

**Zoning Board of Appeals
Minutes
September 15, 2022**

Chairperson Roger Smith welcomed everyone to the September 15, 2022 meeting of the Amityville Zoning Board of Appeals at 7:02 P.M.

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

Other Attendees: Michael Breitweg, Building Inspector
Melanie Macomber, Secretary

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 of 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 July 21, 2022 Zoning Board of Appeals minutes. **Vice Chairperson Tracey Cullen** 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

Application of Michael Bello as agent for Thomas Sauers. Applicant seeks to renew a previously approved Special Exception for the maintenance of a non-owner-occupied two-family dwelling pursuant to Section 183-82 A (10) (c) of the Village Code. Premises located on the Northeast Corner of Merrick Road and Ketcham Avenue in a “B-2 Business” District known as 48 Merrick Road a/k/a SCTM#101-7-2-19.

Michael Bello, 48 Merrick Road, Amityville, NY spoke on behalf of this application.

Findings:

- Applicant described that the property was a two-family home for many years. It was a car lot but they gave up the status of a car lot at the last ZBA meeting a few years ago.
- The home was built in 1864 predating the incorporation of Amityville.
- Applicant requested permanent two-family status
- The home has an upstairs and downstairs and downstairs apartment.
- The upstairs unit has two bedrooms and is occupied by a mother, daughter, and granddaughter.
- The downstairs unit has three bedrooms, occupied by several related adults.
- The Building Inspector inspected the house and the only issue (related to a battery in a smoke detector) was immediately corrected.
- There is adequate off-street parking.
- No one spoke for or against the application

Stipulations:

1. Approved for 4 years or change of ownership, whichever comes first.
2. Applicant must abide by all State, Village and Local Codes.
3. Applicant must maintain adequate off-street parking, removal of garbage, snow, debris and must keep up the maintenance of the property.

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

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

Application of Terence Thomas. Applicant seeks a use variance to convert a one family dwelling to an owner-occupied two-family dwelling pursuant to Section 183-43 of the Village Code. Premises located on the North side of Washington Avenue, approximately 282 feet west of Route 110 in a “Residential B” District known as 25 Washington Avenue, a/k/a SCTM#101-1-2-30.2

A motion to reserve this decision was made by Vice Chairperson Cullen and was Seconded by Mr. Taylor.

Application of Braublio and Doris Castillo. Applicants seek a Special Exception to renew a previously approved conversion of a non-conforming, single-family dwelling to an owner-occupied two-family dwelling pursuant to Sections 183-94 and 183-122 of the Village Code.

Premises located on the North side of Maple Place, approximately 563 feet East of Albany Avenue, in an “Industrial” District known as 48 Maple Place, a/k/a SCTM#101-4-1-89.

Findings:

- Applicants seek to maintain a two-family special exception.
- He has owned the property for 10 years but has lived there for 24 years.
- The Building Inspector inspected it and has found the property to be immaculate.
- Applicant lives downstairs with his wife, son, and daughter. Their unit has two bedrooms and one bathroom. Upstairs is 2 adults and a child in a bedroom apartment with 1 bathroom.
- No one spoke for or against the application.

Stipulations:

1. Approved for 4 years or change of ownership, whichever comes first.
2. Applicant must abide by all State, Village, and local Codes.
3. The applicant must maintain adequate off-street parking, removal of garbage, snow, debris, and keep up the maintenance of the property.

A motion to approve this application was made by Eric Taylor and was Seconded by Richard Ubert.

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

Application of Eileen Krupa. Applicant seeks a Special Exception for the renewal of a non-owner-occupied two-family dwelling pursuant to Sections 183-43 C (6) of the Village Code. Premises located on the Northwest corner of the intersection of Oak Street and Wellington Place in a “Residential B” District known as 60 Oak Street, a/k/a SCTM#101-4-3-38.

Findings:

- Property is a 2-family dwelling that the applicant has owned for 4 years.
- There are two tenants one on each floor. The first floor has 1 bedroom and 1 bathroom, the tenant has lived there for 2 years. The second floor has 1 bedroom and 1 bathroom, the tenant has lived there for three years.
- The Applicant has done significant maintenance work over the past year, including landscaping, pavement, and driveway repairs.
- Janet Colletti of 17 Wellington Place, Amityville, said the property is kept very nice, she appreciates the improvements and the tenants are lovely, She is in favor of the application.

Stipulations:

1. Approved for 4 years or change of ownership, whichever comes first
2. Applicant must abide by all State, Village, and local Codes.
3. Maintain adequate off-street parking, garbage, snow debris removal, and keep up the maintenance of the property.

A motion to approve this application was made by William Ordon and was Seconded by Tracey Cullen.

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

Application of Juan Rosales. Applicant seeks to renew previously approved special exception for a mixed-use dwelling and parking of commercial vehicles pursuant to Sections 183-94 and 183-96 of the Village Code. Premises located on the West side of Bayview Avenue, approximately 200 feet South of Dixon Avenue in an “Industrial” District known as 346 Bayview Avenue a/k/a SCTM#101-4-1-25.1 and 101-4-1-26.1.

Findings:

- Applicant has owned the property for about 11 years
- A mother and daughter have been living upstairs in an one bedroom unit for about 10 months. The downstairs part of the building contains an office used for an oil business.
- There are 9 commercial oil vehicles on the lot
- The company and trucks operate 8 AM to 9 PM 7 days a week
- Eric Taylor, William Ordon and Tracey Cullen all commented that they regularly pass the property and find it in good order and the truck drivers are respectful of traffic on Bayview.
- The Building Inspector inspected the property and found one issue with a smoke detector that was promptly remediated and found the property to be well kept.

Stipulations:

1. Approved for 4 years or change of ownership, whichever comes first.
2. May maintain no more than 11 oil trucks on the property without a new application.
3. Applicant must abide by all State, Village and Local Codes.
4. Maintain adequate off-street parking, garbage, snow removal and debris, and keep up the maintenance of the property.

A motion to approve this application was made by Eric Taylor and was Seconded by Richard Ubert.

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

Application of Kevin Sheehan on behalf of 203-205 Broadway Amityville, LLC. Applicant seeks a variance to maintain a 6-foot wood fence in rear parking lot pursuant to Section 183-139 C (2) of the Village Code. Premises located on the Northeast corner of Broadway and Union Avenue in a “Business 1” District known as 203 Broadway a/k/a SCTM#101-5-3-27.1

Findings:

- Applicant operates The Warehouse and seeks to maintain a 6’ fence around an outdoor seating area behind the establishment that was built during the COVID pandemic. It is now primarily used as an outdoor seating area.
- Roger Smith asked about the wood that is standing up against the building. The Applicant explained it was flower boxes upended and agreed to remove them.
- The Building Inspector inspected the premises any issues He had were remediated aside from the lumber that should be cleared.

Stipulations:

1. There may be no outdoor storage without approval of the Board of Trustees.
2. The fence must be properly anchored with the finished side facing out.
3. Applicant must abide by all State, Village and Local Codes.
4. Applicant must conform with plans submitted.
5. Applicant must obtain fence application and permit for fence.

A motion to approve this application was made by Eric Taylor and was seconded by William Ordon.

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

Application of Saeed Nieves. Applicant seeks a variance to maintain a 5 foot and 6-foot fence pursuant to Sections 183-139 A (1) and 183-139 A (3) of the Village code. Premises located on

the Southwest corner of Central Avenue and Morris Avenue, in a “Residential B” district known as 13 Central Avenue a/k/a SCTM#101-11-8-4

Findings:

- Applicant has owned the property for 5 years
- Applicant installed a 6-foot fence, a small gate going to the yard and one panel that is 5 feet near the water line.
- Applicant stated that there are other homes in the area that have solid 6 feet fence at the water line. They would like privacy in their backyard.
- Applicant is a former Marine works odd hours and states that he has come home to people loitering outside his home. He also alleges to have observed drug deals. Children ride bikes onto his property. The proposed fence is for the safety and privacy of his family.
- Richard North of 11 Central Avenue, Amityville spoke against the application. His home faces the 40 feet of the 6-foot fence and doesn’t like looking at it. He is concerned the fence is on Village Property, not their own. He urged the Board not to approve the application.
- Betty North of 11 Central Avenue, Amityville spoke against the application. She does not want to look at this fence, she thinks it look s like a wall. She has lived in her home for 53 years. She does not see many people coming down or loitering, those that do are coming to look at the water.
- Joan Donnison of Bay Village Civic Association agrees that the fence does look like a wall.
- Ms. Ranker of 308 Grand Central Avenue, Amityville, NY asked questions about the survey and where the property lines fall. Mr. Taylor and Ms. Cullen explained the survey process and that the fence does not sit on Village property.

Stipulations:

1. The fence must be properly anchored with the finished side facing towards 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 and may stay 6 feet for the majority however, for the last 8 feet approaching the water line, may be no taller than 4 feet high.
4. Applicant must abide by all applicable State, Village and Local codes.

A motion to approve this application was made by Richard Ubert 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

Application of Aleyda Rivas. Applicant seeks a variance to maintain a 6-foot vinyl fence pursuant to Section 183-139 A (3) of the Village Code. Premises located on the North side of

Washington Ave, approximately 474 feet east of County Line Rd, in a “Residential B” District known as 115 Washington Ave, a/k/a SCTM# 101-1-2-43

A motion to reserve this application was made by Richard Ubert and was Seconded by Tracey Cullen.

Application of Mauricio Rivas. Applicant seeks a variance to maintain a 6-foot vinyl fence pursuant to Section 183-139 A (3) of the Village Code. Premises located on the East side of County Line Rd, approximately 350 feet south of Oak Street, in a “Residential B” District known as 171 County Line Rd, a/k/a SCTM#101-5-4-37.

A motion to reserve this application was made by William Ordon and was Seconded by Tracey Cullen.

Application of Scott Erath. Applicant seeks variances to reduce side yard setback from 5 feet to 1 foot, reduce rear yard setback from 25 feet to 1 foot, reduce required parking from 52 spaces to 26 spaces, and increase lot coverage from 48.9% to 62.46% in connection with the proposed addition of 5800SF of dry warehouse space. Pursuant to Section 183-105 of the Village Code for the side yard setback, 183-104 of the Village Code for rear yard setback, 183-129 of the Village Code for lot coverage. Premises located on the East side of Ranick Drive east, approximately 581 feet South of Dixon Avenue in an “Industrial” District known as 51 Ranick Drive East, a/k/a SCTM# 101-4-1-28

Eric Taylor abstained on voting on this application due to a familial relationship; Robert Russo heard the application.

Findings:

- Applicant has owned the property for about 12 years. There is an existing 2 foot variance on the rear portion of the property, which Applicant seeks to extend.
- Applicant explained they operate a ceramic tile and marble contractor business, and stone fabrication. They need more room for the ceramic tile business, as they are renting space in West Babylon. This additional space will hold dry products, there will be no heat. They prefer to keep the business in the Village.
- With this new space there will be less commercial traffic, as his commercial vehicles won’t have to be leaving the Village to go back and forth to his other location in West Babylon to retrieve materials throughout the day.
- While the proposal requires 52 parking spaces and the applicant seeks to offer only 26 spaces, there are no additional hires. The property currently has at least 14 parking spaces, and they only have 11 employees.
- 16 of the 17 buildings on this street have the same setback as the relief requested here.
- While a setback is requested, they are still 70’ from the next property.
- No one spoke for or against the application.

Stipulations:

1. Application must comply with all State, Village and Local codes
2. Application must conform with plans submitted to the Building Department.

3. Applicant must obtain all necessary approvals

A motion to approve this application was made by Tracey Cullen and was Seconded by Richard Ubert.

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

Motion carried: 5 ayes 0 nays

Application of Dennis Siry. Applicant seeks variances to reduce required side yard setback from 4 feet to 2 feet and exceed allowable building height from 14 feet to 22 feet associated with the proposed erection of a 2-car garage pursuant to Section 183-40 of the Village Code. Premises located on the East side of Richmond Avenue, approximately 350 feet South of Hildreth Court in a “Residential BB” District known as 66 Richmond Avenue a/k/a SCTM# 101-9-4-22.

Findings:

- Garage is about 100 years old with a wooden floor that is in major disrepair. The current garage has a second floor. Applicant recently retired and as he gets older, he would prefer to keep his cars in the garage in the winter. He has determined that the current garage cannot be repaired, it is not structurally sound, and he seeks to build a new structure.
- The new structure will sit on the same footprint on which the current garage sits.
- Applicant seeks height on second floor of garage for storage. It is currently tight for him in his garage for storage. There will be no heat, plumbing or habitable space on the second floor.
- Roof will be 12 x 12 pitch with a 16’ soffit
- There are at least 6 other accessory dwellings near his home that are comparable in height to this.
- The side yard setback is preexisting.
- Ms. Ranker of 308 Grand Central Avenue, Amityville asked why the Applicant can’t move the garage further from the property line. She understands it is pre-existing nonconforming but felt there is room to move it over more than 4’. She also has concerns about drainage of the water onto neighboring properties.
- Applicant explained he had already planned to put up a gutter to catch water on the edge adjacent to a neighboring property and he will collect all rainwater on his own property.

Stipulations:

1. Applicant must conform with all plans submitted, inclusive of height.
2. Applicant must go to the Planning Board for any necessary approvals.
3. Applicant must comply with all State, Village and Local Codes.
4. There may be no habitable space on the second floor of the garage.
5. Applicant must contain all water runoff on his own property.

A motion to approve this application was made by Richard Ubert and was Seconded by Tracey Cullen.

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

Motion carried: 5 ayes 0 nays

William Ordon adjourned the meeting at 8:43 P.M.

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer