

**Board of Trustees
Minutes
June 8, 2020**

Meeting called to order at 7:30 PM

MEMBERS PRESENT: Mayor Dennis Siry, Deputy Mayor Kevin Smith, Trustee Jessica Bernius, Trustee Thomas Whalen, Trustee Michael O’Neill
ALSO PRESENT: Acting Chief of Police Bryan Burton
AFD Chief Rob Waegerle
Superintendent of Public Works Bruce S. Hopper
Building Inspector Bryan Donato
Village Attorney Bruce Kennedy
Clerk/Treasurer Catherine Murdock
Deputy Treasurer Tiffany Ladd
Deputy Clerk Deirdre Parker
Assistant to the Mayor Wendy O’Neill

The salute to the flag was led by Acting Chief of Police Bryan Burton.
Mayor Siry welcomed everyone to the June 8th meeting of the Board of Trustees, which was conducted online and telephone via Zoom Meeting.

Mayor’s Actions:

Mayor Siry requested the approval of the Board of Trustees minutes from May 21st, 2020
MOTION to APPROVE was made by Deputy Mayor Smith 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 aye	0 nays

Deputy Treasurer

Request to approve the abstract from May 21, 2020 – June 3, 2020
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 aye	0 nays

Request from Clerk/Treasurer

Request from **William Charlock**, 321 Byrd St., Lindenhurst, NY 11757 to use Pearsall Park on Thursday, July 2, 2020 between the hours of 11:00am to Noon for a wedding ceremony and photos. Maximum 14 people.

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Given the current social distancing requirements of COVID and future directives under the Governor's Executive Order, the Board decided not to grant permission to non-residents.

MOTION to DENY 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 aye	0 nays

Request from the **Bay Village Civic Association** for permission to sponsor a Farmer's Market at the 9/11 Park on Saturday mornings. The proposed opening date is Saturday, July 11, 2020 from 9 A.M. - 1 P.M. (8 A.M. - set up time) to run until Saturday, Oct. 10th.

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 aye	0 nays

Request to pay **BAS** for ITAX, tax collection system in the amount of \$4,660.00 (A1410.440)

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 aye	0 nays

Request to pay **NYCOM** membership dues \$4,260.00 (A1920.418)

MOTION to APPROVE was made by Trustee Bernius 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 aye	0 nays

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Request to pay **BAS** for IPS and IFM, property and accounting software's in the amount of \$11,280.00 (A1625.440)

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 aye	0 nays

Request to pay **Coastal Contracting** first claim for outfall check valves in the amount of \$15,790.19 (A1410.440)

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 aye	0 nays

Request to pay **Coastal Contracting** third claim for roadway and drainage improvements in the amount of \$492,818.53 (A1410.440)

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 aye	0 nays

Request from Police Department

Request to purchase **portable radios** in the amount of \$85,613.18 (A3120.250)

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 aye	0 nays

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Request to **modify the following budget lines** for the purchase of portable radios. Decrease budget line A3120.101 Personnel Services in the amount of \$85,613.18, increase budget line A3120.250 Enforcement Equipment in the amount of \$85,613.18

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 aye	0 nays

Request from Fire Department

Request to pay **Bound Tree Medical** for miscellaneous medical supplies in the amount of \$3,081.96 (A3410.412)

MOTION to APPROVE was made by Trustee Bernius 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 aye	0 nays

Request to **replace the flagpole** at Bennett Place Fire House.

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 aye	0 nays

Request to pay **AIE, Corp** for a new generator and upgrade in service at the Bennett Place Fire House in the amount of \$18,550.00 (A1624.460)

MOTION to APPROVE was made by Trustee O'Neill 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 aye	0 nays

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Request from Department of Public Works

Request to pay **Bayport Flower Houses** for the balance of the hanging baskets in the amount of \$3,105.00 (A8510.441)

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 aye	0 nays

Request from Village Attorney

Request for public hearing on June 22nd for **Introductory Local Law No.2 of the year 2020** – a local law to require front yard green space in the residential districts of the village

MOTION to APPROVE was made by Trustee O'Neill 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 aye	0 nays

Request for public hearing on July 13th for **Introductory Local Law No.1 of the year 2020** – a local law to modify the parking limits in certain Municipal Parking Fields and to establish a Downtown Resident Parking Permit

Mayor Siry announced that Deputy Mayor Smith, Trustee O'Neill and Chief Burton have been reviewing the parking situation in the Village.

MOTION to APPROVE was made by Trustee O'Neill 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 aye	0 nays

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Resolutions

Resolution 20-06-08-01 Authorizing Temporary Outdoor Dining

WHEREAS a state of emergency regarding the Covid-19 pandemic has been declared by the Governor of the State of New York, and

WHEREAS Executive Orders have been issued by said Governor regulating and restricting various activities during such pandemic including indoor and outdoor dining at restaurants within the State of New York, and

WHEREAS it is anticipated that an Executive Order will be issued allowing outdoor dining with restrictions in Suffolk County to be effective on or about June 10, 2020, and

WHEREAS the Board of Trustees wishes to be proactive and to authorize restaurants within the Village of Amityville to provide temporary outdoor dining, and to facilitate same to the maximum extent feasible consistent with public health, safety and welfare, and in accordance with any applicable requirements established by Executive Orders, as soon as they are able to do so, and

WHEREAS said authorization may include the use of public sidewalks, and portions of designated village streets and municipal parking fields.

NOW THEREFOR BE IT RESOLVED AS FOLLOWS:

1. Temporary outdoor dining at restaurants within the Village of Amityville is hereby authorized on the following terms and conditions:

(a) An applicant for temporary outdoor dining shall submit an application for said dining to the Code Enforcement Officer

(b) Said application shall include a sketch showing the proposed layout including the portion of any sidewalk and village street or parking field intended to be used

(c) Said proposed layout shall show tables with required social distancing and shall not provide for an occupancy greater than 50% of the interior occupancy for the related restaurant (i.e. if the interior occupancy is 80, maximum outdoor occupancy is 40)

(d) Applicant shall provide liability insurance in the minimum amount of \$500,000 for personal injury and property damage on village property naming the village as an additional insured

(e) Applicant shall comply with all applicable requirements for outdoor dining established by Executive Order, the New York State Liquor Authority, and the Suffolk County Dept. of Health Services, including the Guidelines for Temporary Outdoor Dining established by the Village of Amityville

(f) The approval of said application is subject to suspension or revocation by the Code Enforcement Officer at any time for violation of any of these terms and conditions.

2. The Board of Trustees hereby designates the following village owned property as suitable areas for temporary outdoor dining:

(a) Westerly sidewalk of Park Avenue between Greene Avenue and Ireland Place

(b) Greene Avenue between Broadway and the easterly driveway for Municipal Parking Field No 14

(c) designated portion of Municipal Parking Field No 11

(d) designated portion of Municipal Parking Field No 14

The Board of Trustees reserves the right to modify existing areas or to designate additional

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village property for outdoor dining as deemed necessary by Resolution

3. This Resolution shall be effective immediately but no outdoor dining shall take place prior to the effective date of the Executive Order of the Governor of the State of New York allowing said dining.

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 aye	0 nays

Resolution 20-06-08-02 Grants Special Use Permit Application of 335 Merrick Road Realty LLC

WHEREAS, the Amityville Village Board of Trustees is in receipt of a special use permit application from 335 Merrick Road Realty LLC, by Gabriel Vigorito, pursuant to Section 183-140 of the Amityville Village Code, for the construction and use of a parking facility on a vacant 32,000 square-foot parcel of land within the B-2 General Business District, located at 335 Merrick Road, Amityville, New York, and more particularly described as Suffolk County Tax Map Number 0101-10-3-5 (“the Subject Property”); and

WHEREAS, the application contained, among other things, a Short Environmental Assessment Form, dated August 17, 2018; and

WHEREAS, the applicant submitted, among other things, a proposed site plan, dated February 28, 2019, drafted by Harold E. Gebhard, Architect, that includes plans for the proposed parking facility on the Subject Property; and

WHEREAS, the Subject Property is adjacent to, among other things, property used for residential purposes; and

WHEREAS, the Subject Property is not located in an agricultural district; and

WHEREAS, the application was referred to the Suffolk County Planning Commission, which determined that the application be considered a matter of local determination; and

WHEREAS, this application is related to the pending special use permit application submitted by 339 Merrick Road Realty LLC, the owner of the adjacent vacant parcel to the east, known as 339 Merrick Road, Amityville, New York (“the 339 Property”), which seeks to develop the 339 Property as a one-story automotive vehicle service facility, because the proposed parking facility

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shall provide overflow parking for the employees and customers of the proposed vehicle service facility on the 339 Property; and

WHEREAS, this application is also related to the existing automotive vehicle sales and service facility located at 345 Merrick Road, Amityville, New York (“the 345 Property”), in close proximity to the Subject Property, in that the applicant shall provide the employees and customers of the 345 Property with parking on the Subject Property to, among other things, improve safety and alleviate traffic and parking congestion on South Bayview Avenue, and Merrick Road; and

WHEREAS, the Subject Property, the 339 Property, and the 345 Property are all under common control; and

WHEREAS, the Amityville Board of Trustees has reviewed this application together with the concurrent special use permit application submitted by 339 Merrick Road Realty LLC, seeking to construct a new one-story automotive vehicle service facility on the adjacent property to the east, and has examined the related impacts of both proposed projects pursuant to 6 NYCRR Part 617; and

WHEREAS, a public hearing was conducted by the Amityville Village Board of Trustees on August 12, 2019, to receive input from all interested persons on this application, as well as the special use permit application submitted by 339 Merrick Road Realty LLC, regarding development of the adjacent easterly parcel as a new one-story automotive vehicle service facility; and

WHEREAS, subsequent to the aforementioned hearing, the applicant submitted a Traffic Impact Assessment and Site Plan Review prepared by L.K. McLean Associates, P.C., dated February 12, 2020; and

WHEREAS, the applicant subsequently submitted a revised proposed site plan, dated February 18, 2020, drafted by Harold E. Gebhard, Architect, that includes among other things, the relocation of the proposed driveway as recommended by L.K. McLean Associates, P.C., in the Traffic Impact Assessment and Site Plan Review; and

WHEREAS, the members of the Amityville Village Board of Trustees have visited the Subject Property and are familiar with the Subject Property and surrounding area; and

WHEREAS, the Amityville Village Board of Trustees has carefully considered the evidence submitted in connection with the special use permit application, including the documents submitted by the applicant and other interested parties, the SEQRA record created to date, the report of the Suffolk County Planning Commission, the testimony provided at the public hearing on August 12, 2019, the Traffic Impact Assessment and Site Plan Review from L.K. McLean Associates, P.C., the comments of the Amityville Building Inspector, as well as all other pertinent planning, zoning, and environmental information presented; now

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THEREFORE, BE IT RESOLVED, that, in the matter of the special use permit application of 335 Merrick Road Realty LLC, the Amityville Board of Trustees determines the application to be an Unlisted Action pursuant to 6 NYCRR Part 617 that will not have a significant adverse impact on the environment based on the following findings:

1. The Subject Property has previously supported prior development without significant adverse impacts and is largely cleared of vegetation without any identified sensitive environmental resources, including wetlands, surface waters, or wildlife habitat.
2. The proposed project does not include the construction or use of any buildings on the Subject Property.
3. The proposed project will not adversely affect air quality because it will be utilized solely as a parking lot for the personal vehicles of employees and customers.
4. The proposed project will not adversely affect noise levels because it will be utilized solely as a parking facility for employee and customer parking and no automotive repair will occur on the Subject Property.
5. The proposed project will not generate any sanitary waste and will not adversely impact groundwater resources.
6. The potential traffic impacts from the proposed project, together with the proposed use on the 339 Property, have been carefully analyzed by L.K. McLean Associates, P.C., which has determined that additional traffic generated by the proposed project is not expected to have a significant adverse impact on traffic safety in the area. Additionally, the New York State Department of Transportation (“the NYSDOT”) has permitting authority over the proposed access improvements along Merrick Road (NY 27A). As the agency with approval authority over the access improvements proposed along Merrick Road, the NYSDOT will require fully-engineered plans for the proposed access and will conduct a permitting process for those improvements prior to full implementation of the proposed action. The final project plans will incorporate design details as may be required by NYSDOT based on its review of the fully-engineered plans so as to best accommodate the proposed development to the local road system.
7. The solid waste and recyclables generated by the construction and use of the proposed parking facility can be accommodated by the local private solid waste and recycling infrastructure.
8. The application, taken together with the concurrent and related special use permit application submitted by 339 Merrick Road Realty LLC, will not result in cumulative or significant adverse environmental impacts.
9. There are no other known planned or related actions that, taken together with the proposed action, would result in cumulative or significant adverse environmental impacts.

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BE IT FURTHER RESOLVED, that, in the matter of the special use permit application of 335 Merrick Road Realty LLC, the Amityville Board of Trustees makes the following additional findings:

1. The special use permit application is the legal and appropriate means for the applicant to seek the relief it requests. The applicant seeks to construct a parking facility to be used in connection with the sale and repair of automotive vehicles, which is considered a “Public Garage” as that term is defined by Amityville Village Code § 183-1. Pursuant to Amityville Village Code § 183-140, the construction of a Public Garage within 200 feet of any premises used for residential purposes requires an applicant to obtain a special use permit from the Amityville Village Board of Trustees. Since the proposed project is adjacent to property used for residential purposes (within 200 feet), the applicant correctly seeks a special use permit from the Board of Trustees to construct the parking facility.

2. The Subject Property is located on the south side of Merrick Road, within the Village of Amityville, in an area that is developed predominantly with other commercial uses, including existing automotive uses. As a result, the proposed specially permitted use is appropriate and consistent with the surrounding land uses.

3. Although most of the properties along Merrick Road in the area consist of other commercial uses, the Subject Property is also adjacent to a residential neighborhood to the south. As a result, the Board of Trustees is mindful of the neighbors’ legitimate concerns about preserving and improving the safety and character of their residential community, including their desire to minimize the impacts of traffic, parking, noise, lighting, and other environmental issues.

4. The proposed use is not unsuitably near to a house of worship, school, recreation area, or other place of public assembly.

5. The size and characteristics of the Subject Property are appropriate and consistent with the proposed use and construction.

6. Existing municipal services are adequate to provide for the demands of the proposed specially permitted use together with the automotive service facility proposed in the special use permit application of 339 Merrick Road Realty LLC.

7. The proposed parking facility will provide a parking area for the employees and customers of the 345 Property, which is sorely needed, as well as any excess parking necessitated by the proposed automotive vehicle service facility on the 339 Property.

8. Additional traffic generated by the proposed project is not expected to have a significant impact on traffic safety in the area.

9. The revised driveway location, and an internal connection for vehicles to the 339 Property, as recommended by L.K. McLean Associates, P.C., will ensure safe and efficient access to the Subject Property from Merrick Road.

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10. Presently, routine retail vehicle service activities at the 345 Property result in vehicular traffic, congestion, and parking along South Bayview Avenue and Merrick Road that have become a safety hazard and a source of concern, frustration, and complaints by neighboring residents. South Bayview Avenue is primarily a residential street running through a residential neighborhood within the Village of Amityville.

11. The applicant also expressed a “severe safety concern” because the line of vehicles waiting for service at the 345 Property routinely backs onto South Bayview Avenue and Merrick Road and obstructs the path of moving vehicles. The applicant intends to send its “quick service” customers to the new service facility proposed on the Subject Property to alleviate this issue.

12. The relocation of the existing service from the 345 Property to the Subject Property will reduce the number of routine retail vehicle service activities at the 345 Property which will, among other things, improve safety by alleviating the parking and traffic congestion on South Bayview Avenue and Merrick Road.

13. The relocation of the existing service from the 345 Property to the Subject Property will also reduce the traffic at the intersection of Merrick Road and South Bayview Avenue, which will also help to improve safety by reducing the number of turning movements at the intersection and alleviating traffic congestion on the roadways.

14. The applicant also explained that the business operation at the 345 Property has inadequate parking for the employees and customers of the 345 Property. This situation creates additional vehicular traffic congestion on South Bayview Avenue, Merrick Road, and other local streets as vehicles continuously “circle around” looking for parking.

15. The proposed parking facility on the Subject Property will provide the employees and customers of the 345 Property with the additional parking necessary to alleviate the congestion caused by the inadequate parking situation. Employees and customers will no longer need to “circle around” the neighborhood; instead, parking will be readily available in the new parking facility.

16. The applicant has agreed that it shall not utilize the proposed parking facility for the sale or rental of vehicles, the repair of vehicles, or the storage of vehicles or automotive parts so the parking can be utilized solely by the customers and employees of the 345 Property and the proposed service facility to be constructed on the 339 Property. These constraints will ensure the availability of the parking for such employees and customers, which is necessary to alleviate the identified parking and traffic congestion and improve safety in the area.

17. The applicant also has control over, and utilizes, the adjacent property to the west, known as 315 Merrick Road, Suffolk County Tax Map Number 0101-10-3-2.1 (“the 315 Property”), as a storage and parking facility related to the business at the 345 Property. The 315 Property utilizes a curb cut along South Bayview Avenue for access. The Board of Trustees finds that restricting

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access between the Subject Property and the 315 Property will prevent additional adverse turning movements and traffic congestion on South Bayview Avenue. Such a restriction would prevent vehicles from accessing the Subject Property from South Bayview Avenue by passing through the 315 Property. The restriction would also prevent similar adverse movements for vehicles from the 339 Property.

18. The Subject Property also has access to Etna Court that is presently fenced with a sliding gate. Etna Court is a short dead-end street that runs from the Subject Property to South Bayview Avenue through a primarily residential neighborhood. The Board of Trustees finds that restricting access between the Subject Property and Etna Court will prevent additional adverse turning movements and traffic congestion on Etna Court and South Bayview Avenue because it would prevent vehicles from accessing the Subject Property from Etna Court and South Bayview Avenue. The restriction would also prevent similar adverse movements for vehicles from the 339 Property.

BE IT FURTHER RESOLVED, that, the Amityville Board of Trustees hereby grants the special use permit application of 335 Merrick Road Realty LLC for the construction and use of a new one-story automotive vehicle service facility on the Subject Property subject to the following conditions:

1. The applicant shall comply with all applicable State, County, Village, and other municipal laws and requirements.
2. The applicant shall obtain and maintain all necessary permits.
3. The applicant shall obtain site plan approval from the Village of Amityville Planning Board. There shall be no site disturbance prior to obtaining such site plan approval and no building permit shall issue prior to obtaining such site plan approval.
4. The applicant's final site plan must comply with all setback, building area, height, parking, and other bulk requirements of the Amityville Village Code. The applicant may seek a variance from the Board of Zoning Appeals of the Village of Amityville concerning such requirements.
5. The applicant shall ensure all plantings conform to the Architect's plans dated February 18, 2020, as amended by the Planning Board.
6. The applicant shall install and maintain adequate landscaping buffers as required by the Planning Board.
7. The applicant shall install and maintain an irrigation system equipped with a rain shut-off sensor on the Subject Property, or such irrigation system as required by the Planning Board.
8. The applicant shall install and maintain all outdoor lighting on the Subject Property that is "sky friendly," LED, and Historical-style, or such lighting as required by the Planning Board.

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9. The applicant shall install and maintain a sound-barrier along the southern property line of the Subject Property, or such other similar method of minimizing noise to the southerly residents as required by the Planning Board.
10. Driveway access, including curb-cut, shall be in the location recommended by L.K. McLean Associates, P.C., subject to any changes compelled by the NYSDOT and/or other municipal requirements.
11. A reciprocal access easement shall be recorded providing the Subject Property and the 339 Property with common use of the driveway access, including curb-cut, to Merrick Road. The recorded easement shall ensure the construction and maintenance of an internal connection for vehicular traffic between the two properties.
12. Vehicular access to Etna Court shall be restricted to emergency vehicles only.
13. Vehicular access to the property to the west, known as 315 Merrick Road, Suffolk County Tax Map Number 0101-10-3-2.1, shall be restricted to emergency vehicles only.
14. The applicant shall ensure connection to public water and sewer services in compliance with all applicable State, County, Village, and other municipal laws and requirements, if such connection is required by the Planning Board.
15. The Applicant will incorporate fire protection measures into the design of the proposed facility in accordance with all applicable State, County, Village, and other municipal laws and requirements.
16. No outdoor storage of vehicles or automotive parts shall be permitted on the Subject Property.
17. No sale or rental of vehicles shall be permitted on the Subject Property.
18. No repairs of vehicles shall be permitted on the Subject Property.
19. No overnight parking shall be permitted on the Subject Property, except that overnight parking shall be permitted only in the parking spaces along the western and southern boundary portions of the Subject Property depicted on the revised proposed site plan, dated February 18, 2020, drafted by Harold E. Gebhard.
20. The approval of this special use permit is conditioned on the approval of the pending special use permit application submitted by 339 Merrick Road Realty LLC.
21. The construction and use under this special use permit shall be commenced within two (2) years from the date this resolution is adopted.

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BE IT FURTHER RESOLVED, that, the Amityville Village Clerk shall forward a copy of this resolution to the applicant, the Law Offices of Buzzell, Blanda & Visconti, LLP, counsel to the applicant, the Amityville Village Board of Trustees, the Amityville Building Department, the Amityville Planning Department, the Amityville Police Department, and the Amityville Fire Marshal.

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	nay
	Trustee Whalen	aye
	Trustee O’Neill	aye
Motion Carried:	4 aye	1 nay

Resolution 20-06-08-03 Grants Special Use Permit Application of 339 Merrick Road Realty LLC

WHEREAS, the Amityville Village Board of Trustees is in receipt of a special use permit application from 339 Merrick Road Realty LLC, by Gabriel Vigorito, pursuant to Section 183-140 of the Amityville Village Code, for the construction and use of a new one-story automotive vehicle service facility on a vacant 18,000 square-foot parcel of land within the B-2 General Business District, located at 339 Merrick Road, Amityville, New York, and more particularly described as Suffolk County Tax Map Number 0101-10-3-6 (“the Subject Property”); and

WHEREAS, the application contained, among other things, a Short Environmental Assessment Form, dated April 10, 2019; and

WHEREAS, the application contained, among other things, a proposed site plan, dated February 28, 2019, drafted by Harold E. Gebhard, Architect; and

WHEREAS, the Subject Property is adjacent to, among other things, property used for residential purposes; and

WHEREAS, the Subject Property is not located in an agricultural district; and

WHEREAS, the application was referred to the Suffolk County Planning Commission, which determined that the application be considered a matter of local determination; and

WHEREAS, this application is related to the pending special use permit application submitted by 335 Merrick Road Realty LLC, the owner of the adjacent vacant parcel to the west, known as 335 Merrick Road, Amityville, New York (“the 335 Property”), which seeks to develop the 335

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Property as a parking lot for, among other things, the proposed service facility on the Subject Property; and

WHEREAS, this application is also related to the existing automotive vehicle sales and service facility located at 345 Merrick Road, Amityville, New York (“the 345 Property”), in close proximity to the Subject Property, in that the applicant intends to relocate routine retail vehicle service activities from the 345 Property to the Subject Property to, among other things, improve safety and alleviate traffic and parking congestion on South Bayview Avenue and Merrick Road; and

WHEREAS, the Subject Property, the 335 Property, and the 345 Property are all under common control; and

WHEREAS, the Amityville Board of Trustees has reviewed this application together with the concurrent special use permit application submitted by 335 Merrick Road Realty LLC, seeking to construct a parking lot on the adjacent property to the west, and has examined the related impacts of both proposed projects pursuant to 6 NYCRR Part 617; and

WHEREAS, a public hearing was conducted by the Amityville Village Board of Trustees on August 12, 2019, to receive input from all interested persons on this application, as well as the special use permit application submitted by 335 Merrick Road Realty LLC, the owner of the adjacent parcel to the west, regarding development of the westerly parcel as a parking lot; and

WHEREAS, subsequent to the aforementioned hearing, the applicant submitted a Traffic Impact Assessment and Site Plan Review prepared by L.K. McLean Associates, P.C., dated February 12, 2020; and

WHEREAS, the applicant subsequently submitted a revised proposed site plan, dated February 18, 2020, drafted by Harold E. Gebhard, Architect, that includes among other things, the relocation of the proposed driveway as recommended by L.K. McLean Associates, P.C., in the Traffic Impact Assessment and Site Plan Review; and

WHEREAS, the members of the Amityville Village Board of Trustees have visited the Subject Property and are familiar with the Subject Property and surrounding area; and

WHEREAS, the Amityville Village Board of Trustees has carefully considered the evidence submitted in connection with the special use permit application, including the documents submitted by the applicant and other interested parties, the SEQRA record created to date, the report of the Suffolk County Planning Commission, the testimony provided at the public hearing on August 12, 2019, the Traffic Impact Assessment and Site Plan Review from L.K. McLean Associates, P.C., the comments of the Amityville Building Inspector, as well as all other pertinent planning, zoning, and environmental information presented; now

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THEREFORE, BE IT RESOLVED, that, in the matter of the special use permit application of 339 Merrick Road Realty LLC, the Amityville Board of Trustees determines the application to be an Unlisted Action pursuant to 6 NYCRR Part 617 that will not have a significant adverse impact on the environment based on the following findings:

1. The Subject Property has previously supported prior development without significant adverse impacts and is largely cleared of vegetation without any identified sensitive environmental resources, including wetlands, surface waters, or wildlife habitat.

2. The proposed project will not adversely affect air quality because the use will primarily be contained within the facility.

3. The proposed project will not adversely affect noise levels because the use will primarily be contained within the facility and the applicant will employ soundproofing techniques to minimize the effects that any adverse noise will have on the neighboring residents.

4. The proposed project will include connection to the Southwest Sewer District pursuant to the requirements of the Suffolk County Department of Public Works and Health Services and will not adversely impact groundwater resources.

5. The potential traffic impacts from the proposed project have been carefully analyzed by L.K. McLean Associates, P.C., which has determined that additional traffic generated by the proposed project is not expected to have a significant adverse impact on traffic safety in the area. Additionally, the New York State Department of Transportation (“the NYSDOT”) has permitting authority over the proposed access improvements along Merrick Road (NY 27A). As the agency with approval authority over the access improvements proposed along Merrick Road, the NYSDOT will require fullyengineered plans for the proposed access and will conduct a permitting process for those improvements prior to full implementation of the proposed action. The final project plans will incorporate design details as may be required by NYSDOT based on its review of the fully-engineered plans so as to best accommodate the proposed development to the local road system.

6. The solid waste and recyclables generated by the construction and use of the proposed facility can be accommodated by the local private solid waste and recycling infrastructure.

7. The application, taken together with the concurrent and related special use permit application submitted by 335 Merrick Road Realty LLC, will not result in cumulative or significant adverse environmental impacts.

8. There are no other known planned or related actions that, taken together with the proposed action, would result in cumulative or significant adverse environmental impacts.

BE IT FURTHER RESOLVED, that, in the matter of the special use permit application of 339 Merrick Road Realty LLC, the Amityville Board of Trustees makes the following additional findings:

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1. The special use permit application is the legal and appropriate means for the applicant to seek the relief it requests. The applicant seeks to construct an automotive vehicle service facility, which is considered a “Public Garage” as that term is defined by Amityville Village Code § 183-1. Pursuant to Amityville Village Code § 183-140, the construction of a Public Garage within 200 feet of any premises used for residential purposes requires an applicant to obtain a special use permit from the Amityville Village Board of Trustees. Since the proposed project is adjacent to property used for residential purposes (within 200 feet), the applicant correctly seeks a special use permit from the Board of Trustees to construct the automotive vehicle service facility.
2. The Subject Property is located on the south side of Merrick Road, within the Village of Amityville, in an area that is developed predominantly with other commercial uses, including existing automotive uses. As a result, the proposed specially permitted use is appropriate and consistent with the surrounding land uses.
3. Although most of the properties along Merrick Road in the area consist of other commercial uses, the Subject Property is also adjacent to a residential neighborhood to the south. As a result, the Board of Trustees is mindful of the neighbors’ legitimate concerns about preserving and improving the safety and character of their residential community, including their desire to minimize the impacts of traffic, parking, noise, lighting, and other environmental issues.
4. The proposed use is not unsuitably near to a house of worship, school, recreation area, or other place of public assembly.
5. The size and characteristics of the Subject Property are appropriate and consistent with the proposed use and construction.
6. Existing municipal services are adequate to provide for the demands of the proposed specially permitted use together with the parking lot use proposed in the special use permit application of 335 Merrick Road Realty LLC.
7. The proposed parking area on the Subject Property will be sufficient to serve the anticipated demand of the automotive vehicle service facility, and any excess parking demand can be accommodated in the proposed adjacent lot.
8. Additional traffic generated by the proposed project is not expected to have a significant impact on traffic safety in the area.
9. The revised driveway location, and an internal connection for vehicles to the 335 Property, as recommended by L.K. McLean Associates, P.C., will ensure safe and efficient access to the Subject Property from Merrick Road.
10. Presently, routine retail vehicle service activities at the 345 Property result in vehicular traffic, congestion, and parking along South Bayview Avenue and Merrick Road that have

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become a safety hazard and a source of concern, frustration, and complaints by neighboring residents.

11. The applicant has also expressed a “severe safety concern” because the line of vehicles waiting for service at the 345 Property routinely backs onto South Bayview Avenue and Merrick Road and obstructs the path of moving vehicles. The applicant intends to send its “quick service” customers to the new service facility proposed on the Subject Property to alleviate this issue.

12. The relocation of the existing service from the 345 Property to the Subject Property will reduce the number of routine retail vehicle service activities at the 345 Property which will, among other things, improve safety by alleviating the parking and traffic congestion on South Bayview Avenue and Merrick Road.

13. The relocation of the existing service from the 345 Property to the Subject Property will also reduce the traffic at the intersection of Merrick Road and South Bayview Avenue, which will also help to improve safety by reducing the number of turning movements at the intersection and alleviating traffic congestion on the roadways.

14. The applicant has agreed that it shall not utilize the parking lot of the Subject Property for the storage of vehicles or automotive parts so the parking can be utilized solely by the customers and employees of the service facility. This will also help alleviate the parking and traffic congestion on South Bayview Avenue by accommodating such customers and employees who may otherwise venture to find parking on South Bayview Avenue and neighboring roads.

BE IT FURTHER RESOLVED, that, the Amityville Board of Trustees hereby grants the special use permit application of 339 Merrick Road Realty LLC for the construction and use of a new one-story automotive vehicle service facility on the Subject Property subject to the following conditions:

1. The applicant shall comply with all applicable State, County, Village, and other municipal laws and requirements.
2. The applicant shall obtain and maintain all necessary permits.
3. The applicant shall obtain site plan approval from the Village of Amityville Planning Board. There shall be no site disturbance prior to obtaining such site plan approval and no building permit shall issue prior to obtaining such site plan approval.
4. The applicant’s final site plan must comply with all setback, building area, height, parking, and other bulk requirements of the Amityville Village Code. The applicant may seek a variance from the Board of Zoning Appeals of the Village of Amityville concerning such requirements.
5. The applicant shall ensure all plantings conform to the Architect’s plans dated February 18, 2020, as amended by the Planning Board.

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6. The applicant shall install and maintain adequate landscaping buffers as required by the Planning Board.
7. The applicant shall install and maintain an irrigation system equipped with a rain shut-off sensor on the Subject Property, or such irrigation system as required by the Planning Board.
8. The applicant shall install and maintain all outdoor lighting on the Subject Property that is “sky friendly,” LED, and Historical-style, or such lighting as required by the Planning Board.
9. The applicant shall ensure that all doors, walls, and windows of the proposed building shall be insulated with sound-proofing material, or such other similar method of sound-proofing the building as required by the Planning Board.
10. The applicant shall install and maintain an air-conditioning system for the proposed building and ensure that all doors and windows of the facility remain closed during hours of operation.
11. The applicant shall install and maintain a sound-barrier along the southern property line of the Subject Property, or such other similar method of minimizing noise to the southerly residents as required by the Planning Board.
12. Driveway access, including curb-cut, shall be in the location recommended by L.K. McLean Associates, P.C., subject to any changes compelled by the NYSDOT and/or other municipal requirements.
13. A reciprocal access easement shall be recorded providing the Subject Property and the 335 Property with common use of the driveway access, including curb-cut, to Merrick Road. The recorded easement shall ensure the construction and maintenance of an internal connection for vehicular traffic between the two properties.
14. The applicant shall ensure connection to public water and sewer services in compliance with all applicable State, County, Village, and other municipal laws and requirements.
15. The applicant will incorporate fire protection measures into the design of the proposed project in accordance with all applicable State, County, Village, and other municipal laws and requirements.
16. The facility shall only be permitted to conduct business Mondays through Saturdays between the hours of 7:00 a.m. and 7:00 p.m.
17. The facility shall only be permitted to conduct business on Sundays between the hours of 10:00 a.m. and 5:00 p.m.

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18. No outdoor storage of vehicles or automotive parts shall be permitted on the Subject Property.

19. No sale or rental of vehicles shall be permitted on the Subject Property.

20. No outdoor overnight parking shall be permitted on the Subject Property, except that overnight parking shall be permitted only in the parking spaces along the southern boundary portion of the Subject Property depicted on the revised proposed site plan, dated February 18, 2020, drafted by Harold E. Gebhard

21. The approval of this special use permit is conditioned on the approval of the pending special use permit application submitted by 335 Merrick Road Realty LLC.

22. The construction and use under this special use permit shall be commenced within two (2) years from the date this resolution is adopted.

BE IT FURTHER RESOLVED, that, the Amityville Village Clerk shall forward a copy of this resolution to the applicant, the Law Offices of Buzzell, Blanda & Visconti, LLP, counsel to the applicant, the Amityville Village Board of Trustees, the Amityville Building Department, the Amityville Planning Department, the Amityville Police Department, and the Amityville Fire Marshal.

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	nay
	Trustee Whalen	aye
	Trustee O'Neill	aye
Motion Carried:	4 aye	1 nay

Discussion regarding Security Dodge:

Mayor Siry announced that the Board is eager to finalize the Special Use applications for property currently being used by Security Dodge, as the matter has been under consideration since August 2019. A public hearing has already been held to allow residents to voice their sentiments and Mayor Siry has met with residents of Snug Harbor. He pointed out that Security Dodge has agreed to several covenants and has revised their site plan at the Village's request. The new plan reduces the number of service bays and takes into account the need to insulate for sound, puts limits on overnight parking, establishes buffers and reflects the character of the Village.

Mayor Siry stated that Mr. Vigoritto's properties are among the best-kept commercial properties in the Village. He also suggested that if a restaurant or retail operation were to go into the space, as some would prefer, other noise, odor and sanitation issues could arise.

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Mayor Siry also pointed to a traffic study that was performed at the Village’s request, which shows that the new “quick service” facility is expected to redirect vehicles away from the main dealership property and alleviate the back-up of traffic on S. Bayview Ave. and Merrick Rd.

Trustee Bernius stated that Security Dodge has not been a good neighbor and she will be voting against the application. She outlined Security Dodge’s expansion which she feels goes against the Code limiting automobile business use on Merrick Road. Mayor Siry maintained that under Mayor Peter Imbert, the Code was established to prevent a proliferation of used car sales operations along the Village corridors.

When asked why the Village will not defer a vote until the Article 78 appeals have been completed, Mayor Siry said the Village has spent enough time and taxpayer money on defending the Article 78 proceedings, for which a judge has already ruled that the Village Board of Trustees has the authority to hear the application. If approved by the Board this evening, he noted that Security Dodge will have to go before the Planning Board as well.

Joe Rutigliano, 192 Bayview Ave., complained of Security Dodge vehicles speeding down Bayview Ave., a problem that has been ongoing. The Mayor advised him to call the APD and the dealership to report the incidents as soon as they occur.

The resident also asked to have speed bumps installed, to which the Mayor explained there are differing opinions on whether speed humps help or create accidents. Further study would be needed. Deputy Mayor Smith suggested speed signs may also calm the situation.

Lauryn Haffner, 194 S. Bayview Ave, asked what stipulations were agreed upon, to which Clerk/Treasurer advised Ms. Haffner that the information is posted on the Village website.

Donelle Cronin, 32 Mole Pl., requested the dollar value of the funds spent by the Village to defend the Article 78 proceedings relating to Security Dodge’s application. Clerk/Treasurer Murdock advised Ms. Cronin to submit a FOIL request with her office.

Trustee O’Neill said the vote was a difficult decision but explained that the proposed use should alleviate the two main concerns of residents -- traffic on the S. Bayview/Merrick Rd. corner and employees parking on the streets. The planned use will allow for the betterment of the area.

MOTION to ADJOURN was made by Trustee O’Neill 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 aye	0 nays

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Meeting was adjourned at 8:15 p.m.

Catherine C. Murdock
Clerk/Treasurer