

**Board of Trustees
Minutes
August 12, 2019**

Meeting called to order at 7:30 p.m.

MEMBERS PRESENT: Mayor Siry, Deputy Mayor Kevin Smith, Trustee Bernius, Trustee Whalen, Trustee O'Neill

ALSO PRESENT: Chief of Police, Glenn Slack
2nd Assistant Fire Chief, Gavin Budde
Superintendent of DPW, Bruce Hopper
Building Inspector, Bryan Donato
Clerk/Treasurer, Catherine Murdock
Assistant to the Mayor, Wendy O'Neill
Philip Siegel, Attorney

Mayor Siry welcomed everyone to the August 12, 2019 Board of Trustees Meeting.

Chief Slack led the group in the Pledge of Allegiance.

Mayor Siry introduced the Trustees and all those present, including attorney Philip Siegel, who will be representing the Village in Security Dodge Special Use Permit application.

Deputy Mayor Smith shared news that there would be a memorial service for the late, Ex-Chief of Police Woody Cromarty, on Sunday at Powell Funeral Home, from 2 to 5 p.m.

The Village Beach Blast will be a great family day, on August 24th, from 3 – 9 p.m.

There will be a celebration of the 125th Anniversary of the Village's incorporation on Friday, September 20th, from 5 – 11 p.m., with food and a carnival, and fireworks at the Fire House.

On September 21st, the Town of Babylon Fireman's Association Parade and celebration will take place in Amityville, starting at Bayview Ave. and Avon Pl., from 5 p.m. – 11 p.m.

The Village streetlight replacement project has begun with more efficient LED lighting being installed. We look forward to the cost savings.

The Mayor announced the winners of the Beach Swim/Triathlon awards for 2019. He also reported that on July 15th several of the lifeguards and beach staff took swift action to save a capsized sailor off the beach, adding the Trustees are very proud of them. They will be honored at an upcoming Board meeting.

Mayor Siry asked residents to sign up for emails and updates via the circulating clipboard or by visiting the Village website, Amityville.com.

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Mayor's Actions

The Mayor requested approval of Board of Trustee Meeting minutes for June 24, 2019, July 2, 2019 Special Meeting and the July 22, 2019 Board of Trustee Meeting. He added that a vote on the first two minutes had been tabled from the 8-12-19 meeting due to a lack of a quorum.

MOTION to APPROVE the minutes of June 24 and July 2, 2019 was made by Trustee Whalen and seconded by Deputy Mayor Smith. Mayor Siry abstained due to his absence at the meetings.

Vote on Motion:

Deputy Mayor Smith	aye		
Trustee Bernius	aye		
Trustee Whalen	aye		
Trustee O'Neill	aye		
Motion Carried:	4 ayes	0 nays	1 abstain

MOTION to APPROVE the minutes of July 22, 2019 was made by Trustee O'Neill and seconded by Deputy Mayor Smith. Trustee Bernius abstained due to her absence at the meeting.

Vote on Motion:

Mayor Siry	aye		
Deputy Mayor Smith	aye		
Trustee Whalen	aye		
Trustee O'Neill	aye		
Motion Carried:	4 ayes	0 nays	1 abstain

Mayor Siry also requested to approve two volunteer members of the Amityville Fire Department: Ian Christie, age 19, of 16 Mathew Dr., Amityville, NY 11701 for Dauntless Hose #2 and approve a waiver of residency

MOTION to APPROVE was made by Deputy Mayor Smith seconded by Trustee Whalen

Vote on Motion:

Mayor Siry	aye		
Deputy Mayor Smith	aye		
Trustee Bernius	aye		
Trustee Whalen	aye		
Trustee O'Neill	aye		
Motion Carried:	5 ayes	0 nays	

Russ Lacerenza, age 20, of 35 Norman Ave., Amityville, NY 11701 for Hose Company #4.

MOTION to APPROVE was made by Trustee Bernius and seconded by Trustee Whalen

Vote on Motion:

Mayor Siry	aye		
Deputy Mayor Smith	aye		
Trustee Bernius	aye		
Trustee Whalen	aye		
Trustee O'Neill	aye		
Motion Carried:	5 ayes	0 nays	

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With no further Mayor's Actions, Mayor Siry introduced the first agenda item.

Licenses:

Taxicab Driver's License – New

Henry Safee, 700 Hallock Ave., Port Jefferson Station, NY 11776, for Lindy's Taxi

MOTION to APPROVE was made by Trustee O'Neill and seconded by Trustee Whalen

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O'Neill	aye
Motion Carried:	5 ayes	0 nays

Melquan Cobb, 3 Possum Path, Coram, NY 11727, for Lindy's Taxi

MOTION to APPROVE was made by Trustee Bernius and seconded by Trustee Whalen

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O'Neill	aye
Motion Carried:	5 ayes	0 nays

Derrick J. Tolliver, 1601 Common Way, Deer Park, NY for Lindy's Taxi

MOTION to DENY was made by Trustee Whalen and seconded by Trustee Bernius

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O'Neill	aye
Motion Carried:	5 ayes	0 nays

Frederick Cox, Jr., 18 Woodlawn Ave., Central Islip, NY for Lindy's Taxi

MOTION to APPROVE was made by Trustee O'Neill and seconded by Trustee Whalen

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O'Neill	aye
Motion Carried:	5 ayes	0 nays

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Request from Deputy Treasurer

Request to approve abstract from July 19th – August 7th

MOTION to APPROVE was made by Trustee Whalen and seconded by Deputy Mayor Smith

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O'Neill	aye
Motion Carried:	5 ayes	0 nays

Request from Clerk/Treasurer

Request from Amityville Soccer League to use the soccer fields at James A. Caples Park and Loudon Avenue from 9/1/19 to 12/1/19, Monday to Friday, from 4 p.m. to 8 pm., and Saturday and Sunday, from 10 a.m. to 4 p.m.

MOTION to APPROVE was made by Trustee Whalen and seconded by Trustee Bernius

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O'Neill	aye
Motion Carried:	5 ayes	0 nays

Request to pay Nelson & Pope for N18X002.001.000 Amityville storm, sewer & drainage improvements in the amount of \$55,042.00 (A1410.440)

MOTION to APPROVE was made by Deputy Mayor Smith and seconded by Trustee Whalen

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O'Neill	aye
Motion Carried:	5 ayes	0 nays

Request to pay Pioneer Landscaping and Asphalt Paving Inc. for James Caples Park Reconstruction Contract # 1901 N&P #16109 in the amount of \$382,308.36 (A1410.440)

MOTION to APPROVE was made by Trustee Whalen and seconded by Trustee Bernius

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O'Neill	aye
Motion Carried:	5 ayes	0 nays

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Request to pay Bond, Schoeneck & King, PLLC for legal services for June 2019 in the amount of \$5,154.72 (A1420.440)

MOTION to APPROVE was made by Trustee O'Neill and seconded by Trustee Whalen

Vote on Motion:

Mayor Siry	aye
Deputy Mayor Smith	aye
Trustee Bernius	aye
Trustee Whalen	aye
Trustee O'Neill	aye

Motion Carried: 5 ayes 0 nays

Request to pay Nelson & Pope for N19X332.001.000 James Caples Parking Lot Reconstruction Engineering Services 4/5/19 to 5/22/19 in the amount of \$23,511.50 (A1410.440)

MOTION to APPROVE was made by Trustee Bernius and seconded by Trustee Whalen

Vote on Motion:

Mayor Siry	aye
Deputy Mayor Smith	aye
Trustee Bernius	aye
Trustee Whalen	aye
Trustee O'Neill	aye

Motion Carried: 5 ayes 0 nays

Request from Police Department

Request permission to purchase two (2) new tower antennas for radios (main and back up) from Integrated Wireless Technologies, LLC at a cost of \$5,825 (A.3120.261)

MOTION to APPROVE was made by Trustee Whalen and seconded by Trustee O'Neill

Vote on Motion:

Mayor Siry	aye
Deputy Mayor Smith	aye
Trustee Bernius	aye
Trustee Whalen	aye
Trustee O'Neill	aye

Motion Carried: 5 ayes 0 nays

Request from Fire Department

Request to pay Motorola Solutions, Inc. for invoice #41269797 for 3 radios for cars, in the amount of \$8,962.88 (A3410.230)

MOTION to APPROVE was made by Trustee Bernius and seconded by Deputy Mayor Smith

Vote on Motion:

Mayor Siry	aye
Deputy Mayor Smith	aye
Trustee Bernius	aye
Trustee Whalen	aye
Trustee O'Neill	aye

Motion Carried: 5 ayes 0 nays

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Request from Department of Public Works

Request to pay JESCO, Inc. for 2019 John Deere 410L Backhoe Loader in the amount of \$125,940.88 (A5112.200)

Margaret Shuff, 77 South Bayview Ave., asked how often this equipment is used, to which DPW Superintendent Hopper responded ‘everyday.’”

MOTION to APPROVE was made by Trustee Bernius and seconded by Deputy Mayor Smith

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O’Neill	aye
Motion Carried:	5 ayes	0 nays

Request to pay SLR Industries, Inc. for paving of parking lot 5 as per proposal in the amount of \$13,000.00 (A5112.200)

MOTION to APPROVE was made by Trustee Whalen and seconded by Deputy Mayor Smith

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O’Neill	aye
Motion Carried:	5 ayes	0 nays

Request to pay Sprague for 2000 gallons of gas in the amount of \$4,524.60 (A1625.410)

MOTION to APPROVE was made by Trustee Bernius and seconded by Trustee Whalen

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O’Neill	aye
Motion Carried:	5 ayes	0 nays

Public Hearings

Conduct a public hearing for a special use permit application by 335 Merrick Road Realty LLC A/K/A SCTM#101-10-3-5 for a proposed parking lot pursuant to section 183-140 of the Village Code, and a special use permit application by 339 MERRICK RD Realty LLC A/K/A SCTM#101-10-3-6 for a proposed automotive service facility, pursuant to section 183-140 of the Village Code.

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MOTION to OPEN Public Hearing was made by Trustee Whalen and seconded by Deputy Mayor Smith

Vote on Motion:

Mayor Siry	aye
Deputy Mayor Smith	aye
Trustee Bernius	aye
Trustee Whalen	aye
Trustee O'Neill	aye
Motion Carried:	5 ayes 0 nays

Joseph Buzzell, 545 Broadhollow Road, Melville, NY, attorney for Security Dodge showed the rendering/site plan to the audience and explained that the 339 Merrick Rd., parcel is the former site of Harbor Market and 335 Merrick Rd. is the former Cameo Beauty Supply parcel.

He detailed the proposed creation of a quick service center on the #339 parcel (which abuts Stop & Shop) , at which Security Dodge would perform routine and light maintenance such limited to oil changes, tire rotations, topping off fluids and performing inspections, all of which would take approximately 30 to 60 minutes. The facility would be self-contained and accessible directly from Merrick Road. No vehicles would be sold or stored at the site.

Mr. Buzzell stated that the building would be approximately 5,300 square ft., with five service bays, and 14 parking spaces (nine are required). Six employees will be based at the site; they are not adding employees or additional customers. Proposed hours for the express service center would be similar to the dealership: 7:30 a.m. to 5 p.m., on Monday through Saturday, and 7:30 a.m. to 4 p.m. Service Manager Brandan Troy reported that Sunday hours are 11 a.m. to 4.p.m. Auto repairs will still be done in the main dealership.

The adjacent property to the west is 335 Merrick Rd. is being proposed strictly for additional customer and employee parking. It would not be used for storage of vehicles or overnight parking.

He believes that the proposed use would be a vast improvement on the former and present condition of the property and would reroute and alleviate the traffic on South Bayview Ave. where all cars currently enter the dealership for service.

He also stated that Security Dodge is one of the largest employers and businesses in the Village, and it brings in people who might frequent shops and restaurants in the future.

Mayor Siry and Trustee O'Neill expressed concern that if the application is approved, and the lot was to be constructed and paved, the dealership would have to move the cars that are currently sitting on the lot.

Mayor Siry also asked how the dealership plans to handle increased volume if/when a manufacturer recall occurs. He asked if it would it be possible to place cars outside of the Village to allow for the influx of vehicles for servicing. All agreed a solution would have to be worked on.

Mayor Siry pointed out that there continues to be a line of cars waiting for service at the South Bayview Ave. entrance as well as vehicle deliveries from flatbed trucks, both of which pose safety issues. He asked what will prevent that from happening on Merrick Road.

Diane O'Neill, Service Advisor at Security Dodge, responded that the traffic on Bayview will be alleviated saying that 6 out of 10 cars now queueing up on South Bayview in the morning are there for quick service. The new service center would alleviate that traffic. And, roughly 90% of the appointments are for oil changes or tire pressure issues.

Trustee Bernius expressed concern that traffic would likely build up on Merrick Road and making left turns would be dangerous.

Mayor Siry cautioned residents that any use of the property would likely generate vehicle traffic.

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Mr. Buzzell added that the lots will be interconnected and designed in a rectilinear fashion, which lends itself to parking.

Mayor Siry asked if the service center will work on other car brands, to which Diana O’Neill clarified yes. Trustee O’Neill clarified if appointments would be needed, and Ms. O’Neill replied for things like oil changes, they are not.

Trustee Whalen asked what the plan would be for vehicle parking during construction/paving of lots. Ms. O’Neill responded that the dealership would have to slow the business down, working on one parking lot at a time to keep cars moving.

Gabe Vigorito, 10 Eaglewood Ave., Westhampton, NY, noted there are two buildings on Bayview Avenue where the dealership has leased storage. He was not aware that one of those businesses did not have a permit in place to store vehicles, however, an application is in progress.

According to Mr. Buzzell, there are 68 parking spaces on 355 Merrick Rd. property and approximately 50 employees at the maximum shift. The earliest employees start at 7 a.m.

Trustee Bernius asked why a neighbor on Bryan Ave. called the police for an employee power washing at 5 a.m. **Emily Santosis**, a 25-year employee of the dealership, responded, explaining that the individual was a vendor that the dealership no longer uses.

Mayor Siry stressed to Ms. Santosis that the dealership must stop the dangerous practice of unloading vehicles on South Bayview Avenue.

Kayla Gilligan, 46 Robbins Ave., who schedules appointments for the dealership, agreed that a new express service center would alleviate traffic and improve curb appeal to improve the Village. She pointed out that Security Dodge does a lot for the community. She referred to the law passed in 2006 under Mayor Imbert which limits new auto businesses, but she pointed out Security Dodge is not a new business. Trustee Bernius clarified that the law is for “no public garages.”

Mayor Siry read aloud the verbiage of Section 183-140 of the Village Code, Special Use Permit for Public Garages and Gasoline Stations which is the essence of the permit application. This is in addition to any special relief required by the Zoning Board of Appeals and Planning Board.

Residents addressed the Board with comments both in favor of and against the application. Negative comments included the potential for increased traffic on Merrick Road and risky turns in and out of the property, potential noise and disruption for local neighbors, insufficient employee parking in existing lots, too many cars being stored in the Village, failure to comply with previous agreements, and questions about the Board of Trustees hearing the application with regard to legal/procedural issues. Positive comments ranged from the need for a viable business on the site, past evidence of responding to resident concerns and their community support, the cleanliness of the properties, and the potential risks of having a different type of business move in. Additional comments addressed the impact on the Village tax base, existence of any fire code violations, selection of outside counsel, frequency with which Special Use permits have been granted, and clarity on stipulations versus covenants and restrictions, and decisions/courts cases re: Local Law 1 of 2006 and Special Use Permits.

Positive comments were made by

Dan Harley, 159 Grand Central Ave.,

Joe Cardinale, 176 Riverside Ave.,

Robert Riedel, 95 S. Bayview Ave.,

Dorothy Hudek, 95 S. Bayview Ave.

John Chadwick, 69 Sterling Pl.

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Joseph LaManna, 127 Richmond Ave.
Angela Cowan, 85 Purdy La.

Negative comments were made by:

Frank Cruthers, 25 Towne St.
Wendy Canastro, 45 Wood Ave.
Kurt Hurme, 108 Ocean Ave.
Laura Gribbons, 77 Harbor North,
Steve Carbone, 18 Harbor North
Kathy Cruthers, 25 Towne St.
Lincoln Page, 66 Harbor North
Jo Ann Saladino, Ocean Ave. (SEE EXHIBIT “B” – Attached)
Kevin Deneen, 48 Robbins Ave.
Russell Weber, 25 Victoria Dr.,
Joann Saladino, 251 Ocean Ave.
Lauryn Haffner, 294 Bayview Ave.
Ann Crocitto, Bryan Ave.
Chris Geiger, 120 Ocean Ave.
Lauryn Haffner, 294 S. Bayview Ave.
Fredric Fehleisen, 76 Bayview Ave.
Joan Kaplan, 112 Bryan Ave.
Margaret Shuff, 77 S. Bayview Ave.
Donelle Cronin, 42 Mole Pl

Other

Diane Egglinger, 93 Bryan Ave.
Richard Handler, 195 Ocean Ave.
Matthew Cronin, 10 Chichester Ave.
Joan Donnison, 150 South Ketcham Ave.
Tracy Cullen, 54 South Bay Ave.

Trustee Bernius asked local attorney Richard Handler who is presently representing the Village in a court case with Security Dodge over its Zoning Board of Appeals application, to explain why Security Dodge’s previous application went to court. He referenced Local Law #1 of 2006, regarding Special Use Permits. (SEE EXHIBIT A)

MOTION to CLOSE the Hearing and reserve decision was made by Trustee Whalen and seconded by Deputy Mayor Smith

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O’Neill	aye
Motion Carried:	5 ayes	0 nays

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Trustee Bernius stated she feels there should be a traffic study. Mayor Siry agreed. Mayor Siry suggested that the Village select a firm and Security Dodge would pay for it. Mr. Buzzell conferred with his client who agreed.

Mayor Siry said he wishes to work with Security Dodge and would like to see them be proactive to avoid complaints from residents.

Deputy Mayor Smith asked the audience to consider what we now have versus what might be in the location should the applicant not occupy the property. He pointed out that most businesses, even CVS that came in where the old Chevrolet dealership was, creates noise, traffic and disruption.

There being no further comments from the Board or from the floor a MOTION to ADJOURN was made by Trustee O'Neill and seconded by Trustee Whalen

Vote on Motion:

	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee Whalen	aye
	Trustee O'Neill	aye
Motion Carried:	5 ayes	0 nays

Meeting adjourned at 10:45 pm.

Catherine Murdock, Clerk/Treasurer

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EXHIBIT A – *submitted into record by Joann Saladino*

Special Use Permit

1. New York State Town Law Section 274-b defines Special Use Permit as

"authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met. " (Uses that are allowed in specific zoning districts.)

Examples include home businesses (tax service, hair salon, daycare or small engine repair) in a rural residential area.

LOCAL LAW 1 OF 2006 (passed by the Imbert administration) PROHIBITED ANY FURTHER AUTOMOTIVE USE ALONG MERRICK ROAD BUSINESS CORRIDOR
Therefore, the use is NOT ALLOWED.

2. Special Use Permits are usually obtained by schools, funeral homes, hospitals, cemeteries, and other type of land uses which do not fit exactly into the description of residential or commercial uses.

SECURITY DODGE IS USNG IT FOR CONMERCIAL USE whether it is a parking lot for employees and customers or a garage.

3. The Board shall NOT grant approval or special exceptions unless the applicant demonstrates that "no undue nuisance, hazard, or congestion will be created or that there will be no substantial harm to the established or future character of the neighborhood nor of the town."

The neighbors in the area already have existing undue nuisance, hazard and congestion on Bayview Avenue. Residents of the Snug Harbor Condo Community say they have a hard time getting out of their grounds due to the heavy traffic. It has also been stated that the work in the service department continues until 1-1 :30am, making it hard to get to sleep.

Putting a garage in on Merrick Road will probably back up the traffic there. The line for service runs along Bayview each morning causing congestion. If cars start lining up on Merrick Road, there is only a tiny shoulder so ultimately, they could block the entire right lane in that area.

SPECIAL USE PERMIT= THE PROPOSED USE MEETS THE CONDITIONS ALREADY CONTAINED IN THE ORDINANCE

NOT SO

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Variance

1. Allow for approval of uses and structures that would otherwise be PROHIBITED because they do NOT meet the ordinance's requirements

Want to change property in a way that is prohibited by the Zoning Ordinance

LOCAL LAW 1 OF 2006 (passed by the Imbert administration) PROHIBITED ANY FURTHER AUTOMOTIVE USE ALONG MERRICK ROAD BUSINESS CORRIDOR

This is what needs to be applied for their situation.

2. Applicant must ordinarily show "hardship" (varying from the ordinance's requirements is the only way the property can be expected to provide reasonable use and return)

VARIANCE = IN ESSENCE, PERMISSION TO "BREAK THE LAW"

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EXHIBIT B – *submitted into record by Richard Handler*

- Local Law Filing of Local Law No. 1 of the year 2006
- Village of Amityville Code: Chapter 183. Zoning; Article VIII. Business Districts; SS 183-82. Uses permitted in B-2 General Business District (August 12, 2019)
- Village of Amityville Code: Chapter 183. Zoning; Article XV. Supplemental Regulations; SS 183-140. Special use permit for public garages and gasoline stations (August 12, 2019)
- Village of Amityville Code: Chapter 183. Zoning; Article IX.; Industrial Districts; SS 183-92 through SS183-104. Rear yards. (August 12, 2019)
- Village of Amityville Code: Chapter 183-82. Uses permitted in B-2 General Business District (6-25-96)
- Village of Amityville Code: Chapter 183. Zoning; Article I. General Provisions; SS 183-1. Definitions and word usage. (Thursday, June 8, 2017)
- Village of Amityville Code: Chapter 183. Zoning; Article XIII. Nonconforming Uses; SS 183.120. Continuance of existing lawful uses (Thursday, June 8, 2017)
- Board of Trustees Minutes of Meeting, March 27, 2006, page 1-3 and 5-9.
- Transcript of unknown origin, referencing hearing for Local Law No. 1 of 2006.
- SS 7-712- a Board of appeals procedure