

Planning Board Minutes April 4, 2019

Chairman Donald Pollock opened the April 4, 2019 meeting of the Amityville Planning Board at 7:00 P.M. and welcomed the public.

Members Present: Donald Pollock, Chairman
James Squicciarini, Member
Mary D’Andrea, Member
Colleen Nugent, Member
Mia Jealous-Dank, Alternate

Other Attendees: Bryan Donato, Building Inspector
Corliss Baskerville, Secretary to the Board

Absent: Michael O’Neill, Member

The Board and attendees recited the Pledge of Allegiance.

Chairman Pollock introduced himself and the other Board members to the public. He noted that all applicants are hereby notified that any/all agreed upon 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.

As the Planning Board did not meet in March, the first order of business is to make a motion to approve the minutes of the February 7, 2019 meeting.

A Motion to approve the minutes from the February 7, 2019 meeting was made by Ms. Jealous-Dank and seconded by Ms. Nugent.

Vote on the Motion:	Chairman, Donald Pollock	-aye
	Mary D’Andrea	-aye
	Colleen Nugent	-aye
	Mia Jealous-Dank	-aye
	James Squicciarini	-abstain

Motion carried: 4 ayes 0 nays 1 abstention

With no further Board business Chairman Pollock moved on to the items on the agenda.

Chairman Pollock asked Ms. DiBenedetto to repeat the presentation she gave to the Board of Trustees previously. Ms. DiBenedetto proceeded to explain the program. She conveyed the “LIHP” is a non-for-profit organization. We are working on two properties in the Village that are a part of the “LIHP” Community Land Trust. There are approximately 140 Community Land Trusts around the country. The Community Land Trust offers potential homebuyers’ different types of financial education programs and will pay mortgages. The Community Land Trust homeowners are homeowners just like you and I. They pay taxes on whatever the base value of the home is. In addition, they pay a ninety-nine-year ground lease fee for leasing the land as the property is owned by “LIHP”. We have found that there are less houses falling into foreclosure than those that do not work with us. Ms. DiBenedetto continued, stating as part of the ground lease, homeowners are responsible for the maintenance of the property, lawn care and keeping the home in pristine condition. One assurance the Village has is if the homeowner were to fall on hard times and could not pay the mortgage, it would be the responsibility of the “LIHP” to step in and help the homeowner maintain and/or sell the home to another qualified buyer. Ms. DiBenedetto referred everyone to their website: www.lihp.org, where there is a seventeen-minute video that explains the program.

Chairman Pollock asked if homeowners could pass the homes to their children and if the home could be sold to anyone else. Ms. DiBenedetto responded when a homeowner decides to sell their home, they help find qualified buyers and reimburse the homeowner a certain amount of money they have paid into the home from their ground lease. Their mortgage is paid to the financial institution that has given them the mortgage. SONYMA, as well as other financial institutions, has been offering home loans to Community Land Trust buyers. If a homeowner were to pass their home on to their child or grandchild, that person would have to apply for another ninety-nine-year ground lease at the end of the original ninety-nine-year lease. Chairman Pollock stated they will never own the property. If there is an issue with the upkeep of the property, the Village will contact the “LIHP” or a resident can contact the “LIHP” directly. Ms. DiBenedetto explained the criteria for the program stating the area median income for a homebuyer on Long Island is higher than in New York City where it is \$93,000 for a family of four. Houses are being sold at the appraised value. There is an amount that is subsidized. She said the “LIHP” is aggressively looking for purchasers. Ms. D’Andrea asked if a family of four would be able to afford the mortgage and upkeep of the home and property. Ms. DiBenedetto said the first group of applicants seem to work in the school districts or with various emergency providers throughout Long Island. All applicants must complete an annual certificate. The “LIHP” then sends an affidavit to the State of New York stating these homeowners are still in the home. If a homeowner tries to break any part of their ground lease they are in violation of a host of things. According to our guidelines, they cannot rent the home or have a second family move in. All of these homes are three-bedroom, single-family homes. Each anniversary year from the purchase date, the homeowners have to submit affidavits of who is in the home.

Ms. Jealous-Dank asked how much the properties cost after the subsidies. Ms. DiBenedetto answered before subsidy the amount is \$450,000.00 and after the subsidy the cost is \$250,000.00, depending on what is going on in the area. No one can purchase the home except through the "LIHP", after going through financial education, mortgage training and homeownership training. Ms. Nugent questioned how these homes effect the neighborhood value. She also asked if the potential buyers had to qualify for a mortgage. Ms. DiBenedetto stated it does not affect the value of the homeowners in the area because the house sells at cost value. All potential buyers must qualify for a mortgage from an independent financial institution totally separate and independent from the "LIHP".

Ms. Yabsley presented the application. She stated this is going to be a single-story, single-family, F.E.M.A-compliant home. She presented samples of the finishes to the Board. They will be using Royal Dutch Lap siding and a standard asphalt shingle. Both houses are going to be identical. Ms. Yabsley presented a photo of the lattice work that would go around the foundation. The homes will have an open pier foundation with lattice going around it. Ms. Jealous-Dank stated that the Board is going to require a closed foundation or a solid concrete foundation. She pointed out, although the application is for architectural review, this is also a site plan review because the house is brand new. Ms. D'Andrea did not like the look of the house as it does not go well with the Amityville culture. She said every house has its own character and shape and with building a brand-new house there a lot of things they could do to make these two houses nicer. Further, the houses are too close to look exactly the same. She said the house is a little boring. Ms. D'Andrea suggested using shutters, putting a breeze board along the bottom before they consider the lattice. She said if they redesigned the interior slightly, they could move the door over on the house or move the windows, so it would make more sense. We do not want these to look like subsidized homes. Ms. Yabsley pointed out that the houses were designed based on simplicity to keep the costs down because they are looking to subsidize. She said the homes will be appraised at market value just like any other house. The subsidies only come into play to get the homes at a cost that the "Partnership" and the Community Land Trust can work with.

Nick Pfluger, Bouler Pfluger Architects, (Bayshore, NY) commented the façade is made simple due to the direction received from their client to keep efficient cost of construction. He stated their company works on high-end as well as low-end homes and certainly have the ability to dress the houses up. They would have to confer with our client to come up with something that fits into the neighborhood and is within their cost constraints. Chairman Pollock suggested a deck in the front instead of what is there now which would cover up a lot of the raising of the home. All one-story homes made for this program are made (American Disability Act) "ADA-compliant" for handicap accessibility so we included a lift and a wrap-around walkway. Ms. Jealous-Dank suggested a landscaping plan and lighting in the front of the homes. Ms. Nugent stated that a lot needed to be done to the drawing in order for the Board to have a solid opinion on what they are looking at or even visualize. Chairman Pollock stated he felt he was in the Bronx or Queens with the plain look of this house. Further discussion ensued on the look

and style of the homes and the fact that this part of Amityville is a high-end area and would require a higher standard design and materials. Chairman Pollock stated the Board will give as many suggestions as they can (i.e. decking, lighting, a landscape plan, moving the doors and/or windows, adding shutters, etc.,). He mentioned keeping the holly tree on the front of the property being a concern of some neighbors. He wanted to know if they planned to keep it. Ms. Yabsley responded they would make every attempt to keep the tree, however, the house was originally set back at forty feet and they were told by Mr. John Lauria, of the Building Department, they were not allowed to have that much of a setback and they had to come closer to the property line to be in ordinance. Mr. Squicciarini suggested the applicants drive around the Bay Village and look at the architectural detail, structure and design of other houses. He gave examples of streets to look at such as Ocean Avenue, South Bay View Place and Grand Central Avenue. He acknowledged the applicant's financial restraints but asked that they realize the turnout of residents tonight is reflective of the Village saying this construction, as proposed, is not going to make them happy and will probably be problematic as a whole. A new structure must not detract from the value of the surrounding homes and it should be something the Board is proud to approve.

Chairman Pollock invited the public to speak.

Bill Ordon, 9 Norman Avenue, questioned if this program was for first-time home buyers only which the Board confirmed. Mr. Ordon expressed concern with the potential homebuyer being able to afford living in a high-taxed area. He asked if there would be a plan for drainage and plantings. He stated he is against the application. Ms. Yabsley responded that on-site drainage collection is planned for all of their sites as it is a requirement of the program.

Russell Weber, 25 Victoria Drive, asked if the "LIHP" would be willing to sign an agreement with the Village with language that if anything goes wrong, they will be financially liable as they have stated several times they would step in if anything went wrong. He felt this should happen without going through the usual Village process of writing violations but to have the "LIHP" take immediate action. Mr. Donato responded there would be no necessity for such as they are the property owners. As with any other property owner, he would write violations and give them a chance to respond, taking further action as required. He asked Mr. Weber why we would treat these homeowners any different than any other homeowner. There is a procedure in place called, "Code Enforcement" which applies to all residents of the Village. Mr. Weber also expressed concern over bundling people on the application in order to financially qualify. Ms. DiBenedetto responded that income is based on who will be living in the house. They will be placed on the mortgage as people occupying the home. We have not found unrelated people living in the same house and we do not tolerate that. The relationship must be proven. Each year owners must certify who is living in the home and will be in violation of the ground lease if they do not certify. If certification is not submitted, we would visit the home.

Thomas Haffner, 294 South Bayview Avenue, expressed concern over the quality of the materials being used to build the inside of the home (i.e. flooring, counter tops, hurricane proof

windows, etc.). He also expressed concern with the upkeep of the properties if, down the road, the inside looks like a shamble because it was built with a lousy quality of materials. Ms. Yabsley responded one reason the design was simplified is because they are using standard, high-quality materials. They are using Anderson 400 Series windows. Everything in the house is designed and built to code. The foundation system is probably one of the highest costs of the house which will include helical piles for longevity and maintenance. We are putting the cost into the parts of the house that we feel will help the house survive.

Tom Pappas, 279 Bayview Place, lives on Bayview Place and commented he took offense to the applicant's indication that his neighborhood was parallel to a low-cost area and thanked the Board for taking this up. Ms. Yabsley stated she did not mean to imply that. They have a one-story and two-story design. Both homes are the same square footage with a different footprint. The two-story designs did not fit the lots as they are very high and do not fit the character of the neighborhood. Everything is designed to be the same across the program based on which fits best on the lot and in the area.

Richard Budde, 1 Washington Place, said he did not receive notification of this application. He commented he did not understand the whole concept of what the agency is for, what they are doing or what they get out of it. He asked why they don't sell the properties back to Amityville.

Phil Amico, 316 South Bayview Avenue, does not believe this to be a good deal for a first-time homebuyer. There is no incentive for them to improve the property and they don't own the property. He does not see the logic if they are not going to make any profit from the property.

Ms. DiBenedetto responded, commenting the "Partnership" has been in business for over thirty years as a non-profit organization. She referenced the website where there are photos of the different houses they have built throughout their history. She communicated the "Partnership" works with developers as they are trying to develop their property and have a desire to place first-time homebuyers there. Rutgers University conducted a survey approximately seven years ago and stated homeowners that go through mortgage counseling are less likely to fall into foreclosure than someone that has not, and we provide training and counseling to our homebuyers.

LaurieAnn Russo, 25 Bayview Place, lives two houses down from this property. Ms. Russo wanted to know how they narrow down who they choose and if the homes could be marketed to Amityville residents only. Ms. DiBenedetto responded that the program is open to all people. Through the Office of Housing and Urban Development, they are required to open the program to the entire Long Island community or any part of the state or country under the Fair Housing Laws. They do not discriminate. People apply to the lottery and once they go through mortgage counseling, some get eliminated because they either have changed their mind or they were disqualified due to credit worthiness. Applications are dated when received. This is monitored by the State and Government to ensure applications are processed in order. Homeowners have the opportunity to choose if they want to live in Nassau or Suffolk County which is a

determining factor of when the applicant gets into a home. It is dependent on when homes are available in the applicant's area of choice. We have currently sent out 153 applications.

Chris Geiger, 120 Ocean Avenue, questioned the process of identifying credit-worthy homebuyers and if there is a minimum down payment. He asked if there was anything in place to prohibit the homeowner from selling the house to anyone and if it could be sold to a low-income person. He does not see any equity in this for the homeowner. Chairman Pollock stated there would not be anyone low-income if they have to have a minimum income of \$93,000.00. Ms. Nugent commented her understanding is the house cannot be sold but would go back to the "Partnership" and recycled into the lottery. Mr. Squicciarini stated the benefit would be for a family to own a home in a neighborhood they otherwise would not be able to afford. He acknowledged the public's questions as important and intelligent but reminded them that the purpose for the hearing tonight is for architectural review. The Board cannot deny an application based on any of the points brought up tonight so let the Board address the application that is here in front of them. He informed the public even if they wanted to argue the site plan or use of the property, it is being used for residential property which is in conformity to what has been going on with those lots since the beginning of habitation in that area. At the end of the day, they are putting up single residences. What the "Partnership" does with the land leases is not proper to be before the Planning Board. For our purpose, we are looking at the structure, the location on the lot and if it needs a variance or not. He said he can understand the public having interest in who is going to live there and if they can afford to live there but the Planning Board does not tell someone they cannot live there or look into their finances and tell them they can't afford the house they are buying. We look at the building materials to make sure they are up to code, we make sure it is a safe structure and in conformity with the Bay Village's architectural theme, we look for sight line issues and the like. These are things that will adversely affect your property value. Discussing a potential homeowner's finances will not make a difference to how this Board renders a decision.

Ms. Di Benedetto responded they use a consumer price index. She explained how homes go up and down in value so a homeowner would get a piece of the increased value in the home. If changes or improvements have been made to the home, they get a piece of that as well.

Richard Handler, 195 Ocean Avenue, said initially, he is opposed to the design and structure of the home but since the Board is asking them to go back and redesign the homes there is no reason to review that. Mr. Handler agreed with Mr. Squicciarini and the Board that this is about architectural review only. He implored everyone and the Board to focus heavily on the architectural deficiencies of this application so that when the Board makes a determination, it is doing so under its authorized grounds. Mr. Handler referenced Section 183-4 of the Village Code as he read (what he said is the closest to) a definition of the Bay Village architectural theme. It is respectfully noted, when looking at the two structures, there is nothing Victorian or with a maritime flavor about them. I see a standard, basic house that is molded into a particular lot in order to meet a certain construction price without any attention, whatsoever, to the Bay

Village architectural theme. Mr. Handler then asked the Board to reject this application and instruct the architects and the proposed owner to come back with something that complies with the Village statute. The Board of Trustees had a vision to attempt to establish a feel for the identity of this community to maintain the historical quality of the Village with a theme emphasizing a Nineteenth Century Victorian style with marine architecture. Mr. Handler further brought to the attention of the Board and public different historical structures and fine period-style homes in the vicinity of Bayview Place and Bayview Avenue. He particularly mentioned the Zebulon Ketcham Inn which he noted is the place where George Washington slept (in September of 1792) when he visited Amityville. He continued saying that this concept has no accountability or imagination. The materials couldn't be more inferior and felt this is an example of function and price over form. Their price flexibility cannot dictate the style of homes in this community. Mr. Handler further described the heritage and culture of the Village, quoting Village statutes.

Ms. Yabsley responded stating a site plan was submitted and prepared by VHB Engineers. These plans were discussed with John Lauria prior to the application being finalized. She said they would be going over all suggestions from the Board with the architects. Chairperson Pollock mentioned the holly tree, reiterating residents want to see the tree stay.

Mr. Squicciarini proposed the applicant make an application for an adjournment until the subsequent meeting in May. This would allow them time to return with plans that are in conformance with the suggestions made by the public and the Board to the extent that they have addressed the construction and correct the site plan's deficiencies (as Mr. Handler kindly pointed out) that were left off. We realize you have your hands tied on the budget end of this but do your best and put your best foot forward at the next meeting.

Ms. Yabsley made an application for an adjournment to the May meeting.

A motion to grant the application for adjournment was made by Mr. Squicciarini seconded by Ms. Jealous-Dank with the following stipulation.

Stipulation:

1. Applicant must present updated plans to the Building Department at least two weeks before the next Planning Board meeting consistent with the comments and suggestions made tonight.

Vote on the Motion:	Chairman, Donald Pollock	-aye
	Mary D'Andrea	-aye
	Colleen Nugent	-aye

James Squicciarini -aye
Mia Jealous-Dank -aye

Motion carried: 5 ayes 0 nays

Application of Bouler Pfluger Architects as agents for Nassau/Suffolk Partnership Housing Development Fund (owners). Applicant seeks architectural review and approval pursuant to the proposed new one-story F.E.M.A.-compliant one-family dwelling pursuant to Section 24-6 A. (1) (h) of the Village Code. Premises located on the southwest corner of South Bayview Ave. and MacDonald Ave., in a “Residential B” District known as 241 South Bayview Ave., a/k/a SCTM# 101-14-2-6.1. Alicia Yabsley, Project Manager, spoke on behalf of this application.

Ms. Yabsley stated all previous comments as it pertained to 17 Bayview Place apply to this one as well. We will be taking some consideration in a redesign. Ms. Jealous-Dank reminded Ms. Yabsley that the Board does not expect this house to be identical to the first home with the new design. She also mentioned there is the water issue with this property and the Board would like them to be more sensitive to that when redesigning. Perhaps a door or a patio in the back – something that engages the water. The Board also suggested moving the driveway around the corner to the MacDonald Avenue side. Chairman Pollock commented because of the area; this house is three feet higher. Ms. Yabsley said the house is F.E.M.A.-compliant with three feet elevation plus two feet. Each house is determined by F.E.M.A. Chairman Pollock said most of the houses in the area have stone or concrete around the base and walls, so you have to try to match the area. Ms. Yabsley asked if the Board would consider allowing them to drop the siding down to a lower level rather than having six feet of stone. Mr. Squicciarini commented the Board usually asks for stone or stucco and to make sure the stone is visible. He said this house will stand out as it is a corner property and quite visible for those going to the beach.

Joan Donnison, Bay Village Civic Association, complimented Mr. Handler for his knowledge and comments. She expressed her concern over the visual of the barren land behind the structure calling for something to aesthetically soften the look. She hopes they can find a better solution. Ms. Donnison was also concerned about the financial parameters of the program in the event that someone defaults on their mortgage.

Ms. DiBenedetto said on a monthly basis, the ground lease fee is paid just as the mortgage is paid. If they are not paying the mortgage, they are defaulting on the ground lease. At that point, we would immediately step in to either help them maintain their home or work with them to sell their home and place another qualified buyer in the home. We would be alerted of a default immediately. The financial institution providing the mortgage will know that they are part of the program and will have “LIHP” as the owners of the land. This helps eliminate a timely process of replacing a homeowner.

Townsend Thorn, 15 Purdy Lane, added some humor in stating he would like to see wood siding and have the home painted every two or three years. He commented he would like to see a more realistic looking rendering. He was also concerned about the repair of the bulkhead and asked if both houses would sell at the same price.

Ms. DiBenedetto responded they are working with the Village on getting a bulkhead permit. All of the bulkhead will be replaced around the property at the required elevation.

Lucy Pellegrino, 120 Neptune Place, Massapequa, is the former owner of the property. She stated this used to be a two-family home and the strip of canal on MacDonald belongs to that property as well. She wanted to know if that piece will remain with the property. Chairman Pollock confirmed that it would remain with the property and it would now be a single-family dwelling.

Liz Ranker, 308 Grand Central Avenue, expressed concern about the material of the bulkhead.

Jerry O'Neill, 104 Lebrun Avenue, expressed concern of language being entered into the ground lease prohibiting the homeowner from renting bulkhead to prevent people from out of the area from having use of them. Mr. Donato responded asking why these homeowners should be treated any differently than others on waterfront property. Essentially, you would be penalizing them. There is something in the code which states they cannot rent any more than two spaces. Mr. O'Neill stated he would like to see the house built so that one could walk straight through and see the water. All newly built houses have the kitchen in the back now. He suggested they switch the rooms around with three bedrooms on the north side and have the dining room as the first room you walk into with the living space open and on the south side. He also suggested a big window in the back to see the water and a deck. Mr. O'Neill said if the house was pushed back a little bit there would be room for a front porch to give a little more definition of an Amityville house and perhaps add a circular driveway. There is plenty of room to put the house back a little further. He mentioned this house is for a family with kids and with the current design, you would not be able to see them in the backyard. Mr. Donato stated John Lauria advised the applicants on setbacks and he was not aware of what he told them or why he may have given them the advice they were given but he would consult with him and find out.

Ms. Yabsley agreed with Mr. O'Neill's point on the setback. She said John Lauria advised them that the Village Attorney stated the setback had to be a maximum of fifty feet or if both sides of the street were developed, it had to be set at the property line of the other houses on the street. There is no precedent to apply for a variance for the setback. There was further conversation on whether a variance could be applied for.

Ms. Yabsley made an application for an adjournment to the May meeting.

A motion to grant the application for adjournment was made by Mr. Squicciarini seconded by Ms. Nugent with the following stipulation.

