

**Zoning Board of Appeals
Minutes
July 15th, 2021
Zoom Video Call**

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

Other Attendee: Tracey Gronbach, Secretary to the Board

Meeting called to order at 7:00pm.

Chairperson Ubert welcomed everyone to the July 15, 2021, meeting of the Zoning Board of Appeals. He introduced himself and the Board Members.

Chairperson Ubert stated that the agenda was adjusted before the meeting, and the application of Greene Avenue Lofts Corp will be presented last tonight.

Chairperson Ubert stated for the record that all 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. He also asked that anyone who wishes to speak please state their name and address for the record so that may be accurately recorded in to the minutes.

Chairperson Ubert called for a motion to approve the minutes from the June 17, 2021, meeting.

A motion was made by Vice Chairperson Cullen to approve the minutes as edited which was seconded by Mr. Smith.

Vote on the Motion:	Chairperson Ubert	aye
	Vice Chairperson Cullen	aye
	Mr. Ordon	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 5 ayes 0 nays

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Application of Wicom LTD. Applicant seeks a special exception to maintain outdoor storage pursuant to 183-96 of the Village Code. Premises located on the Northwest corner of Birch Ave and Greene Ave in an Industrial District known as 24 Burch Ave a/k/a SCTM#101-3-3-23.

Glenn Nugent, 31 Greene Ave, Amityville, NY, spoke on behalf of this application.

Findings:

- Mr. Nugent stated that his client has been operating at the property for forty-six years (46) years.
- Wicom, LTD is seeking a special exception for outdoor storage of materials.
- The property is in the industrial zone; the business is a dairy distributor.
- The materials being stored outside is primarily pallets and shipping materials. Wicom, LTD. also has a commercial vehicle on the property, which is licensed by the Board of Trustees.
- Deliveries occur about four times per week. Material are brought in each day.
- Wicom, LTD is not storing anything perishable outside the building.
- No one spoke for or against the application.

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

Vote on the Motion:	Chairperson Ubert	aye
	Vice Chairperson Cullen	aye
	Mr. Ordon	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant is approved for three (3) years or until change of ownership, whichever comes first.
2. The property may not be used for any sub-leasing. No additional commercial vehicles may be stored on the property.
3. Applicant will be responsible for maintenance of building and property.
4. Applicant must insure timely and appropriate disposal of all rubbish, trash, and garbage. No building materials are to be stored outdoor overnight.
5. Applicant must abide by all applicable State, Village and Local Codes.

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Application of Joe Bello, PC. Applicant seeks a variance for the extension of non-conforming side yard setback associated with a proposed second story addition pursuant to Section 183-34 of the Village Code. Premises located on the North side of Coles Ave approximately 275 ft East of Richmond Ave in a BB Residence District known as 69 Coles Ave a/k/a SCTM#101-9-10-29.

Ben Campton, Joe Bello Architecture, 11 Broadway, Amityville, NY 11701, spoke on behalf of this application.

Findings:

- This application went to the Planning Board’s July 1st, 2021, meeting before coming to the Zoning Board of Appeals.
- The home owner is seeking a side yard variance for a second-floor extension off the back of home.
- The side yard variances are existing non-conforming. The setback on the east side will go from twenty-three-point eight (23.8) feet to sixteen point five (16.5) feet. The west side set back was three-point feet (3.6) feet and will be maintained.
- No one spoke for or against the application.

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

Vote on the Motion:	Chairperson Ubert	aye
	Vice Chairperson Cullen	aye
	Mr. Ordon	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant must conform to plans submitted.
2. Applicant must obtain Planning Board approval.
3. Applicant must obtain all proper building permits.
4. Applicant must abide by all applicable State, Village and Local Codes.

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Application of Greene Avenue Lofts Corp. Applicant seeks a use variance for the proposed construction of a retail/multiple dwelling building along with variances for lot coverage, and a reduction in the required number of parking spaces pursuant to Sections 183-81, 183-138 and 183-129 of the Village Code. Premises located on the Southwest corner of Greene Ave and Park Ave in a Historical district known as 8 Greene a/k/a SCTM#101-5-2-18.

Joseph Buzzell, Buzzell, Blanda, Visconti LLP, 535 Broadhollow Rd, Suite B-4, Melville, NY, spoke on behalf of this application.

Findings:

- The property was formerly Chase bank, Green Ave Lofts is proposing a restaurant with six (6) apartments behind the restaurant.
- The property is zoned in the Historical District.
- The site is about fifty (50) feet wide on west side of Park Ave and has one hundred fifty (150) feet on the south of Greene Ave. The building was a bank and office with three floors.
- The parking demand on the current building is fifty-three (53) spaces; current proposal is for thirty-six (36) spaces. That is seventeen (17) a spaced difference, a thirty-two (32%) percent decrease.
- There are four to six (4-6) current employee parking spaces in the back of the building. These parking spaces can used when garbage is not being picked up or deliveries are not being made.
- The restaurant's garbage pickup and deliveries will happen when the restaurants not open or operational.
- Mr. Buzzell stated that restaurants are a destination and bring people into a Village. People want options and Amityville is the perfect place.
- The existing high windows will not be removed, the high ceiling's in the front of where the bank was will also be preserved (similar to Teller's in Islip or Monsoon in Babylon).
- Green Ave Lofts is only adding forty-three (43) square feet (.007%) to enclose the connection of the restaurant section to the apartments.
- Mr. Buzzell stated during COVID, restaurants were hit very hard, and that this location is a great location for a quality high-end restaurant. The estimated buildout for the restaurant will about one million dollars (\$1,000,000). Green Ave Lofts is working with a restaurant broker to find a good fit, but no restaurateur will commit without the Zoning Board Approval.
- Mr. Buzzell stated that Green Ave Lofts is proposing six (6) apartments. The apartments will be located in the back of the building. There will be two apartments per floor. One

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of apartments will be a studio (on the first floor), the other five (5) apartments are one-bedroom. The apartments will feature high quality materials, with stainless steel appliances, plush carpets.

- The restaurant and apartments would be handicap accessible.
- The restaurant requires twenty-four (24) parking spots, and the residential would require twelve (12) spaces (two (2) per apartment), for a total of thirty-six (36) spaces.
- Mr. Buzzell stated the Village has numerous underutilized municipal parking lots in the area that could be used for the residents and restaurant customers.
- **Ethan Schukoske – Atlantic Traffic Design, 2929 Expressway Drive North, Suite 120, Hauppauge, NY 11749**, spoke on behalf of the traffic study. This study was conducted in late June 2021. The property is a quarter (¼) mile south of the Long Island Railroad.
- The maximum parking demand was on a Friday evening between 8:30 and 8:45, when 146 vehicles were parked. There are many municipal parking lots in the Village that could accommodate the night demand.
- **Joanne Fisk, 29 Maple Drive, Amityville**, asked a question about how deliveries are received. Mr. Buzzell explained deliveries are going to be received earlier in the day before operational hours.
- **Janice Baxter, 16 Purdy, Amityville**, expressed concerns about the parking for restaurant patrons, as well as people in the apartments and their guests. She also asked how would they know where to park?

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

Vote on the Motion:	Chairperson Ubert	aye
	Vice Chairperson Cullen	aye
	Mr. Ordon	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant must conform to plans submitted, particularly as it retains to the architecture and the maintaining existing façade and windows.
2. Applicant must abide by all applicable State, Village and Local Codes.
3. Applicant must work with Board of Trustees on a parking plan to address overnight parking needs for residential units.

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Motion to adjourn the meeting was made by Mr. Smith seconded by Vice Chairperson Cullen.

Vote on the Motion:	Chairperson Ubert	aye
	Vice Chairperson Cullen	aye
	Mr. Ordon	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 5 ayes 0 nays

Chairperson Ubert adjourned the meeting at 8:43pm.

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer