special exception pursuant to the proposed outdoor storage of trucks and scaffolding equipment within the rear yard of the existing building pursuant to Section 183-96 of the Village Code. Premises located on the east side of Bayview Avenue approximately 103 feet north of Lombardi Place in an "Industrial" District known as 315 Bayview Avenue a/k/a SCTM# 101-4-4-37.

Jeffrey Denecky, CEO of Knitting Fever 146 N. Kings Avenue, Massapequa spoke on behalf of the application.

Findings:

- Knitting Fever is a family-owned business that has been around since the 1970's and has been in Amityville since approximately 2010.
- Prior tenant for the yard in the back of Knitting Fever was Security Dodge. They could not fill the space and terminated the lease. Thereafter, the owner improved the area (cleared debris, trees, dirt, etc.) They also installed a fence in the rear of the property and sought out tenants to lease the property.
- The lot is approximately 952' deep- this application is about the last 235' for the tenant.
- The new tenant does jobs in Manhattan with scaffolding equipment. Their materials are on the premises in the city while on a job, but stored on the property when jobs are complete.

- They will come in the morning to get equipment (6-8 AM), and return equipment after typical working hours i.e. post 5 PM.
- Diane Mellish, Bay Village Civic Association asked how close the closest residence is to the property. The Board explained that the back corner is the rear of Amity Oaks and there are also adjacent industrial neighbors. She expressed concerns about noise impacting any residential neighbors.
- No surrounding neighbors expressed any comments regarding this application.

Stipulations:

1. Application is approved for two years, change of lease, change of ownership or whichever comes first.
2. No loading or removal of vehicles from the property prior to 7 AM or after 7 PM.
3. Applicant may not store material higher than 5’.
4. May not have any container units or sheds without the approval of the Board of Trustees.

A motion to approve this application was made by Mr. Ordon and was seconded by Mr. Taylor.

Vote on the motion:	Tracey Cullen, Chairperson	aye
	Eric Taylor, Co-Chairperson	aye
	Todd Brice	aye
	William Ordon	aye

Motion carried: 4 ayes 0 nays

Application of Raymond P. Schaeffner. Applicant seeks renewal of a previously approved special exception for outdoor storage and a previously approved special exception for a mixed-use dwelling pursuant to Section 183-82 A (10) (b) and 183-82 A (10) (a) of the Village Code. Premises located on the west side of Broadway approximately 294 feet north of Washington Avenue in a “B-2 Business” District known as 502 Broadway a/k/a SCTM# 101-1-2-25.

Raymond P. Schaeffner, owner 502 Broadway Amityville, spoke on behalf of the application.

Findings:

- Mr. Schaeffner has owned the property for approximately 30 years.
- Parks trucks in the back of the building- trucks go out around 7:30 AM and come back around 4 PM. Occasionally operates on a Saturday, but generally Monday through Friday. They never operate on Sundays.
- His business, which is construction
- Kelemilyl
- debris removal, is smaller than it used to be- he used to have 10 trucks, he now has 6.
- All vehicles are owned by his business.
- No debris is stored on the property.
- No one spoke for or against the application.

Stipulations:

1. Approved for 6 years or change of ownership whichever comes first.
2. All vehicles must be owned by and registered to the applicant or a business that he owns.
3. There may be no unregistered vehicles.

A motion to approve this application was made by Mr. Taylor and was seconded by Mr. Brice.

Vote on the motion:	Tracey Cullen, Chairperson	aye
	Eric Taylor, Co-Chairperson	aye
	Todd Brice	aye
	William Ordon	aye

Motion carried: 4 ayes 0 nays

Chairperson Cullen adjourned the meeting at 7:52 PM

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer