

**Zoning Board of Appeals
Minutes
September 16, 2021**

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

Other Attendee: Robert Hayes, Building Inspector
Tracey Gronbach, Secretary to the Board

Absent: Vice Chairperson, Tracey Cullen

Meeting called to order at 7:10pm.

Chairperson Ubert welcomed everyone to the September 16, 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 July 15th, 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
	Mr. Ordon	aye
	Mr. Smith	aye
	Mr. Taylor	aye
	Mr. Russo	aye

Motion carried: 5 ayes 0 nays

**Zoning Board of Appeals
Minutes
September 16, 2021**

Application of Robert Heller. Applicant seeks a special exception to install a six-foot fence in accordance with Section 183-139 A. (2) of the Village Code. Premises located on the north side of Terry Ave in a B Residence District known as 60 Terry Ave a/k/a SCTM#101-6-3-25.1.

Robert Heller, 60 Terry Ave, Amityville, NY, spoke on behalf this application.

Findings:

- Mr. Heller stated that his property is a corner lot, located on northwest side Terry Ave and Forrest Place. .
- The existing five-foot wood fence that is currently on the property is falling down, and Mr. Heller would like to change it to six-foot PVC fence.
- The fence is for privacy issues, his neighbors have a raised deck, and the past five-foot fence would not give enough privacy.
- There are other six-foot fences in the area.
- No one spoke for or against this application.

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

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant must install fence with the good side facing towards the neighbors.
2. The fence must be properly anchored.
3. Applicant must obtain a Fence Permit.
4. Applicant must comply with all plans submitted to the Building Department.
5. Applicant must abide by all applicable State, Village and Local Codes.

Application of Pietro D. Ennis. Applicant seeks a special exception to erect a 6' high fence in the side and rear yards where 5' high is the maximum height allowed in accordance with Section 183-139 (A) (2) of the Village Code. Premises located on the west side of Dowsing Place approximately 68.8' South of Merrick Road in a B Residence District known as 11 Dowsing Place a/k/a SCTM#101-10-2-22.

**Zoning Board of Appeals
Minutes
September 16, 2021**

Pietro Ennis, 11 Dowsing Place, Amityville, NY 11701, spoke on behalf of this application.

Findings:

- Ms. Ennis stated the property is located on the westside of Dowsing Place.
- Currently there is no fence on the property, Ms. Ennis would like to install a six-foot PVC fence at the rear of her property with two gates on either side of the house.
- The fence is for privacy, she has family members with young children that come to visit often.
- There are other six-foot fences in the area. The neighbor to the left of Ms. Ennis has a six foot PVC fence.
- Mr. Taylor read an email that was sent to The Board from **Danielle Thermidor, 17 Dowsing Place, Amityville NY**. Ms. Thermidor wrote that she was in favor of this fence application as long as it didn't encroach upon her property.

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

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant must install fence with the good side facing towards the neighbors.
2. The fence must be properly anchored.
3. Applicant must obtain a Fence Permit.
4. Applicant must comply with all plans submitted to the Building Department.
5. Applicant must abide by all applicable State, Village and Local Codes.

Application of Ronandi Rodriguez & Nicole Alvarez. Applicant sees a special exception to maintain and erect 6' fencing in both the rear and side yards where 5' high is the maximum height allowed pursuant to Section 183-139 (A) (2) of the Village Code. Premises located on the South side of Washington Avenue approximately 160' West of Broadway in a B Residence District, known as 16 Washington Avenue a/k/a SCTM#101-2-1-39.

**Zoning Board of Appeals
Minutes
September 16, 2021**

Nicole Alvarez, 16 Washington Ave, Amityville, NY, spoke on behalf of this application.

Findings:

- The property is located by the ramp for Sunrise Highway and the Simpson Methodist Episcopal Church.
- Ms. Alvarez and her Fiancé bought property in 2019. The property is currently for sale. Ms. Alvarez is pregnant and their family is growing.
- They have installed a four-foot PVC fence in the front of the house, to protect the property from the businesses in the area (gas station is across the street and other businesses backup to the property).
- They cleaned out the trees in the rear property to install the six-foot PVC fence. She did not know that she needed to have Zoning Board of Appeal approval to install the six-foot fence.
- The six-foot fence was installed for safety, this is the only house that backs up to the Sunrise Highway entrance ramp and Broadway (Route 110).
- They would like to also install a six-foot angled wood fence to cover her Fiancé's landscaping truck that they would like to house on the property (currently the truck is not on the premises).
- **Katrina Conway, MCCLOWSS Home Owners Block Association, Unity In The Community, 29 Maple Place, Amityville, NY.** Spoke on behalf of herself and her neighbors which are in opposition of this application. Ms. Conway stated that the wood fence will look ugly with the current four-foot and six-foot fences not matching. The wood fence would not bring any beautification to our neighborhood.
- The Broad was all in agreement that Ms. Alvarez had fixed up the look of the property.

A motion to approve the application to maintain the existing six-foot fence and denied the additional angled six foot wood fence was made by Mr. Taylor and was seconded by Mr. Smith.

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

Motion carried: 5 ayes 0 nays

**Zoning Board of Appeals
Minutes
September 16, 2021**

Stipulations:

1. Applicant must have the six-foot PVC fence previous installed with the good side facing towards the neighbors.
2. The fence must be properly anchored.
3. Applicant must obtain a Fence Permit for the existing six-foot fence.
4. Applicant must go before The Board of Trustees in regard to the landscaping trucks on the property.
5. Applicant must comply with all plans submitted to the Building Department.
6. Applicant must abide by all applicable State, Village and Local Codes.

Application of Neptune Place Properties c/o Lucy Pellegrino. Applicant seeks a special exception to erect a 6' high fence in the side yards where 5' high is the maximum height allowed in accordance with Section 183-139 A (2) of the Village Code, and to erect a 6' high fence in the rear yard facing a waterway where 4' high is the maximum allowed in accordance with Section 183-139 A (1) of the Village Code. Premises located on the West side of the Grand Central Avenue approximately 1,159.92' South of Dewey Avenue in an A Residence District, known as 347 Grand Central Avenue a/k/a SCTM#101-14-1-24.

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

Findings:

- There are other six-foot fences in the area.
- They are replacing a fence that was damaged in Super Storm Sandy. The property has been under construction for many years.
- **Mohamed Khawan, 345 Grand Central, Amityville, NY 11701,** spoke for the fence application but asked if the application could be amended. He asked that Neptune Properties amend the six-foot fence application to three sections of four-foot fence from the bulkhead to the northwest corner of the house.
- The six-foot fence from the house would waterfall down to the four-foot fence (approximately twenty-five feet).
- The six-foot fence will be a five-foot PVC fence with a one-foot see thru lattice top.
- After some discussion both sides agreed to the amendment of the fence application.

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

**Zoning Board of Appeals
Minutes
September 16, 2021**

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant must install fence with the good side facing towards the neighbors.
2. The fence must be properly anchored.
3. Applicant must obtain a Fence Permit.
4. Applicant must comply with all updated plans submitted to the Building Department.
5. Applicant must abide by all applicable State, Village and Local Codes.

Application of Charles Downey Revocable Living Trust c/o Charles Downey. Applicant seeks to renew a previously approved two-family dwelling pursuant to Section 183-43 (C) (6) of the Village Code. Premises located on the South side of Railroad Avenue, approximately 190.12' West of Wellington Place, in a B Residence District, known as 45-47 Railroad Avenue a/k/a SCTM#101-4-3-8.

Charles Downey, 12 Stuart Ave, Babylon, NY 11702 spoke on behalf this application.

Findings:

- Mr. Downey's parents bought the property in 1946, and he bought it from them in 1955.
- Both apartments are side by side, two bedrooms and a bathroom upstairs with a living room, kitchen, and half bathroom downstairs.
- One of the tenants has lived at the property for thirteen years and the other tenant has lived there about a year.
- The property has adequate off-street parking.
- The property is well maintained.
- **Katrina Conway, MCCLOWSS Home Owners Block Association, Unity In The Community, 29 Maple Place, Amityville, NY,** said that she is for this application and that Mr. Downey does a great job of maintaining this property.

**Zoning Board of Appeals
Minutes
September 16, 2021**

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

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. This application is approved for five years or change of ownership whichever comes first.
2. Applicant must maintain adequate off-street parking.
3. Applicant is responsible for maintenance of the property.
4. Applicant must ensure timely and appropriate disposal of all rubbish, trash, and garbage.
5. Applicant must obtain a rental permit.
6. Applicant must abide by all applicable State, Village and Local Codes.

Application of Luz Santiago & Michelle Lazos. Applicant seeks a use variance for a proposed non-owner-occupied rental of a single-family home which is not permitted pursuant to Section 183-58 of the Village Code. Premises located on the North side of Union Avenue approximately 674.4' East of Broadway in a C Residence District, known as 48 Union Avenue a/k/a SCTM#101-5-3-20.

Luz Santiago, 48 Union Ave, Amityville, NY, spoke on behalf this application.

Findings:

- This application was mistakenly brought to The Board. A single-family home maybe rented without a Zoning Board of Appeals approval.

A motion to close this application and apply the fees incurred (application, mailing and signs) for this application to her rental application was made by Mr. Ordon and was seconded by Mr. Taylor.

**Zoning Board of Appeals
Minutes
September 16, 2021**

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

Motion carried: 5 ayes 0 nays

Chairperson Ubert adjourned the meeting at 8:30pm.

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer