

**Zoning Board of Appeals
Minutes
July 21, 2022**

Chairperson Roger Smith welcomed everyone to the July 21, 2022, meeting of the Amityville Zoning Board of Appeals at 7:00 P.M.

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

Absent: Robert Russo, Alternate Member

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

After introducing The Board, **Chairperson Roger Smith**, informed applicants that they are hereby notified that all agreed upon concessions, promises, pledges, assurances, or declarations given to them or their duly appointed agents, during their hearing process shall become stipulations to any approvals given by The 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 Smith 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 Smith motioned to approve the June 16, 2022, Zoning Board of Appeals minutes. **Eric Taylor** seconded the motion.

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

Motion carried: 5 ayes 0 nays

Chairperson Smith mentioned that the **Application of Kevin Sheehan on behalf of 203-205 Broadway Amityville, LLC**. Would not be heard this month.

Application for Jonathon Brill on behalf of Dixon 145 Associates, LLC. Applicant seeks a variance for insufficient parking in association with the proposed 10,900 SF addition to a commercial building pursuant to Section 183-129 of the Village Code. Premises located on the

South side of Dixon Avenue approximately 740 feet East of Albany Avenue in an "Industrial" District known as 145 Dixon Avenue a/k/a SCTM# 101-4-1-93.

Jonathon Brill, 145 Dixon Avenue, Amityville, NY spoke on behalf of this application.

Findings:

- Applicant described that his company manufactures linear shower drains that are distributed across the United States and are American made.
- The company was formed 15 years ago in Port Washington, but moved to Amityville years ago
- Wants to extend the building to optimize manufacturing
- There is an empty 1-acre lot; the extension would sit there.
- The extension will primarily be used for storage and packing not manufacturing.
- They need 37 parking spots for this application and are short 18. This is in addition to the 100 spots that currently exist for the property.
- They employ 100 employees
- 20% of the employees are local and either ride bikes or carpool together.
- Employees start work at 7:00 A.M. until about 2:30 or 3:00 P.M. Others start work at 9:00 A.M. and leave at 6:00 P.M. Employees work Monday through Friday.
- At one point they had commercial tenants with large trucks on the property but there are no more tenants now.
- Joan Donnison of the Bay Village Civic Association expressed concerns about parking.
- Mr. Brill is confident he has ample parking as there are usually 20 empty spots. Also, he is aware of residents in the neighborhood using his lot for extra parking.
- Mrs. Donnison also asked questions about where the parking spaces are currently located, and where the proposed spots would be. Mr. Brill explained the spots would be around the property.
- Robert Reinhardt owns two properties on Elm Place. He expressed concerns about the potential for a gate to be in the back. Mr. Brill explained that his lot has three entrances- Dixon, Elm, and Maple. Trucks currently come in through Maple. The gate would have a code and could be controlled by who comes in or out.
- Matthew Swit of 53 Elm Place, Amityville, NY lives in the adjacent lot. He thinks they are a good neighbor that keeps his lot neat. He is not specifically concerned about this application but is concerned about parking in the neighborhood.

Stipulations:

1. Applicant must comply with all plans submitted to the Building Department.
2. Applicant must obtain all building permits
3. Applicant must abide by all applicable State, Village and Local Codes.
4. Trucks must enter on Elm Place and exit on Maple Place

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

Vote on the Motion: Roger Smith, Chairperson aye

Tracey Cullen, Vice Chairperson	aye
William Ordon	aye
Roger Smith	aye
Eric Taylor	aye

Motion carried: 5 ayes 0 nays

Application of Dingle Bay Enterprises. Applicant seeks variances to reduce individual side yard setback from 12 feet to 10 feet, aggregate side yard setback from 24 feet to 20 feet and required lot frontage from 75 feet to 50 feet in connection with the erection of a new 2 story single family dwelling. Pursuant to Section 183-51 of the Village Code for the side yard setbacks, and 183-44 of the Village Code for the lot frontage. Premises located on the South side of Austin Avenue approximately 470 feet East of Lake Street in a “B Residence” District known as 39 Austin Avenue a/k/a SCTM# 101-4-4-14.

Findings:

- Application is for a new single-family dwelling on an existing parcel
- There are no environmental conditions on the site
- The lot was created 132 years ago.
- The street is comprised of primarily narrow lots. There are 4 50’ lots abutting this to the west, and then a 60’ lot. There’s a flag lot subdivision in the area and Baywood Publishing (industrial).
- 70.6% of the homes on the street do not meet the frontage requirements. Homes on nearby Bayview Avenue also do not meet frontage requirements.
- The home has sufficient lot square footage for a home of this size.
- In 2011, The Zoning Board of Appeals approved a home on this lot which was never constructed. It had the same frontage issue, but other variances needed as it was a different home requiring different setbacks.
- His client has been building homes since the 1980’s and has built many homes in Amityville and Babylon.
- Charles Grittani 302 Bayview Avenue, Amityville, NY was concerned that many of the homes on Austin are rentals, and he was concerned about the home being close to his home on Bayview Avenue. He asked to see a copy of the plans. He thought the home was beautiful but is opposed to this plan.
- Mr. Buzzell explained that his client intends to sell the home and not be a rental. Homes with central HVAC generally are not rentals.
- Mr. Bugajczyk 306 Bayview Avenue, Amityville, NY bought his home and follows the rules and expects the same of his neighbors. He is opposed to the application.
- Agnes Bugajczyk 306 Bayview Avenue, Amityville, NY Her dream was to live in Amityville, she bought her house 2 years ago. She invested in a pool and landscaping on her property. She follows the rules. She is opposed to this application.
- Frontage- 75 feet required; they have 50. This Board has previously granted a variance for that frontage in 2011.
- Side yard variances- they have 10’ on each side, where 12’ are required.

Stipulations:

1. Applicant must comply with all plans submitted to conform with plans submitted to the Building Department, with the exception that exterior cellar entrance is removed. The entrance to the cellar will be via the interior of the home,
2. Applicant must go to the Planning Board.
3. Applicant must abide by all applicable State, Village and Local Codes.
4. Applicant must obtain all building permits.

A motion to approve this application was made by Vice Chairperson Cullen and was seconded by Eric Taylor.

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

Motion carried: 5 ayes 0 nays

Chairperson Roger Smith mentioned that the next application is for an extension for a previously approved application from May 20, 2021.

Application of Mark Searage. Applicant seeks variances from Sections 183-49 and 183-54 of the Village Code as the proposed additions of a front porch and rear deck exceed the allowable lot coverage and minimum rear yard setback. Premises located on the East side of Berger Ave approximately 620 ft South of Shore Rd in a "B Residence" District known as 60 Berger Ave a/k/a SCTM# 101-13-3-12.

A motion to approve this application for a year was made by Eric Taylor and was seconded by Chairperson Smith.

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

Motion carried: 5 ayes 0 nays

Chairperson Smith adjourned the meeting at 7:45 P.M.

Respectfully submitted:



Catherine Murdock, Clerk/Treasurer