

**Zoning Board of Appeals
Minutes
December 19, 2019**

Members Present: Richard Ubert, Chairman
Tracey Cullen, Vice Chairperson
Todd Brice, Member
Roger Smith, Member
Bill Ordon Member

Absent: Eric Taylor (Alternate Member)

Other Attendees: Bryan Donato, Building Inspector
Tracey Gronbach, Secretary to the Board

Meeting called to order at 7:00pm.

Chairman Ubert welcomed everyone to the December 19, 2019 meeting of the Zoning Board of Appeals. Chairperson Ubert introduced himself and Board Members that were present for the meeting Todd Brice, Vice Chairperson Tracey Cullen, Roger Smith, Bill Ordon and our Alternate Member Eric Taylor was absent. Also, in attendance was Bryan Donato the Village Building Inspector and Tracey Gronbach Secretary to the Zoning Board of Appeals.

Chairman Ubert asked if anyone from the public was here to hear the Application of Christopher Pearson, it has been adjourned to our January 16th, 2020, meeting.

Chairman 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 on the sign in sheet so we can record everything properly.

Chairman Ubert stated Board will approve the minutes with edits pending for the November 21, 2019 meeting. He asked all members of the Board who are present, if they have had the opportunity to review the minutes from our last meeting. Vice Chairperson Cullen made a motion to approve the minutes, which was seconded by Mr. Smith.

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

Motion carried: 5 ayes 0 nays

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Application of Peter Cotelidis as agent for Owner, RAF Dixon, LLC. Applicant seeks a special exception to maintain outdoor storage pursuant to Section 183-96 of the Village Code. Premises located on the south side of Dixon Avenue approximately 210 feet west of Ranick Drive East in an “Industrial District” known as 175 Dixon Avenue also known as SCTM# 101-4-1-14.

Peter Cotelidis, 200 Old County Road, Suite #190, Mineola, NY 11501, on spoke on behalf RAF Dixon, LLC.

Findings:

- This a freestanding building located on the southeast corner of Dixon and Ranick Drive. The building is a headquarters for a mechanical engineering company, R & S United. The property also houses a warehouse and storage of equipment (HVAC equipment).
- The equipment is never kept onsite for extended periods (in and out) ordered for jobs, checked in and then shipped out to the job site.
- It is hard, but not impossible to see materials behind the 6-foot fence, which is chain-link with a privacy tarp, and the lots has security lighting.
- The property can only be accessed via 15 Ranick Drive.
- Outdoor storage is in character with neighborhood. (See photos)
- The Code Enforcement Officer John Lauria had inspected this property.
- Submitted photos as exhibits
 - Photo #1 - Loading dock area w/ privacy fence,
 - Photo #2 - Closed gates with privacy tarp
 - Photo #3 - 32 Ranick Drive West
 - Photo #4 – Aerial view of neighborhood
 - Photo #5 – 45 & 51 Ranick Drive East
 - Photo #6 – 185 Dixon Avenue
- No one spoke for or against for this application

Motion to approve this application was made by Vice Chairperson Cullen and seconded by Mr. Brice with the following stipulations.

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

Motion carried: 5 ayes 0 nays

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Stipulations:

1. All material should not be stored higher than the 6-foot fence.
2. Applicant must maintain privacy fencing.
3. Applicant is responsible for maintenance of the property. Applicant must adequately maintain the premises, especially the clean-up of any debris strewn about the property. Applicant must ensure timely and appropriate disposal of all rubbish, trash and garbage.
4. Applicant must comply with the site plan submitted before the board.
5. Applicant must abide by all applicable State, Village and Local Codes.

Application of Peter Cotelidis as agent for Owner, RAF Dixon, LLC. Applicant seeks a special exception to maintain outdoor storage pursuant to Section 183-96 of the Village Code. Premises located on the east side of west Ranick Drive approximately 188 feet south of Dixon Avenue in an "Industrial District" known as 15 Ranick Drive West also known as SCTM# 101-4-1-33

Peter Cotelidis, 200 Old County Road, Suite #190, Mineola, NY 11501, on spoke on behalf RAF Real Estate Enterprise, Inc.

Findings:

- This a freestanding building located on the southeast corner of Dixon and Ranick Drive. The building is a headquarters for a mechanical engineering company, R & S United. The property also houses a warehouse and storage of equipment (HVAC equipment).
- The equipment is never kept onsite for extended periods (in and out) ordered for jobs, checked in and then shipped out to the job site.
- It is hard, but not impossible to see materials behind the 6' Fence, which is chain-link with a privacy flaps, and the lots has security lighting.
- The property can only be accessed via 15 Ranick Drive.
- Outdoor storage is in character with neighborhood. (See photos)
- The Code Enforcement Officer John Lauria had inspected this property.
- Outdoor storage is in character with neighborhood. (See photos)
- Submitted photos as exhibits (Same photos as submitted in the application of RAF Dixon)
 - Photo #1 - Loading dock area w/ privacy fence,
 - Photo #2 - Closed gates with privacy tarp
 - Photo #3 - 32 Ranick Drive West
 - Photo #4 – Aerial view of neighborhood

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- Photo #5 – 45 & 51 Ranick Drive East
- Photo #6 – 185 Dixon Avenue
- Photo #7 – Lot and building
- Photo #8 – shows 6’high fence with privacy slots
- No one spoke for or against for this application

Motion to approve this application was made by Mr. Smith and seconded by Vice Chairperson Cullen with the following stipulations.

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. All material should not be stored higher than the 6-foot fence.
2. Applicant must maintain privacy fencing.
3. Applicant is responsible for maintenance of the property. Applicant must adequately maintain the premises, especially the clean-up of any debris strewn about the property. Applicant must ensure timely and appropriate disposal of all rubbish, trash and garbage.
4. Applicant must comply with the site plan submitted before the board.
5. Applicant must abide by all applicable State, Village and Local Codes.

Application of ANS Realty, LLC. Applicant seeks a special exception to maintain the existing outdoor storage pursuant to Section 183-96 of the Village Code. Premises located on the north side of Sprague Avenue approximately 200 west of Albany Avenue in an “Industrial District” known as 56 Sprague Avenue also known as SCTM # 101-2-4-9.

Jared Stein, 56 Sprague, spoke on behalf of the application for ANS Realty.

Findings:

- Mr. Smith is an Officer of ANS Realty, LLC.
- ANS Realty has owed this property for 15 years and leases it out.
- The property is used for the parking of repossessed cars on a vacant lot.
- The lot stores about 10 – 20 cars, which stay about a week at a time.

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- Neighbors from Banberry Court spoke against this application (Banberry court backs up to the lot. Banberry Court is not in the Incorporated Village of Amityville)

Annettie McCullough, 7 Banberry Court is against this application. She lives behind Sprague Ave. She feels this is a detriment to the community. She stated that the lot is not cleaned. The tow trucks block the street and block residents from getting to their driveways. The tow truck drivers also drive their personal vehicles at excessive speeds, and this is a family neighborhood. She is worried about the children, pets and the Elderly in the elderly. Her home is here largest purchase she has ever made, and he is taking away from the value of asset. She has been since 2006, and it has only become a problem recently about the last 6 months. She shared pictures with the Board from her phone of crashed and dented vehicles. She also shared a video of the tow trucks blocking the street. (Photos taking 2 days before the board meeting)

Jared Smith (applicant) said the issue is because of the tenant he does business with, and he is in the process of evicting him from this location, hopefully by February.

Joan Dennison, Bay Village Civic Association, stated that she is concerned that this business could bring more vehicles from the Banberry property to the Sprague property. And that it would just moving problem from lot to lot.

Samantha Simpson, 8 Banberry Court, stated that she doesn't appreciate the tow trucks with the backup beeping sounds and loud chains; they have no concern for the families that live there. The noise is 24 hours a day, very busy at night midnight to 5am. She also is concerned about the reckless driving.

Nerves Reyes, 3 Banberry Court, stated that there was a similar issue with the tow trucks 3 years ago.

The Board reserved their decision to a later date.

Motion to reserve decision on this application was made by Chairmen Ubert seconded by Vice Chairperson Cullen with the following stipulations.

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

Motion carried: 5 ayes 0 nays

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Stipulations:

1. There will be deliveries between the hours of 10:00pm and 6:00am
2. Applicant is responsible for maintenance of the property.
3. No access, egress or ingress of Banberry lot property from Sprague Avenue property.
4. Applicant must abide by all applicable State, Village and Local Codes.

Application of Vincent Camarda. Applicant seeks to reduce the required rear yard and exceed the permitted lot coverage pursuant to the addition of a proposed 16-foot by 19-foot one story sunroom to the existing one story one family dwelling pursuant to Sections 183-20 and 183-15 of the Village Code. Premises located on the west side of Grand Central Avenue approximately 550 feet south of Dewey Avenue in a “Residential A” District known as 325 Grand Central Avenue also known as SCTM# 101-14-1-18.

Vincent Camarda, 325 Grand Central Avenue, spoke on of this behalf of this application.

Findings:

- Mr. Camarda has owned his home for 2.5 years.
- The back of the sunroom will be about 10 feet from the water.
- Mr. Camarda are asking for a lot coverage variance, because in excess of 20% of lot area.
- No one spoke or against this application.

Motion to approve this application was made by Mr. Smith seconded by Vice Chairperson Cullen with the following stipulations.

Vote on the Motion:	Chairman Ubert	aye
	Vice Chairman Cullen	aye
	Mr. Brice	aye
	Mr. Smith	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nay

Stipulations:

1. Applicant must comply with the site plan submitted before the board.
2. Applicant must abide by all applicable State, Village and Local Codes.

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Application of DJT Properties Group, LLC. Applicant seeks a special exception to permit company storage behind building pursuant to Section 183-96 of the Village Code. Premised located on the south side of Mill Street 441 feet east of Albany Avenue in an “Industrial District” known as 35 Mill Street also known as SCTM# 101-4-1-42.

Dennis Traina, 35 Mill Street, spoke on behalf of this application.

Findings:

- Mr. Traina has owned the property for 25 years.
- DJT Properties stores empty shells that oil tanks can fit into.
- The most that is stores on the property is a half a tractor trailer load at any giving time. Containers are stacked on top each other no higher than his 6-foot fence.
- The hours of operation are between 8am and 4:30pm.
- No one spoke for or against this application.

Motion to approve this application was made by Mr. Smith seconded by Vice Chairperson Cullen with the following stipulations.

Vote on the Motion:	Chairman Ubert	aye
	Vice Chairman Cullen	aye
	Mr. Brice	aye
	Mr. Smith	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nay

Stipulations:

1. Application is approved until change of ownership.
2. Storage is to be no higher than 6-foot-high fence line.
3. Applicant is responsible for maintenance of the property. Applicant must adequately maintain the premises, especially the clean-up of any debris strewn about the property. Applicant must ensure timely and appropriate disposal of all rubbish, trash and garbage.
4. Applicant must comply with site plan submitted before the board.
5. Applicant must abide by all applicable State, Village and Local Codes.

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Application of Sean Bird, RA as agent for Owner, Elia Hajjar. Applicant seeks a special exception for a mixed-use dwelling associated with the change of use from office space to a single-bedroom apartment on the second floor of the existing commercial building pursuant to Section 183-81 A. (8) (b) of the Village Code. Premises located on the West side of Broadway approximately 51 ft North of Greene Ave in a B-1 Business District known as 188 Broadway a/k/a SCTM#101-5-2-16.1

Elia Hajjar, 26 Chestnut Street, Huntington, spoke on behalf of his application.

Findings:

- His wife owns Amity Realty, LLC.
- Application needs to be amended to Amityville Realty, LLC.
- Family Dollar had rented the property from 2005 and vacated in September 2019.
- There is an office on the second floor that they would like to convert to an apartment. Anticipates rent would be from \$1800 – \$2200.
- An apartment will reduce the use of parking spaces compared to an office space.
- The office space would be difficult to rent.
- Other neighboring buildings have 3 apartments on the second floors.

Motion to approve this application was made by Mr. Ordon seconded by Vice Chairmen Cullen with the following stipulations.

Vote on the Motion:	Chairman Ubert	aye
	Vice Chairman Cullen	aye
	Mr. Brice	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 5 ayes 0 nay

Stipulations:

1. Approval for is conversion from office space to a one-bedroom apartment.
2. Applicant must obtain all necessary Building Permits.
3. Applicant must obtain a rental permit.
4. The Code Enforcement Officer must inspect the premises every year. Applicant is responsible to make an appointment with the Building Department at anniversary of Zoning Board hearing each year approval. (December 19, 2019)
5. Applicant must adhere to all Village, State, County and Local codes.

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Application of Robert Paxton as agent for Michael & Coleen Mehary. Applicant seeks a variance to increase the lot occupancy from 22.4 % to 24.93% in connection with the proposed addition of 796 sq. feet to the existing single-family dwelling pursuant to Section 183-15 of the Village Code. Premises located on the Southwest corner of the intersection of Weatherly Pl and Cooper Ave in an “A Residence District” known as 8 Weatherly Pl also known as SCTM#101-12-3-17.

Robert Paxton, 111 Broadway, spoke on behalf of this application.

Findings:

- Applicant is seeking to turn a garage into study, move mechanicals above the flood elevation. And add a garage, a porch, relocate an existing bedroom and add a new bedroom.
- Board Member Todd Brice recused himself from voting on this application.
- No one spoke for or against this application.

Motion to approve this application was made by Mr. Ordon seconded by Vice Chairperson Cullen with the following stipulations.

Vote on the Motion:	Chairman Ubert	aye
	Vice Chairman Cullen	aye
	Mr. Brice	recusal
	Mr. Smith	aye
	Mr. Ordon	aye

Motion carried: 4 ayes 0 nay 1 recusal

Stipulations:

1. Applicant must comply with site plan submitted before the board.
2. Applicant must obtain all building permits.
3. Applicant must abide by all applicable State, Village and Local Codes.

Application of Robert Merrick. Applicant seeks variances to increase the lot occupancy and extend an insufficient side yard setback in connection in connection with the proposed front and rear additions with rear roof over patio pursuant to Sections 183-15 & 183-17 of the Village Code. Premises located on the west side of South Bayview Ave approximately 380 feet south of Perkins Ave in a “A Residence District” known as 83 South Bayview Ave also known SCTM#101-10-4-62.

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Glenn Nugent, 58 West Lake Drive, spoke on of this behalf of this application.

Findings:

- Applicant owned his home for 27 years.
- Applicant seeks to add an addition to front of his home, coming into the front yard and coming in line with the garage.
- Applicant needs a side yard variance but does not exceed the footprint.
- Applicant is adding a deck overhang in the back of home and enclosing a room below it.
- No one spoke for or against this application.

Motion to approve this application was made by Mr. Smith seconded by Vice Chairperson Cullen with the following stipulations.

Vote on the Motion:	Chairman Ubert	aye
	Vice Chairman Cullen	aye
	Mr. Brice	aye
	Mr. Smith	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nay

Stipulations:

1. Applicant must comply with site plan submitted before the board.
2. Applicant must obtain all building permits.
3. Applicant must abide by all applicable State, Village and Local Codes.

Application of Edwards Batz. Applicant seeks to renew a previously approved special exception for the conversion of a one-family dwelling to a two-family dwelling pursuant to Section 183-43C. (6) of the Village Code. Premises located on the east side of County Line Rd approximately 515 South of Oak Street in a "B Residence District known as 161 County Line Road also known as SCTM#101-5-35.

Edward Batz, 29 MacDonald Avenue spoke on of this behalf of his application.

Findings:

- Applicant recently bought this home and thought this was a two family because of CO. He was mistaken; this was a 2 family by Special Exception from 1970 that ended with a change of ownership.

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- First apartment two-bedroom, kitchen, living room, bathroom downstairs, and two-bedroom and bath upstairs.
- Second apartment is half the upstairs, one-bedroom and a bathroom.
- The units are currently vacant. Applicant will be doing a complete renovation to both apartments.
- There are other two-family dwellings in the neighborhood, including next door 171 County Line Road.
- There is adequate off street in the long driveway, applicant intends to improve the property to make easier for tenants move to move cars.

Motion to approve this application was made by Mr. Smith seconded by Vice Chairperson Cullen with the following stipulations.

Vote on the Motion:	Chairman Ubert	aye
	Vice Chairman Cullen	aye
	Mr. Brice	aye
	Mr. Smith	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nay

Stipulations:

1. Applicant needs to go before the board of Trustee to address improvement of the driveway and multiply the parking.
2. Applicant must comply with site plan submitted before the board.
3. Applicant must obtain all building permits.
4. Applicant must abide by all applicable State, Village and Local Codes.

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

Vote on the Motion:	Chairman Ubert	aye
	Vice Chairman Cullen	aye
	Mr. Brice	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 5 ayes 0 nay

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Meeting adjourned 8:08 pm.

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer