

**Zoning Board of Appeals
Minutes
November 18, 2021**

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

Other Attendees: Gregg Doerner, Building Inspector
Tracey Gronbach, Secretary to the Board
Catherine Murdock, Village Clerk

Meeting called to order at 7:00pm.

Chairperson Ubert welcomed everyone to the November 18, 2021, meeting of the Zoning Board of Appeals. He introduced himself and the Board Members.

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 comes to speak at the podium please state your name and address for the record and sign in on the sign in sheet so we can record everything properly.

Chairperson Ubert called for a motion to approve the minutes from the September 16, 2021, meeting.

A motion was made by Mr. Taylor to approve the minutes as edited which was seconded by Mr. Ordon.

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

Motion carried: 4 ayes 0 nays 1 abstained

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APPLICATION OF DINA & SONNY GRAPPONE. Applicant seeks a variance for a non-conforming side yard setback associated with an existing addition to maintain a 5’ side yard setback where 12’ is the minimum setback required in accordance with Section 183-51 of the Code of the Village of Amityville. Premises located on the East side of Richmond Avenue approximately 233.48’ South of Chichester Avenue in a Residence B district, known as 258 Richmond Avenue a/k/a SCTM#101-11-14-14.

Dina Grappone and Sonny Grappone, 258 Richmond, Amityville, NY, spoke on behalf this application.

Findings:

- The Grappone’s purchased their home in 2019.
- The Grappone’s stated that they were obtaining permits for new proposed work on their home, it came to the Building Inspector’s attention that there was not a CO for a small addition (deck) on the back of the home. This addition was there when the Grappone’s purchased the property, and it does not conform with the Village Building Codes.
- The property has a five-foot side yard setback, while the Village Code requires a twelve-foot setback.
- The **Building Inspector Gregg Doerner** confirmed the home was purchased as is and he was unable to determine how long ago the addition was built since a permit was never filed with the Building Department.
- No one spoke for or against the addition

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

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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Stipulations:

1. Applicant must conform to the plan submitted.
2. Applicant must apply to the Building Department for all proper building permits.
3. Applicant must abide by all applicable State, Village and Local Codes.

APPLICATION OF AGENT RUSSEL ROSICKI FOR OHANA ISLAND GROOMING, LP. Applicant seeks a use variance for a change of use from an office to a dog grooming salon which is not permitted in accordance with Section 183-68 of the Code of the Village of Amityville. Premises located on the West side of Broadway approximately 189.10' South of Ireland Place in a Historic district, known as 158 Broadway a/k/a SCTM#101-5-7-5.

Dr. Russell Rosicki, Melbourne, Florida, an architect who owns the grooming salon, spoke on behalf of this application.

Findings:

- Dr. Russell seeks to relocate his existing dog grooming salon from Lindenhurst to Amityville.
- The Ohana Island Grooming Salon has operated for eight years in Lindenhurst. The hours of operation are 8:00 AM to 8:00 PM, seven days per week (not on major holidays). And by appointment only. The building is surrounded by blocks, so that is unique and was a deliberate requirement for him, to minimize sounds from the grooming. The Salon will have no more than twenty dogs in per day; the business has twelve cages. Dogs are walked by owners prior to receiving services, so there would be little to no walking of dogs by employees.
- The building landlord will maintain the common area maintenance (shovel sidewalks, plow driveway.)
- The salon has four employees. There would be no more than two-three employees at any time. Pet owners are there for very brief times as they drop off and pickup.
- The building's lot has twelve parking spots. Landlord has agreed to stripe the spots. There is also street parking along Broadway.
- No animals will stay over for boarding, Dr. Russel stated that it is not part of his future business plans.
- There is another dog grooming facility in the Village, also in the historical district, and it received a variance in January 2018.
- **Joan Donnison, Bay Village Civil Association**, expressed concerns about adequate parking with other businesses in that lot but thought the business plan sounds very nice.

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

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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 will not have any overnight boarding of animals.
2. Applicant must conform to the plan submitted.
3. Applicant must apply to the Building Department for all proper building permits.
4. Applicant must apply to the Planning Board for approval for all building signage.
5. Applicant must abide by all applicable State, Village and Local Codes.

APPLICATION OF AGENT CAROL ANN CHANG FOR JARROD ALLEN. Applicant seeks a variance for non-conforming side yard setback to maintain an existing 8' x 14' frame shed in the rear yard holding a 0.3' side yard setback where of the minimum required 2.0' setback in accordance with Section 183-55 of the Code of the Village of Amityville, and also seeks a special exception to maintain an existing 6' high fence in the side and rear yards where 5' high is the maximum allowed in accordance with Section 183-139 of the Code of the Village of Amityville. Premises located on the West side of Oldfield Avenue approximately 420.45' North of Cedar Street in a Residence B district, known as 136 Oldfield Avenue a/k/a SCTM#101-5-4-20.

Jarrold Allen, 136 Oldfield Ave, Amityville, NY, spoke on behalf of this application.

- Mr. Allen purchased the home two months ago as is, he was attempting to legalize non-conforming aspects of the property, which were discovered at closing.
- Mr. Allen has a shed that is eight by fourteen in the back left corner of the property with a side set back below the Village Code allows. There are other sheds in the area.
- The rear and side fencing is six feet high, there are other six-foot fences in the area.
- Lot coverage is not listed on the architectural drawings, the Building Inspector and the Board expressed concerns regarding whether a lot coverage variance was also needed.

A motion to close the hearing and reserve decision while the lot coverage is calculated was made by Mr. Taylor and was seconded by Mr. Ordon.

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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

APPLICATION OF LUCY PELLEGRINO, NEPTUNE PLACE PROPERTIES. Applicant seeks to amend the special exception approval granted on September 16th, 2021, for a 6’ PVC fence. The amended application is to erect a 6’ high masonry wall in the front yard where 5’ high is the maximum height allowed in accordance with Section 183-139 A (2) of the Code of the Village of Amityville. Premises located on the West side of Grand Central Avenue approximately 1,159.92 feet South of Dewey Avenue in a Residence A district, known as 347 Grand Central Avenue a/k/a SCTM#101-14-1-24.

Lucy Pelligino and Bill Votta, Neptune Place Properties, 120 Neptune Place, Massapequa, NY 11758, spoke on behalf this application.

Findings:

- **Neptune Place Properties** seeks to amend the Board’s September 16th, 2021, approval for a vinyl PVC fence to a five-foot-high stone fence at the front of the property (bout fifty feet) with a one foot of lattice work at the top, for a total of six feet.
- Ms. Pellegrino stated that they intends to have shrubbery and planting in front of the fence.
- Mr. Votta stated that he concerned about the PVC fence being blown down due to heavy wind in the area, and his fence company would not warranty the PVS fencing.
- Mr. Votta said they will match the stone on the chimney. The stone would be six inch thick and plus the stone facing.
- **Michael Graziano, 530 Grand Central Ave**, owns the adjoining home and after reviewing photos presented, said he was in favor of this design.
- **Joan Donnison Bay Village Association**, expressed concerns about potential precedent this is setting, putting in large walls at waterfront properties in the Village.

A motion to approve the amended this application was made by Mr. Smith and was seconded by Mr. Ordon

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

Motion carried: 4 ayes 1 nay

Stipulations:

1. Applicant must conform to the plan submitted to the Board.
2. Applicant must apply to the Building Department for all proper building permits.
3. Applicant must abide by all applicable State, Village and Local Codes.

APPLICATION OF VINCENT CAMARDA. To consider the appeal filed by the applicant of that part of the Order to Remedy Violation issued by the Building Inspector of the Village of Amityville, dated September 2, 2021, citing the applicant for failing to construct an attached garage in compliance with plans approved by the Zoning Board of Appeals, granted on March 18, 2021, and violating stipulations required by said approval. Premises located on the West side of Grand Central Ave approximately 550 ft south of Dewey Ave in a residence district known as 325 Grand Central Ave a/k/a SCTM#101-14-1-1

To consider an application to amend the prior Zoning Board of Appeals decision, granted on March 18, 2021, granting Vincent Camarda variances to construct an attached garage.

APPLICATION OF VINCENT CAMARDA. To consider rescinding the approval granted to Vincent Camarda on March 18, 2021, pursuant to section 4-2 paragraph B of the Code of the Village of Amityville due to the alleged failure of said applicant to comply with one or more stipulations attached to said approval by the Zoning Board of Appeals. Premises located on the West side of Grand Central Ave approximately 550 ft south of Dewey Ave in a residence district known as 325 Grand Central Ave a/k/a SCTM#101-14-1-18.

Brian Kennedy, Esq., Forchelli, Deegan Terrana, 333 Earle Ovington Blvd, Suite 1010, Uniondale, NY 11558, counsel for Mr. Camarda, spoke on behalf this application.

A motion to close and reserve the decision on this application was made by Vice Chairperson Cullen and was seconded by Mr. Smith.

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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

Motion to adjourn the meeting was made by Mr. Taylor 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

Chairperson Ubert adjourned the meeting at 9:00.

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer