

**Zoning Board of Appeals
Minutes
March 24, 2022**

Chairperson Richard Ubert welcomed everyone to the March 24, 2022, meeting of the Amityville Zoning Board of Appeals at 7:00 P.M.

Members Present: Richard Ubert, Chairperson
 Tracey Cullen, Vice Chairperson
 William Ordon, Member
 Roger Smith, Member
 Eric Taylor, Member
 Robert Russo, Alternate Member

Other Attendees: Michael Breitweg, Building Inspector
 Kerri Geiger, Secretary to the Board

After introducing The Board, **Chairperson Richard Ubert** informed applicants that they are hereby notified that all agreed upon 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. He 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 Richard Ubert 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 this Board.

Chairperson Richard Ubert motioned to approve the January 13, 2022, Zoning Board of Appeals minutes. **Roger Smith** seconded the motion.

Vote on the Motion:	Richard Ubert, Chairperson	aye
	Tracey Cullen, Vice Chairperson	aye
	William Ordon	aye
	Roger Smith	aye
	Eric Taylor	aye

Motion carried: 5 ayes 0 nays

APPLICATION OF GLENN NUGENT AS AGENT HECTOR HERNANDEZ. 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. Applicant also seeks a special exception to maintain an existing 6-foot fence pursuant to Section 183-139 A (3) of the Village Code. Applicant also seeks a variance to maintain an accessory building containing finished space with plumbing, pursuant to Section 183-55 of the Village Code.

Premises located on the east side of Bayview Avenue approximately 82 feet south of Oak Street in a “Residential B” district known as 257 Bayview Avenue a/k/a SCTM# 101-6-3-75.

Chairperson Ubert noted that the application has been postponed.

APPLICATION OF COURTNEY COOKE. Applicant seeks a Special Exception of a 6-foot fence in accordance with Section 183-139 A (2) of the Village Code. Premises located on the northwest side of Forrest Place in a “Residential A” district known as 106 Forrest Place a/k/a SCTM# 101-6-3-30.

Amanda Cooke spoke on behalf of this application.

- Applicant seeks to install a 6’ vinyl white PVC fence running along the north side of the property adjacent to a shared driveway with a 3-family rental home
- Applicant has a 1-year-old who is learning to walk and run they feel unsafe with vehicular traffic, as well as unsightly garbage and safety concerns.
- Applicant stated there will be no gate in front
- Applicant stated there are other 6’ fences in the neighborhood
- No one spoke for or against the application

Stipulations:

1. The fence must be properly anchored with the finished side facing toward the neighbors.
2. Applicant must obtain a Fence Permit from the Building Department.
3. Applicant must comply with all plans submitted to the Building Department including a marked highlighted survey
4. Applicant must abide by all applicable State, Village and Local Codes.

A motion to approve this application was made by Vice Chairperson Cullen and was seconded by William Ordon.

Vote on the Motion:	Chairperson Richard Ubert	aye
	Vice Chairperson Tracey Cullen	aye
	William Ordon	aye
	Roger Smith	aye
	Eric Taylor	aye

Motion carried: 5 ayes 0 nays

APPLICATION OF LAURA ELLIS 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.

Laura Ellis Esq. 80 Broadway, Amityville NY spoke on behalf of this application.

- A Special Exception was originally granted 11/2015 for a 2-year term. It was renewed in 2017 for a 3-year term which expired in 2020. There are no violations. The business wasn't operating fully during the COVID-19 pandemic; now that they are operational, the application is for outdoor storage of vehicles. they know they need to renew.
- The application is for outdoor storage of vehicles.
- The property is 70% covered. The vehicles are stored very neatly and appear to be primarily impounded vehicles.
- **Matthew Swit, 57 Elm Place Amityville, NY** stated that his family has been on Elm Place for 99 years. He is concerned about extra traffic, as they do work 24/7, but they do try to be quiet. The applicant owns a lot of property in the area, and Mr. Swit is concerned about their employees doing work with tow trucks while parked in the streets. Mr. Swit would like parking to be enforced and to restrict only single layer parking as opposed to tiered parking.
- **Ms. Ellis Esq.** stated that her client has addressed the concerns of overflow parking and moved vehicles to a Massapequa property.

Stipulations:

1. Vehicles are to be on a single layer only.
2. No outside containers or garbage.
3. Property is to be maintained.
4. The application is approved for a period of three years or until change of ownership, whichever comes first.
5. Applicant must make sure that all Village, state, and local codes and ordinances are met.
6. Applicant must secure and maintain all required and necessary permits.

A motion to approve this application was made by Roger Smith and was seconded by Vice Chairperson Cullen.

Vote on the Motion:	Chairperson Richard Ubert	aye
	Vice Chairperson Tracey Cullen	aye
	William Ordon	aye
	Roger Smith	aye
	Eric Taylor	aye

Motion Carried: 5 ayes 0 nays

APPLICATION OF JONATHAN PESCE. Applicant seeks renewal of a previously approved by "Special Exception" conversion of a one-family dwelling to a two-family owner-occupied special exception pursuant to Section 183-43 C (6) of the Village Code. Premises located on the north side of Oak Street, approximately 51 feet east of Lake Street in a "Residential B" district known as 122 Oak Street a/k/a SCTM# 101-4-4-25

Chairperson Richard Ubert stayed the application until next month due to Mr. Pesce's work schedule.

A motion to amend the minutes from the January 13, 2022 meeting was made as the minutes have the wrong date on them was made by Chairperson Richard Ubert and was seconded by Roger Smith.

Vote on the Motion: Chairperson Richard Ubert aye
 Vice chairperson Tracey Cullen aye
 William Ordon aye
 Roger Smith aye
 Eric Taylor aye

Motion Carried: 5 ayes 0 nays

Chairperson Richard Ubert adjourned the meeting at 7:17 P.M.

Respectfully submitted:



Catherine Murdock, Clerk/Treasurer